

DISCIPLINARY ACTION REPORT

NASHVILLE, Tenn. -- Tennessee Code Annotated, Section 68-1-114 requires the Tennessee Department of Health to issue a monthly media release listing all disciplinary actions taken by the health-related boards during the prior month. Below is a list of actions taken in **MARCH 2024**. *Detailed information about disciplinary actions is available on our website at <https://apps.health.tn.gov/Licensure/default.aspx>. Enter the name of the person. When the license information comes up, click either "disciplinary action" or "adverse licensure action" in the right column. Abuse Registry information is available on our website at <https://apps.health.tn.gov/AbuseRegistry/default.aspx>. Facility information is available on our website at <https://apps.health.tn.gov/facilityListings/>*

BOARD OF ACUPUNCTURE

Licensee: Nicholas C. Choppa, LAc, 365, Huntsville, AL
Violation: Failure to obtain continuing education
Action: Agreed citation; assessed civil penalty in the amount of \$250.00; must submit continuing education

Licensee: Charles M. Sullivan, LAc, 92, Bartlett
Violation: Failure to obtain continuing education
Action: Agreed citation; assessed civil penalty in the amount of \$200.00; must submit continuing education

BOARD OF DENTISTRY

Licensee: Jessica Tucker, DDS 10766, Knoxville
Violation: Unfit to currently practice due to a health condition unrelated to substance use disorder.
Action: License suspended until she regains advocacy of the Tennessee Dental Wellness Foundation and enters at least a 5-year monitoring contract. Once she regains advocacy, may petition to stay the suspension. If suspension is stayed, license will be on probation for the term of her monitoring contract or at least 5 years.

ELECTROLYSIS REGISTRY

Licensee: Karen Rubenstein, Electrologist #24, Memphis
Violation: Failure to obtain continuing education
Action: Agreed citation; assessed civil penalty in the amount of \$100.00; must submit continuing education

EMERGENCY MEDICAL SERVICES BOARD

Licensee: Montrell Lorenzo Baldwin, EMT, License No. 217037, Memphis
Violation: Licensee, an EMT, tested positive for alcohol while on duty.
Action: License is suspended immediately until Respondent receives an evaluation from the Tennessee Professional Assistance Program (TNPAP). If ongoing monitoring is required based on the evaluation, the suspension will be stayed when the Office of Emergency Medical Services receives notice the Respondent has signed a monitoring agreement. The license will then be subject to a probation period to run concurrent with the monitoring agreement, including all extensions, but not less than

three (3) years. Failure to comply with the terms of the monitoring agreement will result in the immediate lifting of the stay of suspension.

If no monitoring agreement is required based on the evaluation, the suspension will be stayed when the Office of Emergency Medical Services receives notice of such, and the three (3) year probationary period will begin.

Licensee: Cortney L. Bryson, AEMT, License No. #36322, Harriman

Violation: Licensee was caught stealing controlled substances from her employer. Violation or attempted violation or assisting in or abetting the violation of or conspiring to violate any of the following: Any provision of this part; Any rule or regulation of the board; Any criminal statute of any state or Canadian province, or of the United States or Canada which involves moral turpitude or reflects upon the person's ability to fulfill such person's responsibilities under this part; Habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, controlled substance analogues or other drugs or stimulants in such manner as to adversely affect the delivery, performance or activities in the care of the patients requiring medical care; Unauthorized use or removal of narcotics, drugs, supplies or equipment from any ambulance, health care facility, school, institution or other work place location; Performing or attempting emergency care techniques or procedures without proper permission, license certification, training, medical direction, or otherwise engaging in unethical practices or conduct; Engaging in acts of dishonesty which relate to the practice of emergency medical care.

Action: License is Revoked.

Licensee: Joseph M. Loftus, Paramedic License No., # 19561, Alexandria

Violation: Licensee failed to accurately report/record the condition of his Patient; Failure to report patient care which accurately reflects the evaluation and treatment of each patient; Performing or attempting emergency care techniques or procedures without proper permission, license certification, training, medical direction, or otherwise engaging in unethical practices or conduct.

Action: License is placed on Probation for three (3) years; Licensee shall complete an EMS refresher training class at his level of licensure and four (4) hours of ethics training and provide proof of completion to the Board within one year of ratification.

Licensee: Cynthia G. McDow, AEMT, License No., #38472, Lawrenceburg
Action: Licensee committed theft of a controlled substances. Violation or attempted violation or assisting in or abetting the violation of or conspiring to violate any of the following: Any provision of this part; Any rule or regulation of the board; Any criminal statute of any state or Canadian province, or of the United States or Canada which involves moral turpitude or reflects upon the person's ability to fulfill such person's responsibilities under this part; Habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, controlled substance analogues or other drugs or stimulants in such manner as to adversely affect the delivery, performance or activities in the care of the patients requiring medical care; A person commits theft of property if, with intent to deprive the owner of property, the person knowingly obtains or exercises control over the property without the owner's effective consent. Unethical Practices and Conduct. Engaging in acts of dishonesty which relate to the practice of emergency medical care.

Violation: License is placed on Suspension; Licensee may undergo an evaluation approved by the Tennessee Professional Assistance Program ("TnPAP").

BOARD OF MEDICAL EXAMINERS

- Licensee: Howard Bromley, M.D., Lic. No. 38019, Memphis
Violation: Unprofessional ... conduct; requirement that the supervising physician and nurse practitioner jointly develop and approve protocols that outline and cover the applicable standard of care; The supervising physician shall be responsible for ensuring compliance with the applicable standard of care under (5). Additionally, the supervising physician shall develop clinical guidelines in collaboration with the certified nurse practitioner to include a method for documenting consultation and referral; requirement that, when a controlled drug is prescribed, the supervising physician shall personally review the historical, physical and therapeutic data once every (10) business days and certify by signature within thirty (30) days.
Action: License reprimanded; take coursework in medical documentation and prescribing controlled substances; pay \$2500 in civil penalties, and costs not to exceed \$5000.00.
- Licensee: Timothy R. Bunker, M.D., Lic. No. 53986, Louisville
Violation: Respondent, as medical director of a pain management clinic located in Cookeville, Tennessee, failed to adequately supervise midlevel providers working at the clinic, operated the clinic without a license for a period of time, lost control of and access to patient medical records, and allowed opioids to be prescribed by telemedicine
Action: Reprimand; continuing education in prescribing controlled substances and medical documentation; \$2,000 civil penalty; must pay costs of investigation and prosecution.
- Licensee: Clifford Lawrence Freeman, M.D., Lic. No. 58318, Paducah, KY
Violation: Unprofessional, dishonorable, or unethical conduct[.]; Habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, controlled substance analogues or other drugs or stimulants in such manner as to adversely affect the person's ability to practice medicine[.]; 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. A certified copy of the initial or final order or other equivalent document memorializing the disciplinary action from the disciplining state or territory shall constitute prima facie evidence of violation of this section and be sufficient grounds upon which to deny, restrict or condition licensure or renewal and/or discipline a person licensed in this state[.]
Action: Probation running concurrent with and for as long as the probation of his Kentucky license; costs not to exceed \$3000.00.
- Licensee: Thomas Michael Helton, M.D., Lic. No. 33960, Murfreesboro
Violation: Unprofessional, dishonorable or unethical conduct. 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, controlled substance analogue or other drug to any person in violation of any law of the state or of the United States. Tenn. Comp. R. & Regs. Rule 0880-02-.14 (6)(e) which authorizes disciplinary action

against a Respondent who prescribes, orders, administers or dispenses dangerous drugs or controlled substances without observing Board guidelines. Content – All medical records, or summaries thereof, produced in the course of the practice of medicine for all patients shall include all information and documentation listed in Tenn. Code Ann. § 63-2-101(c)(4) and such additional information that is necessary to insure that a subsequent reviewing or treating physician can both ascertain the basis for the diagnosis, treatment plan and outcomes, and provide continuity of care for the patient. Violation of any provision of these rules is grounds for disciplinary action pursuant to Tenn. Code Ann. §§ 63-6-214(b)(1) and/or (2). Tenn. Comp. R. & Regs. Rule 0880-06-.02(5) which provides that the supervising physician shall make protocols with the nurse practitioner outlining and covering the applicable standard of care. The supervising physician shall be responsible for ensuring compliance with the applicable standard of care under (5). Additionally, the supervising physician shall develop clinical guidelines in collaboration with the certified nurse practitioner to include a method for documenting consultation and referral. Once every ten (10) business days the supervising physician shall make a personal review of the historical, physical and therapeutic data and shall so certify by signature on any patient within thirty (30) days: (a) When medically indicated; (b) When requested by the patient; (c) When prescriptions written by the certified nurse practitioner fall outside the protocols; (d) When prescriptions are written by a nurse practitioner who possesses a temporary certificate of fitness; and (e) when a controlled drug has been prescribed.

Action: Reprimand; Respondent shall not prescribe opioids for a period of at least six (6) months beginning April 10, 2024. Respondent shall not collaborate with any advanced practice registered nurse or physician assistant for the purpose of prescribing opioids during this six (6) month period that Respondent cannot prescribe opioids. Respondent shall not be eligible to act as medical director of a pain management clinic, as defined in Tenn. Code Ann. § 63-1-301(4), during the period that Respondent cannot prescribe opioids. Respondent shall not be eligible to operate or participate in the ownership structure of an Office Based Opioid Treatment (OBOT) facility during the period that Respondent cannot prescribe opioids. Within thirty (30) days of the effective date of this Consent Order, Respondent must provide proof to the Board that he has notified any physicians, podiatrists, advanced practice registered nurses, or physician assistants with whom he has a collaborating relationship of this disciplinary action. Continuing medical education courses on Medical Documentation and Prescribing Controlled Substances; \$3,500 in civil penalties; costs of case, not to exceed \$4,000.

Licensee: Scott Sang-Hyun Lee, M.D., Lic. No. 57666, Nashville

Violation: Unprofessional, dishonorable or unethical conduct

Action: License reprimanded; Complete "Professional Boundaries and Ethics (PB-24)" offered by PBI Education University of California Irvine Medical School (24 hours) within thirty (30) days of the entry of the Order; civil penalties in the amount of \$1,000 and costs not to exceed \$3,000.

Licensee: Mark Miller, M.D., Lic. No. 15293, Germantown

Violation: 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.

Action: License reprimanded; assessed costs not to exceed \$5,000.00.

Licensee: Samson K. Orusa, M.D., Lic. No. 28275, Clarksville
Violation: Violation of statutes: Guilty of 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 this state; Conviction of a felony, conviction of any offense under state or federal laws relative to drugs or the practice of medicine, conviction of any offense involving moral turpitude or conviction of any offense for which the person is required to register as a sexual offender or violent sexual offender pursuant to title 40, chapter 39, part 2; Gross health care liability or a pattern of continued or repeated health care liability, ignorance, negligence or incompetence in the course of medical practice.
Action: Respondent's license to practice medicine is permanently revoked. Respondent is ordered to pay the costs of the case, up to \$5,000.

Licensee: John Randall Underwood, M.D., Lic. No. 27431, Lebanon
Violation: Respondent, as medical director of a pain management clinic located in Oneida, Tennessee, was responsible for the licensing of said clinic in 2018. An application for licensure of said clinic incorrectly stated that no owner or employee had ever held a professional license that had been disciplined. In fact, the medical license of David Bruce Coffey, M.D., an owner of the clinic, had been disciplined by the Tennessee Board of Medical Examiners in 2017.
Action: Public censure (equivalent to reprimand); must pay costs of investigation and prosecution.

Licensee: Eric Welling, M.D., Lic. No. 65466, Salt Lake City, UT
Violation: License revocation, suspension or other disciplinary action taken by a Federal, State or local licensing authority.
Action: License Revoked; Costs not to exceed \$3,000.

BOARD OF NURSING HOME ADMINISTRATORS

Licensee: Joanna Leonard Kluck, NHA, Lic. No. 3333, Denison, TX
Violation: Failed to obtain 18 hours of continuing education (CE) credits during the 2022 CE cycle.
Action: Agreed citation; assessed civil penalty.

BOARD OF PHARMACY

- Licensee: Chantry Walker Astolos, Pharmacy Technician No. 76017, Newbern
Violation: Licensee, a pharmacy technician, stole store merchandise in the amount of \$33. No prescription drugs were taken. Respondent made restitution. Respondent agrees to a period of one (1) year probation.
- Licensee: CVS #3293, Pharmacy Lic. No. 3399, Hendersonville
Violation: Licensee, a Pharmacy, failed to have a pharmacist-in-charge at their pharmacy practice site for one (1) month. The licensee failed to immediately notify the Board's administrative staff of the change in pharmacist-in-charge. Licensee failed to comply with a lawful order or duly promulgated rule of the board. It shall be the responsibility of the person, partnership, firm, or corporation holding a pharmacy practice site license issued pursuant to notify the board immediately of: The resignation, removal, or death of the pharmacist in charge named in the application for license (or successor pharmacist in charge).
Action: Licensee has been assessed a Civil Penalty of one hundred (\$100) dollars.
- Licensee: CVS #17424, Pharmacy Lic. No. 4475, Smyrna
Violation: Licensee, a Pharmacy, failed to have a pharmacist-in-charge at their pharmacy practice site for about a week. The licensee failed to immediately notify the Board's administrative staff of the change in pharmacist-in-charge. Licensee failed to comply with a lawful order or duly promulgated rule of the board. It shall be the responsibility of the person, partnership, firm, or corporation holding a pharmacy practice site license issued pursuant to notify the board immediately of: The resignation, removal, or death of the pharmacist in charge named in the application for license (or successor pharmacist in charge).
Action: Licensee has been assessed a Civil Penalty of one hundred (\$100) dollars.
- Licensee: CVS #6437, Pharmacy Lic. No. 1703, Nashville
Violation: Licensee, a Pharmacy, failed to have a pharmacist-in-charge at their pharmacy practice site for one (1) month. The licensee failed to immediately notify the Board's administrative staff of the change in pharmacist-in-charge. Licensee failed to comply with a lawful order or duly promulgated rule of the board. It shall be the responsibility of the person, partnership, firm, or corporation holding a pharmacy practice site license issued pursuant to notify the board immediately of: The resignation, removal, or death of the pharmacist in charge named in the application for license (or successor pharmacist in charge). Except in case of death or incapacity, the outgoing pharmacist in charge shall, prior to departure, conduct with the successor pharmacist in charge a joint inventory of all controlled substances. In case of failure of the outgoing pharmacist in charge to comply with this requirement, the successor pharmacist in charge shall conduct such inventory alone. In the event of death of a pharmacist in charge, the successor pharmacist in charge shall, immediately upon assuming the appointment as pharmacist in charge, conduct an inventory of all controlled substances. In the event of disability for a period exceeding thirty (30) days of a pharmacist in charge, the successor pharmacist in charge (temporary or permanent) shall conduct an inventory of all controlled substances. Should the disabled pharmacist in charge return, the disabled pharmacist in charge and successor pharmacist in charge shall immediately conduct a joint inventory of all controlled substances. A record of any inventory required by this rule shall be signed by the pharmacist(s) in charge conducting it and maintained at the pharmacy practice

site with other controlled substance records for at least two (2) years. The inventory record shall indicate: The name and address of the pharmacy practice site, The name, strength, dosage form, and quantity of each controlled substance on hand, The date of inventory; and whether the inventory was taken as of the opening or close of business on that date.

Action: Licensee has been assessed a Civil Penalty of one hundred and fifty (\$150) dollars.

Licensee: Kerry Beth Muse, Pharmacy Technician Lic. No. 76222, Portland

Violation: Licensee, a Pharmacy Technician, diverted prescription drug products from the pharmacy practice site where they were working. Licensee Engaged in conduct that is prohibited or unlawful under parts 2-7 of this chapter, or another state or federal law relating to drugs or to the practice of pharmacy, been guilty of dishonorable, immoral, unethical, or unprofessional conduct, and failed to comply with a lawful order or duly promulgated rule of the board. It is unlawful for any person, firm or corporation to possess, sell, barter or give away any drug known as legend drugs, as defined in §53-10-101, except upon the written prescription of a duly licensed physician, certified physician's assistant, nurse authorized pursuant to §63-6-204 or §63-9-113, who is rendering service under the supervision, control and responsibility of a licensed physician, and who meets the requirements pursuant to §63-7-123, a dentist, an optometrist authorized pursuant to §63-8-102(12), or a veterinarian, and compounded or dispensed by a duly registered pharmacist. It is unlawful for any person, firm or corporation to obtain or attempt to obtain a legend drug, or to procure to attempt to procure the administration of a legend drug, by fraud, deceit, misrepresentation, subterfuge, forgery, alteration of a prescription, by the concealment of a material fact, or by the use of a false name or address. It is unlawful for any person to have in the person's possession, any drug defined or enumerated in this part, without the drug having been prescribed by a duly licensed physician, certified physician assistant, dentist, optometrist authorized pursuant to § 63-8-102(12), or veterinarian, and having been dispensed by a pharmacy duly licensed and registered in this state, unless the person was a resident of another state and had the prescription filled by a duly licensed and registered pharmacist of the other state. It is unlawful for any person knowingly or intentionally to acquire or obtain, or attempt to acquire or attempt to obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge.

Action: Licensees' registration to practice as a Pharmacy Technician has been revoked.

Licensee: Publix #1621, Pharmacy Lic. No. 6264, Chattanooga

Violation: Licensee, a Pharmacy, failed to notify the Board's administrative staff of a temporary change in pharmacist-in-charge at their pharmacy practice site for about two months. Licensee failed to comply with a lawful order or duly promulgated rule of the board. It shall be the responsibility of the person, partnership, firm, or corporation holding a pharmacy practice site license issued pursuant to notify the board immediately of: The resignation, removal, or death of the pharmacist in charge named in the application for license (or successor pharmacist in charge).

Action: Licensee has been assessed a Civil Penalty of two hundred (\$200) dollars.

Licensee: Roger Shelton, Pharmacy Technician Lic. No. 26247, Bartlett

Violation: Licensee, a Pharmacy Technician, diverted prescription drug products from the pharmacy practice site where they were working. Licensee Engaged in conduct that is prohibited or unlawful under parts 2-7 of this chapter, or another state or federal

law relating to drugs or to the practice of pharmacy, been guilty of dishonorable, immoral, unethical, or unprofessional conduct, and failed to comply with a lawful order or duly promulgated rule of the board. It is unlawful for any person, firm or corporation to possess, sell, barter or give away any drug known as legend drugs, as defined in §53-10-101, except upon the written prescription of a duly licensed physician, certified physician's assistant, nurse authorized pursuant to §63-6-204 or §63-9-113, who is rendering service under the supervision, control and responsibility of a licensed physician, and who meets the requirements pursuant to §63-7-123, a dentist, an optometrist authorized pursuant to §63-8-102(12), or a veterinarian, and compounded or dispensed by a duly registered pharmacist. It is unlawful for any person, firm or corporation to obtain or attempt to obtain a legend drug, or to procure to attempt to procure the administration of a legend drug, by fraud, deceit, misrepresentation, subterfuge, forgery, alteration of a prescription, by the concealment of a material fact, or by the use of a false name or address. It is unlawful for any person to have in the person's possession, any drug defined or enumerated in this part, without the drug having been prescribed by a duly licensed physician, certified physician assistant, dentist, optometrist authorized pursuant to § 63-8-102(12), or veterinarian, and having been dispensed by a pharmacy duly licensed and registered in this state, unless the person was a resident of another state and had the prescription filled by a duly licensed and registered pharmacist of the other state. It is unlawful for any person knowingly or intentionally to acquire or obtain, or attempt to acquire or attempt to obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge.

Action: Licensees' registration to practice as a Pharmacy Technician has been revoked.

Licensee: Walgreens #4158, Pharmacy Lic. # 1015, Nashville

Violation: Licensee was not keeping records properly, was not removing expired drugs from the pharmacy, and had issues including unsanitary conditions and an unorganized pharmacy. Engaged in conduct that is prohibited or unlawful under parts 2-7 of this chapter, or another state or federal law relating to drugs or to the practice of pharmacy; Been guilty of dishonorable, immoral, unethical or unprofessional conduct; Failed to comply with a lawful order or duly promulgated rule of the board. Each individual pharmacist using a computerized system in the refilling of a medical or prescription order shall certify that the information entered into the computer for such a refill is correct by verifying, dating, and signing a hard-copy printout of each day's medical or prescription order refill data, or in lieu of such a printout, by signing a statement in a book or file each day attesting that the refill information entered that day has been reviewed by the pharmacist and is correct as shown. Such documentation shall be separately maintained at the pharmacy practice site for at least two (2) years from the date of the last dispensing. The pharmacy practice site and equipment therein shall be maintained in a clean, sanitary, orderly and well-lighted condition, and all persons working in the pharmacy practice site shall be required to keep themselves and their apparel in a clean and sanitary condition. Any drug or device that is misbranded, out of date, old, deteriorated, not kept under proper refrigeration as required, or that has been exposed to fire, heat, smoke, water, flood or windstorm damage is deemed to be adulterated, and the possession, sale, or distribution of those drugs or devices is prohibited. The owner or pharmacist in charge of a pharmacist practice site shall immediately return or destroy all outdated, defective, or deteriorated prescription drugs and devices and related materials; except that the destruction of controlled substances listed in any schedule shall be performed by a Board approved agent or vendor. Upon request, the Board may waive

selected portions of these requirements so long as any waiver granted is consistent with the Board's authority under Tenn. Code Ann. Title 63, Chapter 1 and 10, and Tenn. Code Ann. Title 4, Chapter 5.

Licensee: Walgreens #4232, Pharmacy Lic. No. 1970, Cordova

Violation: Licensee, a Pharmacy, failed to notify the Board's administrative staff of a change in pharmacist-in-charge at their pharmacy practice site for two months. Licensee failed to comply with a lawful order or duly promulgated rule of the board. It shall be the responsibility of the person, partnership, firm, or corporation holding a pharmacy practice site license issued pursuant to notify the board immediately of: The resignation, removal, or death of the pharmacist in charge named in the application for license (or successor pharmacist in charge).

Action: Licensee has been assessed a Civil Penalty of two hundred (\$200) dollars.

BOARD OF PHYSICIAN ASSISTANTS

Licensee: Benjamin Reese, P.A. License No. 2381, Beech Bluff

Violation: Respondent prescribed narcotics and other medications and controlled substances in amounts and/or durations not medically necessary, advisable, or justified for a diagnosed condition while he was working as a Physician's Assistant in Tennessee. Engaging in the inappropriate prescribing, dispensing or otherwise distributing a controlled substance or other drug in the course of professional practice.

Action: Respondent license is reprimanded. Respondent agreed to not prescribe opioids, benzodiazepines, and Soma for 6 months. Respondent agreed to complete courses on prescribing controlled substances and medical documentation pre-approved by the Board's consultant. Respondent agreed to pay civil penalties in the amount of \$1,000 and pay costs not to exceed \$3,000.

POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE

Licensee: Laura Foutch, Polysomnography, Lic. No. #347, Trenton

Violation: Respondent engaged in the unlicensed practice of polysomnography in violation of Tenn. Code Ann. 63-31-106(a)(1).

Action: Agreed citation; assessed civil penalty of \$200.00.