



Tennessee Board of Medical Examiners - Summary Suspension Panel

Monday, June 10, 2022

MINUTES

The panel of the Tennessee Board of Medical Examiners was called to order at 1:05 p.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Stacy Tarr, Administrative Director.

Board members present: Stephen Loyd, MD, Vice President
Jennifer Claxton, Consumer Member, Secretary
Keith Anderson, MD

Staff present: Jessica Turner, JD, Office of General Counsel
Stacy Tarr, Interim BME Executive Director
Brandi Allocco, Board Administrator
Samantha Green, Board Administrator

Ms. Stacy Tarr made opening remarks to the Board and provided an overview of the requirements for a special meeting by teleconference. All of the requirements were satisfied. The electronic meeting was scheduled for the purpose of the Order of Summary Suspension in the matter of Clyde Waters, MD. This matter was originally taken up at the May 26, 2022 meeting by this panel of the Board. The teleconference was then turned over to Jessica Turner, Senior Associate General Counsel. Ms. Turner addressed the panel with general comments on the process for the informal hearing. Dr. Waters appeared before the board with his legal representative Mr. Steve Barham. Mr. Barham made introductory remarks and requested the Board may reconsider the suspension of Dr. Waters' private practice. Mr. Barham then turned the teleconference over to Dr. Waters to introduce himself. Mr. Barham walked Dr. Waters through each of the complaints made, and asked Dr. Waters to address these concerns for the Board. Dr. Waters reports personal issues which may have contributed to problems with practice which ultimately led to the loss of clinical privileges at Erlanger Hospital. Ms. Turner questioned the timeline of the personal issues in relation to the evaluations Dr. Waters received. Dr. Waters maintains that while he had the first evaluation prior to addressing the personal issues, they were still underlying at the time of the first evaluation. The Board took a brief break prior to discussion and deliberation. Dr. Loyd discussed the difficulty of deliberating on a case where the intent of the individual is not to harm others, but they are charged with protecting the health, wellness, and safety of the population and this is how they must go about doing so. Ms. Claxton echoes the sentiments of Ms. Turner that all patients should be on the same

playing field when it comes to care, so she would not be comfortable allowing the suspension to be lifted for only Dr. Waters' private practice patients. Ms. Claxton noticed a couple times where Mr. Barham had to prompt Dr. Waters with recall, and while she is not in a field where decisions are life and death, she notes the importance of bringing on extra help when under stress. Ms. Claxton notes while the CPAP evaluation is costly and timely, it is the best tool available to Dr. Waters to get him back into practice. Dr. Anderson reiterated the importance of the CPAP evaluation, and that the Board is limited to the knowledge in the two previous evaluations without the results of a CPAP evaluation.

Ms. Claxton motioned to uphold the Summary Suspension, and Dr. Anderson seconded the motion. A roll call vote was conducted by Dr. Loyd, which passed unanimously.

This concludes the Board of Medical Examiners panel.