

Tennessee Board of Medical Examiners



Newsletter



Summer, 2005

A regulatory agency of the State of Tennessee

Cordell Hull Building, First Floor, 425 Fifth Avenue North, Nashville, TN 37247-1010

• tennessee.gov/health

ANTI-METH LEGISLATION BECOMES LAW

TN ACCOUNTS FOR 75% OF METH LAB SEIZURES IN THE SOUTHEAST

On March 30, 2005, Governor Phil Bredesen, Lieutenant Governor John Wilder and House Speaker Jimmy Naifeh signed into law comprehensive legislation designed to combat methamphetamine manufacturing and abuse in Tennessee. The bill signing occurred quickly following the legislation's final approval in the House and Senate March 28, 2005. The bill, which saw unanimous support at every step of the legislative process, was the product of intense study conducted last year by the Governor's Task Force on Methamphetamine Abuse. The legislation was handled by legislative members of the Task Force, including Senators Charlotte Burks and Randy McNally and Representatives Charles Curtiss and Les Winningham. The legislation also was carried by Senate Minority Leader Jim Kyle and House Majority Leader Kim McMillan.

Most provisions of the bill take effect immediately. The centerpiece provision requiring pharmacies to move certain cold and sinus products behind the counter takes effect 30 days after the law became effective; retailers that do not have pharmacies must remove products from their shelves and cease selling them within 24 hours.

Products affected include cold and sinus pills containing pseudoephedrine, a decongestant which is the vital ingredient in methamphetamine manufacturing. The only products exempt from the new limits are those in the form of liquids or soft gelatin- or liquid-filled capsules, which currently are not deemed viable in the meth manufacturing process. Exempt products can remain on store shelves everywhere.

In addition to moving cold and sinus products behind the pharmacy counter, the new law makes several other changes including:

- Closing the so-called "personal-use loophole" in criminal law, which allows meth cooks to secure lighter penalties by claiming they manufactured the drug only for personal use.
- Requiring health professionals to report meth lab-related burns and injuries to local law enforcement, similar to the existing requirement to report gun-shot and knife wounds.
- Creating an online registry within the Department of Environment and Conservation listing properties quarantined by law enforcement due to meth-lab contamination. A separate registry will be created within the Tennessee Bureau of Investigation listing the names and offenses of convicted meth cooks.

Meth, a powerfully addictive stimulant that affects the central nervous system, is produced in clandestine laboratories across Tennessee using relatively inexpensive over-the-counter ingredients. The U.S. Drug Enforcement Administration estimates that Tennessee now accounts for 75% of meth lab seizures in the Southeast. From October 2003 to August 2004, law enforcement authorities seized nearly 1,200 labs in the Volunteer State — a 397% increase from 2000.

The drug is particularly harmful to children. The Tennessee Department of Children's Services reports more than 700 children were involved in meth-related investigations over the past six months. Especially at risk are infants and toddlers living in homes in which toxic lab emissions and residue settle on floors and furniture.

Board Renews Call for Expert Reviewers

The Board of Medical Examiners, in concert with the Office of General Counsel and the Bureau of Investigations, regularly contracts with physicians to serve as expert consultants on cases before the Board. Expert consultants are asked to provide independent medical opinions regarding the care rendered by a practitioner who is the subject of a complaint. The Board is continually updating its expert list and is asking physicians to consider offering their services. Your name will be kept on file and you may be contacted if the Board requires someone with your particular expertise. In the event you are asked to review a case, you are always free to decline your services. If you agree to be an expert reviewer, fee for your services will be negotiated.

Being an expert consultant reviewer involves the following:

1. A review of the case records and documents;
2. The preparation of a written report addressing the appropriateness of the provided care; and
3. Testimony before the Board of Medical Examiners, if necessary.

The Board will accept submissions from all physicians who meet the following requirements:

1. Holds a current Tennessee medical license in good standing;
2. Has no prior disciplinary action, or outstanding complaints; and
3. Has a minimum of five years in active practice in the area of specialty or subspecialty.

If you are interested in being an expert consultant reviewer for the Board, please send your name, area(s) of expertise, current curriculum vitae, address, telephone number and hourly rates to:

Board of Medical Examiners
Attn: Rosemarie Otto, Executive Director
First Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010

DON'T MISS THIS!

Mark your calendar and plan to attend the 2nd Annual Patient Safety Symposium on **September 15th, 2005**, to be held at the **Curb Center, Belmont University in Nashville, Tennessee**. Dr. Lucian Leape, Adjunct Professor of Health Policy, Harvard School of Public Health; Dr. Gerald Hickson, Vanderbilt University Medical School; and Edwin Trautman, PhD, Harvard University, are just a few of the speakers for the day. Agenda topics include: Highlights on the New Institute of Medicine Report, Presentation of case studies on unusual events, Effective communication of medical errors within the health care structure. Watch for brochure on Department of Health's web site www.tennessee.gov/health.

Reminder to Physicians Regarding Professional Privilege Tax

TCA §67-4-1701, et seq., requires the payment of an annual professional privilege (occupation) tax. Failure to pay your professional privilege tax constitutes grounds for suspension of your license to practice medicine and surgery in Tennessee. If you fail to pay your professional privilege tax, the Department of Health will file formal charges against you seeking the suspension of your license pursuant to TCA §67-4-1704 and TCA §63-6-101, et seq. Avoid the possible suspension of your privilege to practice medicine in Tennessee by remitting your

tax to the Department of Revenue in a timely fashion. You may pay your professional privilege tax on-line at www.tennesseeanytime.org/privtx.

Welcome New Board Members!

Governor Phil Bredesen has made two new appointments to the Board:

Subhi Ali, M.D., a board certified general surgeon, who holds staff privileges at Baptist Three Rivers Hospital, Columbia HCA Horizon Medical Center and Camden General Hospital. Dr. Ali graduated from Howard University College of Medicine where he also completed his post graduate surgical training. Dr. Ali is a member of the Tennessee National Guard and has received numerous certificates of appreciation and meritorious service awards. Dr. Ali is also a past president of the Tennessee Medical Association. Dr. Ali's term expires on April 30, 2009.

Michael Zanolli, M.D., is a board certified dermatologist who holds staff privileges at St. Thomas Hospital and Vanderbilt University Hospital. Dr. Zanolli is a graduate of the University of Tennessee Center for Health Sciences where he also completed his post graduate training in dermatology. Dr. Zanolli holds or has held faculty appointments at Wake Forest Medical School (1986-1992) and Vanderbilt University Medical School (1992-present). Dr. Zanolli's term expires on April 30, 2009.

REFERENCE NUMBERS FOR THE BOARD

Phone Number: 800-778-4123, ext. 24384

Fax Number: 615-253-4484

Hours of Operation: 8:00 a.m. to 4:30 p.m., Central Time
Monday - Friday

REMINDER

Continuing Medical Education

All licensees must complete **forty** (40) hours of continuing medical education courses during the two (2) calendar years (January 1 - December 31) that precede the licensure renewal year. The Board has now adopted a policy for physicians who renew their licenses and have failed to obtain the required CME.

Should the medical doctor fail to obtain the continuing education hours for a calendar year, the following shall occur:

- The medical doctor must pay a civil penalty in the amount of forty dollars (\$40.00) for each hour of Category I missed. Payment must be rendered within days of notification from the Board that the medical doctor has been found to have failed to obtain the required continuing education hours.
- The medical doctor must make up the amount of continuing education hours that he/she is lacking, in addition to completing the continuing education hours requirement for the current calendar year. The deficient hours must be made up within one hundred eighty (180) days of receipt of this policy. Documented proof of the deficient hours obtained must be submitted to the Board upon completion.
- The medical doctor must complete an additional ten (10) continuing education hours. This requirement is in addition to the requirement that the medical doctor make up the continuing education hours that he/she is lacking, and in addition to the continuing education hours' requirement for the current calendar year. The ten (10) hours must be made up within two years of receipt of this policy. Documented proof of

completion of the deficient hours must be submitted to the Board upon completion.

Failure to comply with this policy may result in disciplinary action. Failure to respond to the Board request for documentation or to make up deficient continuing education hours after notification by the Board may also result in disciplinary action.

2005 BOARD MEETING DATES

September 20-21

November 15-16

All board meetings begin at 8:30 a.m., Central Time. Board meetings are held at the Board's office and are open to the public. Dates are subject to change, but are listed on the Board's website. [In the event of an electronic meeting, a conference room is made available to the public and is the location from which the electronic meeting is conducted.]

Public Chapter No. 12 Amends TCA 63-6-236 Relative to Prescription Drugs

SECTION 3. Tennessee Code Annotated, Section 63-6-236, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Any handwritten prescription order for a drug prepared by a physician or surgeon who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription. The handwritten prescription order must contain the name of the prescribing physician or surgeon; the name and strength of the drug prescribed; the quantity of the drug prescribed, handwritten in both letters and numerals; instructions for the proper use of the drug; and the month and day that the prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing physician or surgeon must sign the handwritten prescription order on the day it is issued unless the prescription order is:

(1) Issued as a standing order in a hospital, a nursing home or an assisted care living facility as defined in §68-11-201; or

(2) Prescribed by a physician or surgeon in the Department of Health or local health departments or dispensed by the Department of Health or a local health department as stipulated in §63-10-205.

(b) Any typed or computer-generated prescription order for a drug issued by a physician or surgeon who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the typed or computer-generated prescription order. The prescription order must contain the name of the prescribing physician or surgeon; the name and strength of the drug prescribed; the quantity of the drug prescribed, recorded in letters or in numerals; instructions for the proper use of the drug; and the month and day that the typed or computer-generated prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing physician or surgeon must sign the typed or computer-generated prescription order on the day it is issued unless the prescription order is:

(1) Issued as a standing order in a hospital, nursing home or an assisted care living facility as defined in §68-11-201; or

department of health or local health departments or dispensed by the department of health or a local health department as stipulated in §63-10-205.

(c) Nothing in this section shall be construed to prevent a physician or surgeon from issuing a verbal prescription order. On May 17, 2005 the Board sent to Rulemaking Hearing (set for July 18, 2005) rules to implement the new Public Chapter.

Board Approves New Rules

Criminal Background Checks

Pursuant to the authority granted to the Board under T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-214, the Board has sent to Rulemaking hearing a Rule that will require all new applicants for licensure to practice medicine in the State of Tennessee submit to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the **result of a criminal background check**. This new rule, when finally adopted, approved and effective, will pertain to all new applicants including United States and Canadian graduates, graduates of international medical schools, applicants for training licenses and licensure exemptions, locum tenens and telemedicine as well as x-ray operators working in a physician's office.

This Rule went to Rulemaking hearing on March 22, 2005 and the Department received no comments. It was adopted by the Board at its May 2005 meeting and subsequently referred to the Attorney General's office for review and approval. Once approved, the new Rule will become effective. For more information or if you would like to see the entire text of the Rule you may contact that Board's administrative office at (800) 778-4123, ext. 24384.

Continuing Medical Education and Disciplinary Case Review

The Board's rule regarding continuing medical education has been amended. Rule 0880-2-.19 has been amended to provide that if a licensee provides disciplinary case review at the request of the Department of Health, and submits a written report of his or her conclusions regarding such disciplinary case review, the reviewing licensee shall receive one (1) hour of continuing medical education credit for each hour spent reviewing the materials and preparing the report. A maximum of ten (10) hours credit shall be awarded for reviewing disciplinary case materials during the two (2) calendar years (January 1 – December 31) that precede the licensure renewal year. This amendment went to a Rulemaking hearing on November 16, 2004 and was adopted by the Board on November 16, 2004 and went to the Attorney General's office on November 29, 2004.

Admission Standards of International Medical Schools

The Board has amended Rule 0880-2-.04. Under the new Rule, for an international medical school to be approved by the Board, the school's admission standards must meet or exceed those of medical schools accredited by the Liaison Committee on Medical Education (LCME). This amendment went to a Rulemaking hearing on November 16, 2004 and was adopted by the Board on November 16, 2004 and went to the Attorney General's office on November 29, 2004.

Department of Health's web site www.tennessee.gov/health.

TN DEPT. OF LABOR & WORKFORCE DEVELOPMENT RECRUITING PHYSICIANS

PHYSICIANS TO SERVE ON A WORKERS' COMP. MEDICAL IMPAIRMENT RATING REGISTRY

NASHVILLE—Tennessee physicians will soon be able to participate in a new state-sponsored program whose sole purpose is to establish a resource to resolve conflicting opinions regarding workers' compensation permanent impairment ratings. The Medical Impairment Rating (MIR) Registry was created by the Tennessee legislature in the Workers' Compensation Reform Act of 2004 to enhance and to improve the current independent medical examination process.

Board-certified and departmentally-approved MDs and DOs will be assigned to the MIR Registry. The Workers' Compensation Division of the Tennessee Department of Labor and Workforce Development has established rules for all parties—employees, employers and insurance carriers—and for physicians participating in the Program.

The incentives for physicians to serve on the MIR Registry are many. Physicians will be able to limit the scope of their involvement in the Program as they will be allowed to choose the chapters of the AMA Guides in which they wish to specialize. Claimants requesting an evaluation will be matched with physicians who have designated corresponding criteria.

Also, MIR physicians will be recognized as experts in the field of impairment evaluation. Opinions issued by physicians on the Registry for cases involving the MIR Program will be considered statutorily accurate and can be overcome only by clear and convincing evidence to the contrary. And, an established Fee Table will generously reward registry physicians who are able to complete evaluations and the rating report in a timely manner. The fees are to be pre-paid by the employer and include cancellation fees, late fees and penalties if needed.

The MIR Registry will be available to any party who disputes the impairment rating of a physician in a workers' compensation claim for injuries that occur on or after July 1, 2005. The expense of the evaluation will be borne by the employer. Other potential issues such as causation, apportionment, appropriateness of treatment, work restrictions, and job modifications will not be considered or addressed by this Program. It is expected that any invasive tests and procedures, excluding venipuncture, required for an impairment rating and essential under the applicable edition of the *AMA Guides to the Evaluation of Permanent Impairment* will have been performed prior to the impairment evaluation and, therefore, will not need to be performed by the MIR Registry physician.

Physicians interested in serving on the registry are encouraged to contact MIR Program Coordinator Jeff Francis. Rules of the program, including minimum qualifications for physicians, the fees for the evaluation, and application procedures are available from him at 615-253-1613 or by e-mailing him at b.jeff.francis@state.tn.us for more information.

2004 Disciplinary Action

Ashburn, Timothy, 21762, 6/01/04 – License revoked; assessed costs. *Violation of T.C.A. § 63-6-214(b)(1), which prohibits unprofessional, dishonorable or unethical conduct; violation of T.C.A. § 63-6-214(b)(2), which prohibits violating or attempting to violate, directly or indirectly, any provision of T.C.A. Chapter 6 or any criminal statute of the state of Tennessee; violation of T.C.A. § 63-6-214(b)(3),*

which prohibits making false statements or representations, or being guilty of fraud or deceit in the practice of medicine; violation of T.C.A. § 63-6-214(b)(5), which prohibits habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such manner as to adversely affect the person's ability to practice medicine; violation of T.C.A. § 63-6-214(b)(12), which prohibits dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or for durations not medically necessary, advisable or justified for a diagnosed condition.

Bard, Ralph, 13375, 9/22/04 – License suspended for four months; thereafter license is restricted from performing surgical procedures. May participate in a mini-residency in surgery, but must seek the approval of the Board of Medical Examiners. Must present a copy of the order to the Medical Director of each facility or institution where he has or will have privileges. *Unprofessional, dishonorable or unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice.*

Barker, George, 2939, 5/18/04 – Probation Lifted.

Birdsong, Michael, 13541, 2/12/04 - License suspended indefinitely; must surrender his DEA certificate within 24 hours of effective date of order; must enter and attend Vanderbilt Comprehensive Assessment Program for Professionals, such assessment to commence within seven days of the effective date of this Order and must comply with all recommendations of program; must obtain the advocacy of the Tennessee Medical Foundation. When such advocacy is obtained and when the Tennessee Medical Foundation is prepared to recommend the respondent as fit to return to practice, the Respondent may petition the Board for an order modification lifting suspension. If petition is granted and the suspension is lifted the Order would include a minimum of five years probation. *Violation of T.C.A. 63-6-214(b)(2); Violation of T.C.A. 63-6-214(b)(5); Violation of T.C.A. 63-6-214(b)(10); Violation of T.C.A. 63-6-214(b)(18); Violation of T.C.A.63-51-105(a)(1), T.C.A. 63-51-117(a), T.C.A.63-51-118; and T.C.A. 63-6-101. et.seq. 5/20/04 - License revoked; assessed costs. Failed to Comply with prior Board Order.*

Bransford, Paris, 5738, 4/15/04 - License permanently revoked; assessed \$1,000 in civil penalties and \$315.00 in court costs. *Out of State Action.*

Brooks, Todd, 13157, 3/17/04 – Reprimanded. 1) *Unprofessional Conduct; and 2) Failure to comply with the requirements of the Consumer Right to Know Act.*

Burkich, Robert, 27710, 3/17/04 - License Revoked. (1) *Conviction of a felony; and (2) action in another state.*

Canon, Robert, 7443, 8/20/04 – License suspended; assessed costs. *Unprofessional, dishonorable, or unethical conduct; fraud; felony conviction.*

Carroll, Gregory, 26643, 9/27/04 – The Respondent's license to practice medicine in Tennessee is revoked but said revocation shall be stayed for 9 months from the effective date of this order. If the Respondent obtains a license in Arkansas that is free and clear of all encumbrances and petitions and appears before this Board for an Order of Compliance before the expiration of the stay, the revocation will be lifted. If the Respondent's Arkansas license is not cleared before the expiration of the stay, the ordered revocation shall be reinstated and the probation ordered below shall be nullified and the Respondent may not apply for a new license until the expiration of at least one (1) year from the date on which the revocation became effective. The Respondent's license to practice medicine in Tennessee is placed on probation for five (5) years from the effective date of this order. During the period of probation the Respondent shall cause to be submitted to the Board's Medical Director quarterly reports from the Tennessee Medical Foundation regarding his continued activities with and advocacy from that agency. The Respondent's shall maintain lifetime advocacy of Tennessee Medical Foundation. If such advocacy is lost for any reason, and if such loss is shown to have occurred in any subsequent disciplinary hearing the then sitting board or panel shall revoke the Respondent's license to practice medicine in Tennessee. *Out of State Action.*

Carswell, Christopher, 35766, 3/17/04 – Probation for five years with conditions; assessed \$1,000 in Civil Penalties and ordered to pay Court Costs. *Out of State Action.*

Disciplinary Action For 2004

(Continued)

Carter, Jerry, 8534, 9/28/04 – License Revoked; assessed costs. *Unprofessional, dishonorable, or unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice; conviction of a felony; prescribing violations.*

Clark, Peter, 18105, 11/17/04 – License reprimanded; assessed \$1,000 in civil penalties; and assessed case costs. *Unprofessional, dishonorable, or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the State of Tennessee.*

Crabtree, John, 5627, 3/17/04 – License Surrendered Permanently. *Unprofessional Conduct.*

Dubrulle, Rosaire, 13430, 8/25/04 – Summary Suspension of license. *Unprofessional, dishonorable and unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or for durations not medically necessary, advisable or justified for a diagnosed condition.*

Dodd, Halbert, 8308, 4/14/04 – License Revoked. *Violation of Previous Board Order.*

Elam, Curtis, 20648, 11/17/04 – License placed on probation for two years with terms and conditions; assessed \$4,000 in civil penalties and assessed case costs. *Unprofessional conduct due to deviation for the standard of care; negligence or incompetence in the course of medical practice.*

Ensor, Michael, 9558, 12/7/04 – Assessed \$1,430 in civil penalties and assessed costs. *Permitted persons under his direct supervision to perform x-ray procedures without those persons being licensed or certified.*

Gardner, Peter, 26391, 5/5/04 – License Summarily Suspended. *Violation of T.C.A. 63-6-214(b)(1), Violation of T.C.A. 63-6-214(b)(2); Violation of T.C.A. 63-6-214(b)(3); Violation of T.C.A. 63-6-214(b)(5) Violation of T.C.A. 63-6-214(b)(12), Violation of T.C.A. 63-6-214(b)(13); Violation of T.C.A. 63-6-214(b)(18).* 5/20/04 - License voluntarily surrendered. *Final disposition of summary suspension.*

Garrett, Herman, 26703, 8/3/04 – License suspended for three years, assessed \$1,000 in civil penalties and assessed costs. *Out of State Action.*

Glasgow, Mark, 35649, 7/21/04 – License Suspended. *Out of State Action.*

Gordon, Wendell, 3504, 9/28/04 - License permanently Revoked; assessed costs. *Out of State Action.*

Hallmark, Ferris, 21131, 6/23/04 – License Revoked; assessed \$21,000 in civil penalties; and assessed court costs. *Unprofessional, dishonorable or unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice; violation of dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or for durations not medically necessary, advisable, or justified for a diagnosed condition; violation of dispensing, prescribing or otherwise distributing to any person a controlled substance or other drug if such person is addicted to the habit of using controlled substances without making a bona fide effort to cure the habit of such patient.*

Hamilton, John, 30117, 11/29/04 – License revoked. *Out-of-state action; conviction of a felony or conviction of any offense involving moral turpitude.*

Hancock, John, 20201, 5/19/04 – Placed on Probation for 5 years; must enter into contract with the Tennessee Medical Foundation (TMF) and maintain the advocacy of the TMF for the duration of the Probationary period; must be evaluated by the Vanderbilt Comprehensive Assessment Program for Professionals; must pay costs not to exceed \$1,000. *Unprofessional Conduct; Attempted violation of any criminal statute of the State of Tennessee.*

Harris, Jr., John J., 17785, 11/29/04 – License surrendered. *Out-of-state action; habitual intoxication or personal misuse of drugs.*

Hendrixson, Mark, 21724, 5/20/04 – Probation extended to five years; must obtain and maintain lifetime advocacy of the Tennessee Medical Foundation (TMF); must enter into a five year contract with the TMF with frequent periodic drugs screens as a requirement of the contract; cannot engage in the solo practice of medicine in Tennessee without the prior approval of the TMF, ordered to pay court costs. *Violation of Prior Board Order.*

Horner, John, 14291, 11/17/04 – License placed on probation for three years with terms and conditions; assessed case costs. *Unprofessional, dishonorable or unethical conduct; violation of rules.*

Huggins, Michael, 34375, 11/29/04 – License surrendered. *Out-of-state action; habitual intoxication or personal misuse of drugs.*

January, Bruce, 35155, 7/21/04 – Assessed \$1,000 in civil penalties and assessed court costs. *Out of State Action.*

Johnson, Willie, 23989, 11/18/04 – License permanently revoked; assessed costs. *Unprofessional, dishonorable, or unethical conduct; out of state action.*

Klein, Carl, 9266, 92404 – License summarily suspended; assessed costs. *Violation of T.C.A. 63-6-214(b)(1); Violation of T.C.A. 63-6-214(b)(4); Violation of T.C.A. 63-6-214(b)(12); Violation of T.C.A. 63-6-214(b)(13); Violation of T.C.A. 63-6-214(b)(14); Violation of T.C.A. 63-6-214(b)(18).* 3/16/05 - License suspended indefinitely.

Unprofessional, dishonorable and unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice; engaging in the practice of medicine when mentally or physically unable to safely do so.

Knight, Dewayne, 10104, 6/01/04 – Can reapply for DEA certificate to prescribe schedules IV and V. *Order Modification requested by Respondent was granted.* 4/6/05 - Restriction on license lifted; may expand practice outside of Lee College; may apply for unrestricted DEA certificate; must submit 50 hours of family practice continuing education and 40 hours of general continuing education until September 2006; must maintain lifetime advocacy of Tennessee Medical Foundation. *Order modification granted.*

Koulis, Christ, 29368, 11/18/04 – License permanently surrendered; assessed case costs. *Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the State of Tennessee.*

Krasnopolsky, David, 28383, 519/04 – License restricted for an indefinite period of time. *Out of State Action.*

Kuiper, Hendrik, 0, 11/01/04 – License denied after contested case.

Lawson, Elizabeth, 13508, 11/18/04 - Assessed \$200 civil penalty. *Failed to update internet profile.*

Long, William Stephen, 26294, 4/22/04 – License Summarily Suspended. *Violation of T.C.A. 63-6-214(b)(1) which prohibits unprofessional, dishonorable and unethical conduct; violation of T.C.A. 63-6-214(b), which prohibits dispensing, prescribing or otherwise distributing any controlled substance or other drug to any person in violation of any law of the state or of the United States; Violation of T.C.A. 63-6-214(b)(18) which prohibits engaging in the practice of medicine when mentally or physically unable to safely do so.*

Lynch, Joanne, 4689, 1/21/04 - License placed on 2-years probation; must successfully complete a 3-day course at Vanderbilt, "Prescribing Controlled Drugs" within the probationary period; must pay costs associated with this matter; must appear before the board to show compliance and request the lifting of probation. *Unprofessional conduct; malpractice; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice.*

McDonald, James, 17380, 11/18/04 – License suspended concurrent with the suspension of his license to practice in Louisiana. When Louisiana license is reinstated his Tennessee license will be placed under the same terms and conditions and time limitations as the Louisiana license. *Out of state action.* 12/17/04 - License placed on Probation for five years. *Louisiana license was reinstated on Probation for 5 years.*

Mettetal, Jr., Ray, 10753, 3/17/04 – License suspended until such time as his right to practice medicine in the State of Virginia has been restored. He must also provide evidence that he is fully competent to resume the practice of medicine in the State of Tennessee. *Out of*

Disciplinary Action For 2004

(Continued)

state action and failure to comply with the requirements of TENN. CODE ANN. § 63-51-101, et. seq.

Miller, Jr., James, 7261, 10/11/04 – Probation Lifted. *Board Order.*

Morgan, Charles, 25817, 5/20/04 – License is placed on Probation for 5 years; shall attend “Prescribing Controlled Drugs” and “Maintaining the Proper Boundaries” courses offered by Vanderbilt University Medical Center; must create and maintain accurate records on all patients and make records available for inspection by agents of the Department; assessed court costs. *Unprofessional Conduct; dispensing, prescribing or otherwise distributing to any person a controlled substance or other drug if such person is addicted to the habit of using controlled substances without making a bona fide effort to cure the habit of such patient.*

Nichols, III, Lorenzo, 37490, 10/05/04 – License summarily suspended; assessed costs. *Violation of TCA 63-6-214(b)(1); Violation of TCA 63-6-214(b)(2); Violation of TCA 63-6-214(b)(3); Violation of TCA 63-6-214(b)(4); Violation of TCA 63-6-214(b)(5); Violation of TCA 63-6-214(b)(12); Violation of TCA 63-6-214(b)(14); Violation of TCA 63-6-214(b)(18).*

Pelz, Harold, 12323, 12/07/04 – Assessed \$2,260 in civil penalties and assessed costs. *Permitted persons under his direct supervision to perform x-ray procedures without those persons being licensed or certified.*

Posey, Michael, 11567, 12/07/04 – Assessed \$3,730 in civil penalties and assessed costs. *Permitted persons under his direct supervision to perform x-ray procedures without those persons being licensed or certified.*

Pulivarthi, Venkata, 27240, 7/21/04 – License revoked; assessed costs. *Out of State Action*

Rand, David, 5622, 7/21/04 – License revoked; assessed costs. *Out of State Action.*

Robinson, Richard, 8420, 7/21/04 – License placed on Probation for five years, with terms and conditions; assessed costs. *Unprofessional conduct; prescribing violations.*

Ruhl, Forster, 27558, 6/1/04 – Probation Lifted. *Board Order.*

Sharfman, David, 14563, 12/7/04 – Assessed \$1,200 in civil penalties and assessed costs. *Permitted persons under his direct supervision to perform x-ray procedures without those persons being licensed or certified.*

Siddal, Donley, 8843, 1/7/04 – License revoked. *Unprofessional, dishonorable, or unethical conduct; gross malpractice, or a pattern of continued malpractice, ignorance, negligence or incompetence in the course of medical practice; prescribing violations.*

Smith, Alphonson, 12281, 7/21/04 – License permanently surrendered; assessed costs. *Out of State Action.*

Smith, Harold, 14953, 11/30/04 – License suspended while the Florida Final Order is in effect. *Out-of-state action; inappropriate prescribing.*

Terry, Richard, 6863, 7/21/04 – Reprimanded; must attend monthly counseling sessions; must submit four quarterly reports; must attend the Physician’s Development course. *Unprofessional, dishonorable or unethical conducted.*

Veenstra, Jacob, 26143, 10/11/04 – Probation lifted. *Board order - complied with terms of order.*

Wade, Mark, 31941, 1/21/04 - License suspended for 90-days, beginning 02/20/04; will be suspended for the entire period he is incarcerated if he is incarcerated in the federal conspiracy case; at the end of suspension, he will be placed on 5-years probation; must attend the University of Florida CARE Program; must successfully complete 40-hours of CME each year during probationary period of which 20-hours shall be in prescribing practices and record keeping; must pay \$25,000 in Civil Penalties--\$5,000 per year before December 31st of each year; must pay costs associated with this matter; and, shall surrender his DEA. *Conviction of a felony; unprofessional conduct; malpractice; dispensing, prescribing or otherwise distributing a controlled substance or other drug to any person in violation of any law of the State or the United States.* 5/21/04 - License reinstated to a probationary status for 5 years.

Walters, Patricia, 24077, 9/27/04 – License surrendered; assessed costs. *Unprofessional conduct; prescribing violations.*

Warren, Michael, 17823, 9/24/04 – Reprimanded; assessed costs; license suspended, that suspension to be stayed, for the duration of the stayed suspension of his license to practice in South Carolina.

Upon the South Carolina stayed suspension being lifted, the Respondent must appear before the Board and petition for the lifting of the Tennessee stayed suspension. *Out of State Action.*

Yeates, Sheran, 29597, 5/21/04 – License Summarily Suspended. *Unprofessional, dishonorable and unethical conduct; making false statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or being guilty of fraud or deceit in the practice of medicine; which prohibits gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such manner as to adversely affect the person’s ability to practice medicine; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or for durations not medically necessary, advisable or justified for a diagnosed condition; engaging in the practice of medicine when mentally or physically unable to safely do so.*

Yood, Steven, 19412, 8/3/04 – License permanently revoked. *Unprofessional conduct; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such manner as to adversely affect the person’s ability to practice medicine.*

Zujko, Richard, 24882, 11/29/04 – License surrendered. *Out-of-state action; malpractice, negligence, or incompetence.*

Disciplinary Action 2005

Adams, John, 26778, 1/27/05 – License reprimanded; assessed \$500 in civil penalties. *Out of State Action.*

Bentz, William, 27277, 3/16/05 – License revoked. *Out of state action; conviction of a felony.*

Conner, Marilyn, 24214, 4/1/05 – License suspended. *Unprofessional, dishonorable or unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice; out of state action.*

Campbell, Jr., Otis, 18561, 5/17/05 – Probation lifted. *Order of Compliance granted.*

Drummond, Charles, 39435, 3/22/05 – License granted with the restriction that the licensee cannot perform cardiac surgery. *Pattern of continued or repeated ignorance, negligence or incompetence in the course of medical practice.*

Edelson, Stephen, 9271, 3/15/05 – License revoked. *Unprofessional, dishonorable or unethical conduct; making false statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or being guilty of fraud or deceit in the practice of medicine; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such manner as to adversely affect the person’s ability to practice medicine; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or for durations not medically necessary, advisable or justified for a diagnosed condition; dispensing, prescribing or otherwise distributing to any person a controlled substance or other drug if such person is addicted to the habit of using controlled substances without making a bona fide effort to cure the habit of such patient; dispensing, prescribing or otherwise distributing any controlled substance or other drug to any person in violation of any law of the state or of the United States; engaging in the practice of medicine under a false or assumed name, or the impersonation of another practitioner, or a like, similar or different name; engaging in the practice of medicine when mentally or physically unable to safely do so; disciplinary action against a person licensed to practice medicine by another state or territory of the United States for any acts or omissions that would constitute grounds for discipline of a person licensed in this state.*

Fath, Stephen, 34552, 3/16/05 – License Suspended, but suspension stayed; license placed on Probation for the duration of the stayed suspension of his Texas medical license with terms and conditions. *Out of State Action; unprofessional, dishonorable or unethical conduct.*

Freeburger, Michael, 28315, 4/1/05 – License permanently revoked. *Unprofessional, dishonorable or unethical conduct; habitual*

Disciplinary Action For 2005

(Continued)

intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such a manner as to adversely affect the person's ability to practice medicine; out of state action.

Fulton, James, 13008, 5/18/05 – License revoked. *Out of state action; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice; making false statements or representations, is guilty of fraud or deceit in obtaining admission to practice, or is guilty of fraud or deceit in the practice of medicine; unprofessional, dishonorable or unethical conduct.*

Gaines, Oscar, 18849, 3/23/05 – License Revoked; assessed case costs. *Violation or attempted violation, directly or indirectly, or assisting in or abetting he violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto.*

Hambleton, Scott, 27397, 3/16/05 – License Suspended for three months; thereafter license to be placed on Probation for five years with terms and conditions. *Violation or attempted violation, directly or indirectly, or assisting in or abetting he violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the state of Tennessee; out of state action; unprofessional, dishonorable or unethical conduct; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants adversely affects that person's ability to practice medicine.*

Harlan, Charles W., 7778, 5/5/05 – License permanently revoked; assessed \$8,000 in civil penalties; and assessed case costs. *Unprofessional conduct; dishonorable conduct; making false statements or representations; fraud or deceit; malpractice; negligence; incompetence; making or signing in one's professional capacity any certificate that is known to be false at the time one makes or signs such certificate; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any criminal statute of the State of Tennessee; pattern of continued or repeated negligence and incompetence.*

Jalfon, Issac, 21704, 1/19/05 – Placed on Probation for two years; must enter into contract with the Tennessee Medical Foundation and maintain their advocacy; assessed costs. *Unprofessional, dishonorable or unethical conduct; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such manner as to adversely affect the person's ability to practice medicine.*

Klarich, Rena, 24217, 5/18/05 – License revoked. *Unprofessional, dishonorable or unethical conduct; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such manner as to adversely affect the person's ability to practice medicine; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amount and/or for durations not medically necessary, advisable or justified for a diagnosed condition.*

Long, William S., 26294, 5/16/05 – License surrendered; must surrender DEA certificate; may reapply after two years under certain terms and conditions. *Unprofessional or dishonorable or unethical conduct; engaging in the practice or medicine when mentally or physically unable to safely do so.*

McKenzie, Randolph 15037, 1/18/05 – Reprimanded. *Out of State Action.*

Nash, James, 9054, 2/14/05 – License revoked; assessed costs. *Out of state action.*

Pence, John, 9438, 1/18/05 – Reprimanded. *Out of state action.*

Ritchie, Steve, 13161, 1/18/05 – License placed on Probation for two years with terms and conditions; assessed \$5,000 in civil penalties; and assessed costs. *Inappropriate prescribing.*

Smith, Milton, 16895, 3/15/05 – License placed on Probation for no less than five years; must attend prescribing course at Vanderbilt

Hospital; must attend a record keeping course; obtain an evaluation through the Tennessee Medical Foundation; must surrender DEA certificate. *Unprofessional, dishonorable or unethical conduct.*

Strasberg, Gary, 10075, 3/15/05 – License placed on Probation for no less than five years; must remain compliant with his contract of advocacy with the Tennessee Medical Foundation. *Unprofessional, dishonorable or unethical conduct; making false statements or representations; being guilty of fraud or deceit in obtaining admission to practice, or being guilty of fraud or deceit in the practice of medicine; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the state of Tennessee.*

Tanner, Wade, 21967, 5/17/05 – License surrendered. *Unprofessional, dishonorable or unethical conduct; dispensing, prescribing or otherwise distributing any controlled substance or any drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or for durations not medically necessary, advisable or justified for a diagnosed condition.*

Turek, Raymond E., 6014, 5/17/05 – License surrendered, assessed \$1000 in civil penalties; may reapply after one year with certain terms and conditions. *Convicted of a felony or convicted of any offense involving moral turpitude.*

Ventra, Pamela, 28606, 2/4/05 – License summarily suspended. *Engaging in the practice of medicine when mentally or physically unable to safely do so.*

Westerfield, Samuel, 28926, 3/23/05 – License suspended until the September meeting of the Board; licensee required to personally appear before the Board to present evidence that he has gained and presently enjoys the advocacy of the Tennessee Medical Foundation. *Violation or attempted violation, directly or indirectly, or assisting in or abetting he violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the state of Tennessee.*

Willbrandt, Barry, 27508, 5/17/05 – Assessed \$1,500 in civil penalties. *Allowed an orthopedic physician assistant to practice without a protocol and provide medical services that were beyond the scope of his license.*

Yancey, Beryl, 20060, 1/19/05 - License placed on Probation for five years; must cease the practice of obstetrics and gynecology; only permitted to provide only the basic gynecological care commonly provided by family medicine practitioners; must obtain explicit permission of the Board before engaging in any other types of obstetric and/or gynecological procedures other than the basic gynecological care commonly provided by family practitioners even after the expiration of the Probationary period; shall attend the competency course offered by the Center for Personalized Education for Physicians, satisfactory completion of competency course shall be submitted to the Board within one year; must allow Case Western Reserve University to review her patient charts at least twice a year; must complete an additional 20 hours of family practice courses in addition to require continuing education; must allow review of patient charts; assessed civil penalty in the amount of \$3,000; and assessed costs. *Unprofessional, dishonorable, or unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice.*



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