



**Tennessee Board of Medical Examiners  
Regular Board Meeting**

**Tuesday, July 31, 2018  
Wednesday, August 1, 2018**

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**MINUTES**

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The regular board meeting of the Tennessee Board of Medical Examiners was called to order at 8:39 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Subhi Ali, Board Chair.

Board members present: Subhi Ali, MD  
Deborah Christiansen, MD  
Reeves Johnson, MD  
Phyllis Miller, MD  
Jennifer Claxton, Consumer Member  
Charles Handorf, MD  
Julianne Cole, Consumer Member  
John Hale, MD  
Neal Beckford, MD  
Robert Ellis, Consumer Member  
Michael Zanolli, MD

Board member(s) absent: Melanie Blake, MD

Staff present: Mary K. Bratton, JD, Chief Deputy General Counsel  
Rene Saunders, MD, Medical Consultant, BME  
Stacy Tarr, Administrative Director  
Candyce Waszmer, Administrative Director  
Courtney Lewis, Board Administrator  
Renee Gamber, Board Administrator

**I. INTRODUCTION AND WELCOME TO THE NEW EXECUTIVE DIRECTOR, ANGELA LAWRENCE**

**II. CONSIDERATION OF APPLICATIONS**

**Medical Doctor Applicant Interview(s):**

**Jonathan M. Davis, MD** – appeared before the Board without legal representation. Dr. Davis is an initial application for licensure. Dr. Davis has no Board Certification, no malpractice history, criminal history, or prior board action. He is appearing before the Board as a voluntary participant in a Physicians Health Program (hereinafter “PHP”) administered in the state of Massachusetts. Dr. Michael Baron, Medical Director of the Tennessee Medical Foundation (hereinafter “TMF”), advocated for Dr. Davis and reported compliance with the Massachusetts PHP contract. The Board interviewed the applicant regarding his substance use history and practice intentions in Tennessee. Dr. Handorf motioned to grant licensure contingent upon Dr. Davis entering into a TMF contract for three (3) years. Dr. Beckford seconded the motion and it passed.

**William Mays, MD** – Dr. Mays is an initial applicant for medical licensure after being an active participant in TMF since prior self-referral. Dr. Mays has no Board Certification, no history of malpractice, no criminal history or board action history. Dr. Michael Baron, with TMF, advocated for Dr. Mays and reported he has been compliant with all recommendations. Dr. Mays will be monitored through 2021 which corresponds to the end of his fellowship. The Board interviewed the applicant regarding substance use history and practice intentions in TN. Also, Dr. Johnson asked why it stated that he took eight (8) years to graduate medical school. Dr. Mays stated that he took some time off in the middle of medical school to try and get his life together. In 2014, he decided to seek help for his substance abuse problem. Dr. Johnson motioned to grant licensure contingent on compliance with TMF contract. Dr. Miller seconded and the motion passed.

**Joseph Keenan, MD** – appeared before the Board without legal representation. Dr. Keenan has applied for initial licensure. He has no Board Certification, no malpractice or criminal history. Dr. Keenan attended a U.S. residency program which is not compliant with Rule 0880-02-.03(3). Dr. Saunders stated that Dr. Keenan completed a combination Internal Medicine/Pediatric program which was not accredited at the time but has since become accredited. At the time Dr. Keenan completed his two internships those were accredited individually but not the combined program. The Board interviewed Dr. Keenan regarding his specialty and intended practice in Tennessee. Dr. Keenan stated that he would be working with a low T center doing small particle research but wants to practice patient care also. This was discussion following regarding years of accreditation and individual or combination programs. Dr. Keenan stated that he was Board eligible in both specialties but never sat for the Boards. Dr. Zanolli motioned to grant unrestricted TN medical license and Dr. Beckford seconded the motion. The motion passed with Dr. Hale abstaining.

**Kenneth Lim, MD** – Dr. Lim appeared before the Board as an initial applicant for licensure. He is not Board Certified, has current MA and OR licenses, intended practice is Internal Medicine/Nephrology, has no malpractice or criminal history. Dr. Lim has not completed a three (3) year U.S. residency in one (1) discipline but is Board eligible for Internal Medicine. Dr. Lim will take the exam in August. The Board interviewed the applicant regarding practice intentions in Tennessee. A discussion was held about obtaining a letter from the Internal Medicine residency program director affirming that Dr. Lim successfully completed the residency program. Dr. Johnson made a motion to table the application for up to six (6) months, in which time Dr. Lim can obtain a letter of successful completion from the program director or pass the boards in order to then be granted a full and unrestricted license. Dr. Christiansen seconded the motion and it passed.

**Vijetha Maller, MD** – Dr. Maller appeared before the Board as an initial applicant for licensure. Dr. Maller graduated as Medical Doctor in India, has no other current medical licenses, Radiology specialty, no Board Certification, and no history of malpractice, criminal history or board action. Dr. Maller has not completed three (3) years of U.S. residency in a single discipline and has completed a U.S. fellowship program. Dr. Maller is not currently ABMS certified but is eligible to sit for the boards in October 2018.

The Board interviewed the applicant regarding practice intentions in Tennessee. Dr. Christiansen made a motion for a temporary license for up to two (2) years to sit for boards then Dr. Maller can apply for an unrestricted license. Dr. Hale seconded the motion and the motion passed. Included in this motion are the factors that this temporary license is non-renewable, all regular rules of full licensure apply, it is not a disciplinary action, the licensee is permitted to apply for full license once passes the boards and the licensee cannot supervise mid-level physicians or nurse practitioners.

**Charles Cape, MD** – Dr. Beckford recused himself from the discussion. Dr. Cape appeared before the Board as an applicant for reinstatement of licensure from retired status. Dr. Cape has no current licenses in other states, is board certified in Neurology, and has no malpractice, criminal history or board actions. Dr. Cape has been retired from clinical practice since 2013 and does not wish to have an administrative license. Dr. Cape is currently completing cognitive histories/physicals on research patients and wants to obtain malpractice insurance. The Board interviewed the applicant regarding practice intentions in Tennessee. Dr. Cape stated that he does not plan on going into practice again but stated he needs a full unrestricted license in order to obtain malpractice insurance. There were several questions raised as to whether what Dr. Cape was doing was practicing medicine or not. Dr. Cape stated that he does a full assessment on a cognitive basis and then does a report. Dr. Johnson stated that seems like Dr. Cape is making medical decisions and reports based on that information. Several members commented that they believed Dr. Cape was practicing medicine without a license. Dr. Cape stated that according to his company and their policy one does not have to have a medical license to do what he does. Ms. Bratton clarified the policy on what unlicensed practice is. Dr. Zanolli asked if non-physicians perform the same job that Dr. Cape does at the company and Dr. Cape stated that yes, there are others who do what he does that are not physicians. Dr. Hale motioned to grant licensure with the requirement of following the current remediation policy. Dr. Handorf seconded the motion. The motion passed with one recusal by Dr. Beckford and one (1) abstention from Dr. Johnson.

**Jennifer Lange, MD** – Dr. Lange appeared before the Board as an applicant for initial licensure having been out of clinical practice since 2012. Dr. Lange currently has an expired VA license, is not board certified, and has no malpractice, criminal history or board action. The Board interviewed the applicant regarding her practice intentions in Tennessee. Dr. Johnson motioned for the applicant and consultant to follow the re-entry policy and then for her to reappear with the remediation proposal. Dr. Handorf seconded the motion. The motion passed. Dr. Zanolli requested that Dr. Lange's proposed re-entry, provided at the meeting, be added to her file.

**Fredrick Hodges, MD** – Dr. Hodges appeared before the Board at their March 2018 meeting. At that meeting a conditional license was approved. Mr. Hambrecht, representing Dr. Hodges, appeared before the Board today requesting clarification on the terms of the conditional license. Dr. Beckford and Dr. Handorf recused themselves. After discussion Dr. Hale motioned to clarify that informed consent is only required at the initial encounter and that the patient must always sign the log. It was stated that if a circumstance arose which prevented the patient from signing then documentation of such emergency could be provided to the Board at a later time. Dr. Zanolli seconded the motion. There were two recusals, one in opposition and the motion passed.

### III. APPROVAL OF MINUTES

The Board reviewed the May 2018 regular Board meeting minutes. Dr. Christiansen motioned to approve the minutes. Dr. Miller seconded the motion and it passed.

### IV. REPORT FROM THE DEVELOPMENT COMMITTEE

1. Discuss and consider temporary licensure draft rules:

- a. Previously disseminated and reviewed by the full Board, after further discussion the Committee proposes adoption of the rules as written. A motion and second to approve the temporary licensure draft rules was made. The motion passed.
- 2. Discuss and consider limited licensure draft rules:
  - a. Previously disseminated and reviewed by the full Board, after further discussion the Committee proposes adoption of the rules as written. A motion and second to approve the limited licensure draft rules was made. The motion passed.
- 3. Discuss and consider administrative licensure draft rules:
  - a. Previously disseminated and reviewed by the full Board, after further discussion the Committee proposes adoption of the rules as written. A motion and second to approve the administrative licensure draft rules was made. The motion passed.

V. **DISCUSSION ON DEFINITION OF ADMINISTRATIVE MEDICINE**

Ms. Bratton reminded the Board that the Board previously wanted information about the definition of administrative medicine and some individuals were invited to speak at this meeting. This was previously scheduled for 2:30pm CT therefore the Board tabled this discussion until later.

**Report from Development Committee (continued)**

- 4. Discuss and consider St. Jude draft rules:
  - a. Previously disseminated and reviewed by the full Board, after further discussion the Committee proposes adoption of the rules as written. A motion and second to approve the St. Jude licensure draft rules was made. The motion passed.
- 5. Board sponsored Continuing Medical Education (hereinafter “CME”):
  - a. The Committee identified four (4) methods in which the Board could obtain CME accreditation.
    - i. Joining East Tennessee State University and Dr. Mitchell Mutter, Special Projects Director of the Department.
    - ii. The Federation of State Medical Boards
    - iii. TMA
    - iv. Quiztime
      - 1. Dr. David Raegan, Chief Medical Officer of the Department provided information on Quiztime. Quiztime is a system, which will text CME related questions to physicians. Correct answers award CME credit and wrong answers prompt the system to send helpful information to their phone and a similar question will be asked at a later time. Vanderbilt has agreed to collaborate with the Department on launching the use of Quiztime to provide instruction and CME credit on opioids. This can later be expanded to include other types of CME and potentially be geared towards specific fields or practices. A federal grant application has been submitted to support this project. There would be no cost to the licensee if this grant is approved. The hope would be that by offering convenient and free training that more doctors will take advantage of it. Dr. Ali proposed that this project be handled by a taskforce with their goals as: determining the best method for the Board to offer CME, by whom and what would be developed and to bring a viable proposal before

the full Board. Dr. Zanolli, Dr. Johnson, and Dr. Handorf volunteered to form this taskforce. Dr. Zanolli stated that Ms. Stacy Tarr should be the staff person for the taskforce to work with. Dr. Ali motioned to approve this organized taskforce. Dr. Beckford seconded and the motion passed.

6. Discuss and consider Surgical Assistant draft rules:
  - a. These rules were previously reviewed and adopted by the Board. However, the adopted rules did not include fees. Ms. Bratton proposed a fifty dollar (\$50.00) application fee and an eighty dollar (\$80.00) renewal fee. Furthermore, the previously adopted rules did not discuss a requirement of continuing education (hereinafter “CE”). The Development Committee proposed that CE’s be required and included in the rules. The National Commission for Certification of Surgical Assistants requires fifteen (15) CE hours per year. Given the Boards licensees renew biannually, the Committee proposed a thirty (30) hour CE requirement. Dr. Handorf motioned to adopt all proposed rule revisions, stated above, within the surgical assistant rules. Dr. Ali seconded the motion and it passed.
  
7. Discuss and consider Continuing Medical Education rules:
  - a. The Committee reviewed the Boards FAQ on CMEs and discussed whether or not the Board wishes to accept participation in Maintenance of Certification (hereinafter “MOC”) as proof of CME completion, aside from the two (2) hours of prescribing instruction CME. The Board discussed that a physician could be on a ten (10) year MOC cycle. In this instance, the physician could choose to not complete CMEs for a majority of the ten (10) years so long as they complete enough before the ten (10) years conclude. Dr. Ali motioned to remove this FAQ wording and Dr. Zanolli seconded. Ms. Bratton stated that items can be changed such as rules and policies because the Board has done this before, but problem is that no one can find when this came to be in the FAQ. Ms. Tarr stated that updating the FAQ with an effective date on the website would be better than removing. Dr. Zanolli motioned to table this discussion until tomorrow morning to permit time to determine how long the current FAQ has been on the website and what revisions could be used to update the FAQ. Dr. Johnson seconded the motion and it passed.
  
8. Discuss Re-entry policy and compact licensees:
  - a. The Boards current re-entry policy requires applicants to complete a remediation plan when one has been out of clinical practice for two (2) years or more. Those applying through the compact will be granted licensure without having to comply with the Board’s re-entry policy. The Board discussed the possibility of not applying the re-entry policy to initial applicants whom also meet the compact qualifications. After further discussion, Dr. Johnson motioned for him to work with Ms. Bratton on a private letter inquiry to the Compact which will address some of the questions of the Board. Dr. Christiansen seconded and it passed.

### **Discussion on definition of Administrative Medicine (continued)**

Mr. Yarnell Beatty, TMA representative, addressed the Board on the definition of administrative medicine. Mr. Beatty provided the Board with information from several states regarding each state’s definition of administrative medicine. This information was analyzed into a checklist of prevalent components of administrative license and patterns that continue to appear state to state. Also, questions for consideration were provided to the Board.

Mr. Von Frijohn, TennCare representative, appeared before the Board. Mr. Frijohn stated that their doctors all have full unrestricted licenses even though some do not clinically practice. TennCare requested that consideration of full licensure, opposed to administrative medicine, be made for physicians intending to work with TennCare. The Board was not in favor of accommodating this request. It was stated that it is not the Board's position to make special accommodations for TennCare employed physicians.

Dr. Zanolli motioned to make no changes to the administrative draft rules approved earlier in the meeting. Dr. Christiansen seconded the motion and it passed.

VI. **MINUTE UPDATE FROM THE DEPARTMENT OF HEALTH'S SPECIAL PROJECTS DIRECTOR, DR. MITCHELL MUTTER**

- Discussion on the Symposium around the state on chronic pain
- Neonatal abstinence is down by 135 cases for the first half of the year
- Morphine equivalent cases have also decreased
- Continuing Medical Education audit letters were sent to the top 20 buprenorphine providers, top 50 controlled substances, and top 10 controlled substances in small counties
- The Chronic Pain Guidelines Panel scheduled to meet in September with ketamine, the pediatric population, and new legislation as some agenda topics.

VII. **UPDATE ON ACCME PILOT PROJECT**

Dr. Zanolli discussed how the ACCME project will function and benefit providers. Also, that the ACGME is on track to be a single accrediting body of osteopathic physicians and medical doctors by the year 2020.

VIII. **MINUTE UPDATE FROM TENNESSEE MEDICAL FOUNDATION (TMF) – DR. MICHAEL BARON**

- Tennessee Medical Association (hereinafter "TMA") website provide videos explaining each aspect of Governor Haslam's prescribing laws.
- TMF was awarded the contract for Physician Assistants beginning July 1<sup>st</sup>
- Participating in the workgroup on Sexual Boundaries Violations with the Federation of State Medical Boards (hereinafter "FSMB").

IX. **CONDUCT NEW BUSINESS**

**Consideration of radiological x-ray course re-approval:**

Vatterott – Ms. Megan Wilson appeared before the Board in January 2017 requesting course re-approval for Vatterott. In January 2017, the Board granted a six (6) month provisional approval. At this time the program has been unable to meet the Boards pass rate requirement. Dr. Ali motioned to deny the request for re-approval but students enrolled as of July 31, 2018, with submission of names and anticipated completion dates, be permitted to sit for the state exam by August 1, 2020 and be deemed eligible for state licensing upon passing. Dr. Beckford seconded the motion and it passed.

**Discussion on *Demonstrating Competency* for Temporary licensees:**

Ms. Bratton stated that TCA § 63-6-207(g) indicates such license may be granted with demonstrated competency. The Development Committee proposed the creation of a policy to define how a foreign medical school graduate may demonstrate competency. Dr. Ali requested that Dr. Zanolli collaborate with the Boards counsel and bring a proposal to next Board meeting.

**Ratification of Licensees:**

The Board reviewed the newly licensed and reinstated individuals. Dr. Handorf motioned to ratify all lists of new and reinstated licensees. Dr. Johnson seconded the motion and it carried.

**VI. DEPARTMENTAL REPORTS**

**Administrative Office**

The Board reviewed the statistical licensing report which transpired May 1, 2018 thru June 30, 2018:

*New Applications Received*

- Medical Doctors – 551
- Locum Tenens – 1
- Special Training – 28
- Single Purpose – 1
- Medical Spas – 8
- MD X-Ray Operator (Full) – 41
- MD X-Ray Operator (Limited) – 9

*Total Number of Reinstatements*

- Medical Doctors – 31
- MD X-Ray Operator – 12

*Total New Licenses Issued*

- Medical Doctors – 319
- Locum Tenens – 3
- Special Training – 1
- MD X-Ray Operator (Full) – 69
- MD X-Ray Operator (Limited) – 12

- Total Number Failed to Renew – 125
- Total Number of Retired Licenses – 177

Total number of active licensees as of June 30, 2018 is 22,647.

**Financial Report from the Office of the Bureau, Ms. Noranda French**

Ms. French provided the Board with an unofficial year-end report and information on proposed fee structures. Ms. French reported she is resubmitting the request of the Board to increase the renewal application by fifty dollars (\$50.00) and the initial application by one hundred dollars (\$100.00). Ms. French states an increase is justifiable because of the Board previously closing in the negative. However, there is concern that if the Board does not close out in the negative this year then there will be an excess amount of revenue placed in the carryover. Furthermore, there is already a relatively large carryover. Dr. Ali requested Ms. French to appear before the Board at their September meeting to further discuss how the Board closes out and the request for a fee increase.

**Report from Disciplinary Coordinator in the Office of Investigations, Lori Leonard**

Ms. Leonard presented the disciplinary and currently monitored practitioners report for July 2018. There are currently twenty-two (22) suspended medical doctors, fifty-seven (57) on probation, fifty-six (56) under Board order, and sixty-one (61) revoked or surrendered licenses. There were two hundred and five (205) medical x-ray technicians with disciplinary action in the month of July. There were two hundred and thirty-four (234) complaints open as of July. There were thirty-four (34) new complaints opened in July and fifty-four (54) closed.

**Report from the Office of General Counsel, Ms. Mary Katherine Bratton**

Ms. Bratton presented the following updates to the Board:

1. Review of the conflict of interest statement
2. Medical Spa Registration rules are in the Attorney General's office for review.
3. Examination and Continuing Education are in the internal review process.
4. Intractable pain repeal rules are in the internal review process.
5. Fee increase rules are in the internal review process.
6. Language for surgical assistants, limited licensure, temporary licensure, and St. Jude rules went before the Development Committee and the Board reviewed again today.
7. The Board will appear before the Government Operations Committee and the office will be asking for a Board member to attend.

Litigation Update – There are three (3) pending appeals from Board action. In the Dr. Andrew Perez matter, the Chancery Court ruled in favor of the Board's denial of a license. Dr. Perez has notified the office that he will be appealing the decision. Dr. Alton Ingram has been granted an administrative license but has an appeal in process. In the Dr. Sidi Noor case, the office is working on a scheduling order.

Civil Suits Update – There are currently two (2) pending suits involving the Board or board members.

Pending Complaints Update – As of July 1, 2018, there are ninety-three (93) disciplinary complaints against sixty-four (64) respondents.

Conference Request Approval – Ms. Bratton requested Board approval for two (2) attorneys to attend the FARB attorney seminar and the FSMB attorney seminar this fall. Dr. Zanolli made a motion to approve two (2) attorneys be sent to each seminar. Mr. Ellis seconded and the motion passed.

The meeting adjourned until 8:30 am tomorrow morning.



**Tennessee Board of Medical Examiners  
Regular Board Meeting**

**Day Two of the Regular Meeting of the Tennessee Board of Medical Examiners  
Wednesday, August 1, 2018**



The regular Board meeting of the Tennessee Board of Medical Examiners was called to order at 8:34 a.m. in the Iris Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Reeves Johnson, Sitting Board Chair.

Board members present: Neal Beckford, MD  
Phyllis Miller, MD  
Deborah Christiansen, MD  
Reeves Johnson, MD  
John Hale, MD  
Charles Handorf, MD  
Jennifer Claxton, Consumer Member  
Michael Zanolli, MD  
Julianne Cole, Consumer Member  
Robert Ellis, Consumer Member

Board member(s) absent: Subhi Ali, MD  
Melanie Blake, MD

Staff present: Mary K. Bratton, JD, Chief Deputy General Counsel  
Rene Saunders, MD, Medical Consultant, BME  
Candyce Waszmer, Administrative Director  
Renee Gamber, Board Administrator

**Consideration of FAQ policy on continuing education requirements upon reinstatement (continued from Day 1)**

Dr. Zanolli presented the Board with a revised FAQ proposal for consideration. The proposal permits licensees to meet the CME requirement (excluding the prescribing course) if they are meeting MOC requirements but they must submit proof of the CMEs. Dr. Zanolli motioned to adopt the revisions as provided. Dr. Beckford seconded the motion and it passed.

*The Board divided into three panels to finish Board business and for contested cases.*

**Consent Order(s)**

**Kristin Ann Jensen, PA** – was not present nor did a legal representative appear on her behalf. Mr. Andrew Coffman represented the State. After suspicious behavior at work, Respondent was given a drug and alcohol screen in December 2007. The screen showed Respondent positive for alcohol while on duty. Respondent has completed a course of treatment for alcohol abuse. The facts stipulated are sufficient to establish grounds for discipline. This order shall suspend the Respondents license and it outlines several terms the Respondent must adhere to. Dr. Beckford motioned to approve this order. Dr. Handorf seconded the motion and it passed.

**Jeffery Miller, PA** – was not present nor did a legal representative appear on his behalf. Mr. Andrew Coffman represented the State. Respondent has been licensed since July 23, 2004, with a current expiration date of October 31, 2019. On November 19, 2014, Respondent was disciplined by the Committee. That action placed the Respondent’s license on probation for five (5) years and to complete several other terms. At this time, despite attempts to collect the costs of the prior action, Respondent has failed to pay the costs assessed. Additionally, Respondent has failed to provide proof of completion of the prescribing course. The facts stipulated are sufficient to establish grounds for discipline. This order shall

suspend the Respondent's license until Respondent has completed the obligations of this order. Mr. Ellis motioned to approve this order. Dr. Hale seconded and it passed.

### **Agreed Order(s)**

**Robert Maughon, MD** –Mr. Andrew Farmer appeared to represent Respondent. Ms. Tracy Alcock represented the State. Respondent has been licensed since December 11, 1985 with a current expiration date of May 31, 2020. The Department investigated and reviewed eleven (11) patient records. From May 2011 to July 2015 to the present, Respondent provided treatment for chronic pain to numerous patients, which included prescribing large doses of narcotics and other controlled substances in amounts and/or for duration's not medical necessary. This order stipulates several other facts which are deemed as grounds for discipline. This order shall hereby voluntarily surrender, same as revocation, the Respondent's license for not less than two (2) years, commencing August 15, 2018. The Respondent must adhere to several listed terms and pay eleven (11) Type "B" Civil Penalties for a total of Two Thousand, Two Hundred Dollars (\$2,200.00). The Respondent must also pay all actual and reasonable costs of this case not to exceed Fifty Thousand Dollars (\$50,000.00). Dr. Handorf motioned to approve this order. Dr. Zanolli seconded the motion and it passed.

### **Consent Order(s) (continued)**

**Joseph Sears, PA** – was not present nor did a legal representative appear on his behalf. Ms. Tracy Alcock represented the State. Respondent has been licensed since May 11, 1987 with a current expiration date of March 31, 2020. The Department investigated and reviewed two (2) patient records prepared and kept by Respondent and a review of the Tennessee Controlled Substance Monitoring Database. From at least 2005 to 2017, Respondent provided chronic pain treatment to multiple patients at a walk-in center. Respondent improperly treated members of his immediate family and himself. Several other stipulations of facts are listed in the order. The facts stipulated are sufficient to establish grounds for discipline. This order shall place Respondent's license on probation effective the date of entry of this order. The Respondent must adhere to several listed terms; pay two (2) Type "B" Civil Penalties for a total of Four Hundred Dollars (\$400.00) and all actual and reasonable costs of this case not to exceed One Thousand Five Hundred Dollars (\$1,500.00). Dr. Handorf motioned to approve this order. Dr. Hale seconded the motion. The motion passed with one (1) abstention from Dr. Beckford.

**Albert Bystritskii, MD** - was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the State. Respondent has been licensed since April 2, 2003 with a current expiration date of February 29, 2020. Respondent pled guilty to one (1) count of reckless endangerment, a Class A misdemeanor. Respondent was granted judicial diversion and placed on supervised probation from August 21, 2017 to August 20, 2018. The facts stipulated are sufficient to establish grounds for discipline. This order shall reprimand the Respondents license. Respondent shall undergo an evaluation and comply with all recommendations of TMF. Respondent must pay one (1) Type "A" Civil Penalty for a total of One Thousand Dollars (\$1,000.00) and pay all actual and reasonable costs of the case not to exceed Three Thousand Dollars (\$3,000.00). Dr. Zanolli motioned to approve the order. Dr. Beckford seconded the motion and it passed.

**Sanjay Chavda, MD** – was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the State. Respondent has been licensed since November 6, 2013 with a current expiration date of February 28, 2019. On or about May 8, 2018, Respondent entered into an Agreed Order with the Kentucky Board of Medical Licensure that restricted his Kentucky medical license for an indefinite period of time, required him to submit to a clinical skills assessment and successfully complete the "Disruptive Physician Program" at Vanderbilt University. The restriction of his medical license was

the result of Respondent being placed on probation for two (2) years by the Medical Executive Committee of Jennie Stuart Medical Center. The facts stipulated are sufficient to establish grounds for discipline. This order shall restrict/limit the Respondents license for an indefinite period of time effective the date of entry of this order. Respondent must comply with all conditions of the Kentucky order. Upon successful completion of all conditions of the Kentucky order the Respondent may request for an order of compliance. Dr. Handorf motioned to approve this order. Dr. Hale seconded the motion and it passed.

**Frank Jayakody, MD** – was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the State. Respondent has been licensed since April 5, 1976 with a current expiration date of September 30, 2019. Respondent resides in Florida, is physically present once a week at a family medicine practice in Tennessee and is otherwise available by telephone. Respondent supervises three (3) mid-level practitioners at this practice. Upon review of eighteen (18) of the Respondent’s medical records, it was found that four (4) medical records failed to document a medical justification for a controlled substance to be prescribed by a mid-level practitioner and the records failed to include the Respondent’s signature indicating the supervising physician had reviewed and approved for a controlled substance to be prescribed. The facts stipulated are sufficient to establish grounds for discipline. This order shall reprimand the Respondents license effective the date of entry of this order. The Respondent must pay four (4) Type “A” Civil Penalties for a total of Four Thousand Dollars (\$4,000.00). Respondent shall pay all actual and reasonable costs of this case not to exceed One Thousand Dollars (\$1,000.00). Dr. Handorf motioned to approve this order. Dr. Zanolli seconded the motion and it passed.

**Millard Lamb, MD** – was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the State. Respondent has been licensed since July 7, 1983 with a current expiration date of June 30, 2018. Respondent, as the supervising physician of a weight loss clinic did not establish protocols for supervisee nor did Respondent maintain a Notice of Formulary with supervisee. The Respondent was unaware when supervisee left the practice and this resulted in two (2) unlicensed individuals dispensing Phentermine to patients who had not seen a licensed provider. The facts stipulated are sufficient to establish grounds for discipline. This order shall place the Respondents license on probation for one (1) year effective the date of entry of this order. Respondent must pay two (2) Type “A” Civil Penalties for a total of Two Thousand Dollars (\$2,000.00). Respondent must pay all actual and reasonable costs of the case not to exceed One Thousand Dollars (\$1,000.00). Dr. Zanolli motioned to approve the order. Dr. Hale seconded the motion and it passed.

**Suellen Lee, MD** – was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the State. Respondent has been licensed since August 25, 1982 with a current expiration date of August 31, 2019. Respondent was the primary care physician, personal friend, and employer of one (1) individual. The Respondent borrowed Three Hundred Thousand Dollars (\$300,000.00) from this individual in the form of a promissory note. Shortly after the individual requested payment of the promissory note, Respondent diagnosed the individual with dementia. Respondent admitted she did not use any testing method or obtain a second opinion to confirm the diagnosis. The individual was later assessed by a psychologist who stated there was no indication of dementia. The facts stipulated are sufficient to establish grounds for discipline. This order shall voluntarily retire the Respondents license effective the date of entry of this order. Dr. Beckford motioned to deny this order and recommended suspension of license for no less than six (6) months and probation for no less than three (3) years. Dr. Hale seconded the motion and it passed.

**Christopher McKay, MD** – was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the State. Respondent has been licensed since September 24, 2013 with a current expiration date of November 30, 2018. In December 2017, Respondent entered an order with the

Colorado Medical Board. The Respondents Colorado license was summarily suspended in February 2018 for failure to comply with that order. The facts stipulated are sufficient to establish grounds for discipline. This order shall suspend the Respondents license effective the date of entry of this order. Respondent must comply with all recommendations and conditions placed on his Colorado medical license and submit a quarterly report to this Board showing compliance. The restrictions imposed on Respondents license shall remain in effect until the restrictions on the Colorado license are lifted. Respondent must pay all actual and reasonable costs of this case not to exceed One Thousand Dollars (\$1,000.00). Dr. Beckford motioned to approve this order. Dr. Hale seconded the motion and it passed.

**Peter Ochoa, MD** – was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the State. Dr. Johnson recused himself. Respondent has been licensed since September 5, 2002 with a current expiration date of June 30, 2019. Respondent admitted to having a romantic relationship with a patient from 2012 until 2017. During the course of treatment, Respondent continued the patient’s prescription for hydrocodone but then later reduced it to codeine. Respondent discharged the patient from his practice in May 2017 after self-disclosing the relationship to employer. In May 2017, Respondent completed an evaluation by TMF which resulted in no evidence of a sexual disorder or overprescribing behavior. Respondent has completed a boundaries course and proper prescribing. The facts stipulated are sufficient to establish grounds for discipline. This order shall reprimand the Respondents license effective the date of entry of this order. Respondent must pay five (5) Type “B” Civil Penalties for a total of Two Thousand Five Hundred Dollars (\$2,500.00). Respondent must pay actual and reasonable costs of the case not to exceed One Thousand Dollars (\$1,000.00). Dr. Beckford motioned to approve this order. Dr. Hale seconded. Mr. Ellis and Dr. Johnson recused themselves and the motion passed.

**Earl Parrott, MD** – was not present nor did a legal representative appear on his behalf. Ms. Jennifer Putnam represented the State. Respondent has been licensed since September 6, 1976 with a current expiration date of November 30, 2019. From January 14, 2016 to February 2, 2017, Respondent wrote three (3) prescriptions for Sarapin for his wife. The prescriptions were not written pursuant to an emergency situation and Respondent did not maintain a medical record for his wife. The facts stipulated are sufficient to establish grounds for discipline. This order shall voluntarily retire the Respondent’s license effective August 15, 2018. Dr. Beckford motioned to approve this order. Dr. Hale seconded the motion and it passed.

### **Order(s) of Compliance**

**Gary Moore, MD** – appeared before the Board and Ms. Mary Katherine Bratton represented the State. Petitioner’s license was placed on probation on March 16, 2016 for a period of not less than two (2) years. Based on the petition and the statements of counsel, the Board finds that Petitioner has satisfactorily complied with the requirements of the previous order such that the probation of his license should be lifted. Dr. Beckford motioned to approve this petition and Dr. Zanolli seconded. The motion passed.

**Timothy McBride, MD** – appeared before the Board and Ms. Mary Katherine Bratton represented the State. Petitioner’s license was placed on probation on January 13, 2015 for a period of not less than three (3) years. Based on the petition and the statements of counsel, the Board finds that Petitioner has satisfactorily complied with the requirements of the previous order such that the probation of his license should be lifted. Dr. Handorf motioned to accept the order of compliance and to change Petitioner’s licensure status from probationary to unencumbered. Dr. Zanolli seconded the motion and it passed.

**Janice Katz, MD** – appeared before the Board and Ms. Mary Katherine Bratton represented the State. Petitioner’s license was placed on probation on February 28, 2007 for a period of not less than three (3)

years. Based on the petition and the statements of counsel, the Board finds that Petitioner has satisfactorily complied with the requirements of the previous order such that the probation of his license should be lifted. Dr. Beckford motioned to accept the order of compliance. Dr. Handorf seconded the motion and it passed.

#### **Agreed Citation(s)**

**Cassandra Grieb, PA** – was not present nor did a legal representative appear on her behalf. Respondent practiced on a lapsed license for two (2) months before submitting a reinstatement application. Respondent has paid a Six Hundred Dollar (\$600.00) civil penalty fee. Dr. Handorf motioned to approve the citation. Dr. Beckford seconded the motion and it passed.

**Donna Leathers, AMDX**– was not present nor did a legal representative appear on her behalf. Respondent practiced on a lapsed license for two (2) months before submitting a reinstatement application. Respondent has paid a Two Hundred Dollar (\$200.00) civil penalty fee. Mr. Ellis motioned to approve the citation. Dr. Beckford seconded the motion and it passed.

**Kelsey Simpson, AMDX** – was not present nor did a legal representative appear on her behalf. Respondent practiced on a lapsed license for one (1) month before submitting a reinstatement application. Respondent has paid a One Hundred Dollar (\$100.00) civil penalty fee. Ms. Cole motioned to approve the citation. Mr. Ellis seconded the motion and it passed.

**James Barker, AMDX** – was not present nor did a legal representative appear on his behalf. Respondent practiced on a lapsed license for five (5) months before submitting a reinstatement application. Respondent has paid a Five Hundred Dollar (\$500.00) civil penalty fee. Mr. Ellis motioned to approve the citation. Dr. Beckford seconded the motion and it passed.

#### **Dogwood Room**

#### **Consent Order(s)**

**Howard M. Kennedy, MDXL** – was not present nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the State. Respondent has been licensed since August 17, 2009 with a current expiration date of June 30, 2020. When Respondent's medical x-ray operator certificate expired on June 30, 2016, he continued to practice for approximately ten (10) months on a lapsed certificate prior to submitting his reinstatement application on or about April 24, 2017. The facts stipulated are sufficient to establish grounds for discipline. This order shall reprimand Respondent's license effective the date of entry of this order. The Respondent shall pay eight (8) Type "C" Civil Penalties for a total of Eight Hundred Dollars (\$800.00). Respondent shall pay actual and reasonable costs not to exceed One Thousand Dollars (\$1,000.00). There was a motion and a second to approve this order. The motion passed.

**Lloyd Rimer, MD** – was not present nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the State. Respondent has been licensed since June 21, 1983 with a current expiration date of August 31, 2019. Respondent is the medical director for the Kennedy Clinic and the supervising physician for Howard Kennedy, MDXL. Mr. Kennedy owns the clinic and has worked there for approximately twelve (12) years. Mr. Kennedy practiced on a lapsed license for ten (10) months before submitting a reinstatement application. The facts stipulated are sufficient to establish grounds for discipline. This order shall reprimand Respondent's license. Respondent shall pay eight (8) Type "B" Civil Penalties for a total of Two Thousand Four Hundred Dollars (\$2,400.00) and all actual and

reasonable costs not to exceed One Thousand Dollars (\$1,000.00). There was a motion and a second to approve this order. The motion passed.

**Linda F. Stiger, MDXL** – was not present nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent has been licensed since June 22, 1998 with a current expiration date of August 31, 2019. Respondent practiced on a lapsed license for six (6) months prior to submitting an application for reinstatement. The facts stipulated are sufficient to establish grounds for discipline. This order shall reprimand Respondent’s license. Respondent shall pay four (4) Type “C” Civil Penalties for a total of Four Hundred Dollars (\$400.00) and all actual and reasonable costs of the case not to exceed One Thousand Dollars (\$1,000.00). There was a motion and a second to approve this order. The motion passed.

**Amanda Armstrong, MDXL** – was not present nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent has been licensed since April 8, 2013 with a current expiration date of May 31, 2020. Respondent practiced on a lapsed license for fourteen (14) months prior to submitting an application for reinstatement. The facts stipulated are sufficient to establish grounds for discipline. This order shall reprimand Respondent’s license. Respondent shall pay twelve (12) Type “C” Civil Penalties for a total of Twelve Hundred Dollars (\$1,200.00) and all actual and reasonable costs not to exceed One Thousand Dollars (\$1,000.00). There was a motion and a second to approve this order. The motion passed.

**Lindsey M. Schreiber, AMDX** – was not present nor did a legal representative appear on her behalf. Mr. Peyton Smith represented the State. Respondent has been licensed since June 11, 2008 with a current expiration date of February 29, 2020. Respondent practiced on a lapsed license for forty four (44) months prior to submitting an application for reinstatement. The facts stipulated are sufficient to establish grounds for discipline. This order shall reprimand Respondent’s license. Respondent shall pay forty two (42) Type “C” Civil Penalties for a total of Four Thousand Two Hundred Dollars (\$4,200.00) and all actual and reasonable costs not to exceed One Thousand Dollars (\$1,000.00). There was a motion and a second to approve this order. The motion passed.

**Kevin S. Merigian, MD** – was not present nor did a legal representative appear on his behalf. Mr. Peyton Smith represented the State. Respondent has been licensed since September 26, 1991 with a current expiration date of November 30, 2018. Respondent accessed the Controlled Substance Monitoring Database and transferred the report and the results of Urine Drug Screen to an attorney when the patient information obtained was not a patient of the Respondent. The facts stipulated are sufficient to establish grounds for discipline. This order shall reprimand Respondent’s license. Respondent shall complete a medical ethics course; pay two (2) Type “A” Civil Penalties for a total of Two Thousand Dollars (\$2,000.00) and all actual and reasonable costs of the case not to exceed Three Thousand Dollars (\$3,000.00). There was a motion and a second to approve this order. The motion passed.

This concludes regular Board business.

*Iris Room Panel – Dr. Hale, Dr. Johnson and Mr. Ellis*

**Contested Case**

*Darryl Rhinehart, MD v. State of Tennessee Board of Medical Examiners*

**Iris Room**

**Administrative Law Judge: Elizabeth Cambron**

**Panelists: John Hale, MD; Reeves Johnson, MD; Robert Ellis, Consumer Member**

**Counsel for State: Samuel Moore, JD**  
**Counsel for Respondent: James Luper, Esq.**

Mr. Samuel Moore, counsel for the State, presented his opening statement. Mr. Moore outlined actions for which the State concluded that Dr. Darryl Rhinehart prescribed inappropriately and outside of his scope of practice on multiple occasions to multiple patients. Mr. James Luper, counsel for the respondent, presented his opening statement. One at a time, Mr. Moore requested documents be entered into evidence. Sgt. David Stanfill and Dr. Clay Jackson were called as witnesses.

The case will reconvene September 17, 2018.

***Poplar Room Panel – Dr. Beckford, Dr. Handorf and Dr. Zanolli***

**Contested Case**

***Steven Clark, MD v. State of Tennessee Board of Medical Examiners***

**Poplar Room**

**Administrative Law Judge: Thomas Stovall**

**Panelists: Neal Beckford, MD; Charles Handorf, MD; Michael Zanolli, MD**

**Counsel for State: Francine Baca-Chavez, JD**

**Counsel for Respondent: None Present**

State wishes and motioned to proceed in default. State communicated with the Respondent via e-mail and he was aware of this situation and Board appearance. The June 12<sup>th</sup> and July 17<sup>th</sup> e-mails specify the date that the Respondent was to appear before the Board. State also attempted to call the phone number provided by Respondent but was never able to leave a message. Also, State did not receive back proof of certified mail service. Judge Stovall determined that Dr. Clark has received appropriate notice of today's appearance and will turn it over to Board for determination on the motion. Panel voted to proceed without Respondent present.

Respondent was audited for compliance of CME for the time period of January 1, 2015 through December 31, 2016. Results showed respondent failed to obtain twenty-three and three quarter (23.75) hours of CME, including two (2) hours of Tennessee specific prescribing CME. Affidavits presented before the panel show that Respondent is licensed, that an agreed citation was sent to the home address he provided and that he failed to submit the full forty CME hours at the time of his CME audit.

The State rested upon this proof. Ms. Baca-Chavez provided a brief closing statement stating that Respondent has not complied with the policy of the Medical Board regarding CME requirements and therefore should be disciplined. States requests to reprimand Respondent's medical license, require him to complete the deficient CME within one hundred and eighty (180) days of this order, submit an additional ten (10) CME hours within one (1) year from date of this order, pay twenty-three and a three quarter (23.75) Type "B" Civil Penalties in amount of Two Hundred Dollars (\$200.00) each for a total of Four Thousand Seven Hundred and Fifty Dollars (\$4750.00) within ninety (90) days of this order, and to pay costs not to exceed Two Thousand Dollars (\$2000.00) within sixty (60) days of receiving cost sheet.

After deliberation, Dr. Handorf motioned to accept the findings of fact. Dr. Beckford seconded and the motion carried. Dr. Beckford motioned to accept conclusions of law. Dr. Handorf seconded and the motion carried.

Motion to reprimand license carried, motion for Dr. Clark to complete required CMEs carried, motion to complete additional CME hours carried, motion to pay civil penalties carried and motion to pay costs in case carried. Final piece of order is that respondent understands that this reprimand will be reported to the National Practitioner Data Bank. A requested amendment to paragraph 16 is to remove “Respondent understands” and replace with “this is a formal disciplinary action and will be reported”. Vote taken and motion passed. Ms. Bacha-Chavez reports that if Respondent he fails to comply with any part of this order he will be brought back before the Board for failure to comply order.

The panel reviewed the policy statement. Dr. Zanolli read the statement and requested the following to be added: “Evidence of continuing medical education is required of all licensees that hold a medical license in the State of Tennessee. We require this to uphold the basic standards of the medical profession.” Dr. Handorf motioned to accept this addition and statement. Dr. Beckford seconded and it carried. The revisions will be made to include removal of the last sentence. Judge Stovall declared business of this panel concluded and adjourned.

*Poplar Room Panel – Dr. Christiansen, Dr. Miller and Dr. Zanolli*

**Contested Case**

*Odie Lee Battles Jr, MD v. State of Tennessee Board of Medical Examiners*

**Poplar Room**

**Administrative Law Judge: Thomas Stovall**

**Panelists: Debbie Christiansen, MD; Phyllis Miller, MD; Michael Zanolli, MD**

**Counsel for State: Paetria Morgan, JD**

**Counsel for Respondent: Mr. Randall Fishman**

Ms. Morgan passed notice of charges to the Panel. Panel members given time to review document.

Ms. Morgan made an opening statement. It is alleged that the Respondent treats people with opioid addictions and the treatment that they received was inappropriate compared to what they should have received. Evidence will show that the Respondent violated the statutes and rules that govern this Board. Evidence will show Respondent treated patients, with FDA approved drugs, more than allowable before obtaining permission to treat a maximum of one hundred (100) people. Ms. Shirley Pickering interviewed the Respondent and during the interview he admitted to meeting with patients outside of a clinic setting and prescribing Suboxone to them, he did not have access to urine drug screen results at this time, and failed to make progress notes on these patient encounters. Lastly, Dr. Chang is the State’s expert witness which will testify about the role that addiction therapy plays in Suboxone maintenance therapy and the consistent collaboration that should occur between the Suboxone provider and therapy provider.

The case will reconvene September 6, 2018.

This concludes the Board of Medical Examiners day 2 meeting.