

## DISCIPLINARY ACTION REPORT

EDITORS: Tennessee Code Annotated, Section 68-1-114 requires the Department of Health to issue a monthly press release listing all disciplinary actions taken by the health related boards during the prior month. Below is a list of actions taken during the month of January, 2006.

*Detailed information about disciplinary actions is available on our web site at [www.tennessee.gov/health](http://www.tennessee.gov/health). Click on "License Verification" and enter the name of the person. When the license information comes up, click on "disciplinary action" and then "view board order."*

### **BOARD OF ALCOHOL & DRUG ABUSE COUNSELORS**

Licensee: Linda Monteferrante, LADAC, San Francisco, CA  
Violation: Violation of Board Order  
Action: License revoked for no less than two years

### **BOARD OF DENTISTRY**

Licensee: Pamela Ruth Belew, RDA, Memphis, TN  
Violation: Practicing on an expired license  
Action: Reprimanded; assessed \$500 in civil penalties; and assessed case costs

Licensee: Tina M. Bolin, RDH, Pikeville, TN  
Violation: 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; making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or in being guilty of fraud or deceit in the practice of dental hygiene; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants, such as, but not limited to, nitrous oxide sedation, in such manner as to adversely affect the person's ability to practice dental hygiene; 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; engaging in the practice of dental hygiene when mentally or physically unable to safely do so

-more-

Action: License Suspended for not less than six months; to be followed by Probation for a period of five years from the effective date of the suspension being lifted; must regain and maintain the advocacy of the Tennessee Professional Assistance Program; assessed \$6,000 in civil penalties; and assessed case costs

Licensee: Carl M. Browder, DDS, Dayton, TN

Violation: 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; making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or in being guilty of fraud or deceit in the practice of dentistry; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants, such as, but not limited to, nitrous oxide sedation, in such manner as to adversely affect the person's ability to practice dentistry; conviction of a felony, conviction of any offense under state or federal drug laws or conviction of any offense involving moral turpitude; 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; engaging in the practice of dentistry when mentally or physically unable to safely do so; failure to update mandatory practitioner profile

Action: License Suspended for not less than one year; to be followed by Probation for a period of five years commencing from the effective date of the suspension being lifted; must surrender his DEA license for the duration of the disciplinary period; must immediately gain and maintain advocacy of the Concerned Dental Professional Committee; assessed \$9,000 in civil penalties; and assessed case costs

Licensee: Hiedie J. Fleming, RDA, Memphis, TN

Violation: 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; performing outside of scope of practice

Action: License placed on Probation for one year; assessed \$1,000 in civil penalties; and assessed case costs

Licensee: James L. Fortner, DDS, Brentwood, TN

Violation: Unprofessional, dishonorable or unethical conduct; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of professional practice; violation of rules regarding dental records

Action: License placed on Probation for two years; must complete continuing education courses; charts submit to audit; assessed \$2,000 in civil penalties; and assessed case costs

-more-

Licensee: Dellilah A. Johnson, DDS, Nashville, TN  
Violation: Unprofessional, dishonorable or unethical conduct; exercising undue influence on the patient or client, including the promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party; failing to maintain an accurate and legible written evaluation and treatment history for each patient; failed to respond to written communications from the Department of Health, to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct; practicing on an expired license; violation of rule regarding termination of dentist/patient relationship  
Action: License placed on Probation for three years; must attend continuing education course; assessed \$3,500 in civil penalties; and assessed case costs

Licensee: E. Dean Johnson, DDS, Memphis, TN  
Violation: 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, such as, but not limited to, nitrous oxide sedation, in such manner as to adversely affect the person's ability to practice dentistry; 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; engaging in the practice of dentistry when mentally or physically unable to safely do so; violation of rules regarding prescribing, dispensing, or otherwise distributing pharmaceuticals  
Action: License Suspended; must permanently surrender DEA certificate; after meeting certain terms and conditions, he may appear before the Board to request that the suspension be lifted and his license placed on Probation for five years; assessment of civil penalties (\$20,000)

Licensee: John E. Jordan, DDS, Memphis, TN  
Violation: Unprofessional, dishonorable, or unethical conduct  
Action: License Surrendered; assessed case costs

Licensee: Padma A. Lyons, DDS, Germantown, TN  
Violation: Employed an unregistered dental assistant  
Action: Reprimanded; assessed \$1,000 in civil penalties; and assessed case costs

Licensee: Ralph M. Nixon, DDS, Jackson, TN  
Violation: 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; 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; conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person

-more-

- to perform services or work that under the provisions of the chapter can be done legally only by persons licensed to practice dentistry or dental hygiene or as a registered dental assistant; violation of rules regarding prescribing; violation of rules regarding record keeping
- Action: License placed on Probation for two years; must complete continuing education courses; assessed \$5,000 in civil penalties; and assessed case costs
- Licensee: Jack Morton, DDS, Soddy Daisy, TN
- Violation: 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; conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that under the provisions of the chapter can be done legally only by persons licensed to practice dentistry
- Action: License must be surrendered within 30 days; assessed case costs
- Licensee: John Paffrath, DDS, Erin, TN
- Violation: Unprofessional, dishonorable or unethical conduct; making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or in being guilty of fraud or deceit in the practice of dentistry
- Action: License suspended until such time as he completes continuing education in prescribing antibiotics and professional ethics; thereafter to be placed on Probation for a period of three years; assessed \$7,200 in civil penalties; and assessed case costs
- Licensee: Jaunita A. Rouse, DDS, Mount Juliet, TN
- Violation: Unprofessional, dishonorable or unethical conduct; making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or in being guilty of fraud or deceit in the practice of dentistry; used or participated in the use of any form of public communication containing a false, fraudulent, misleading or deceptive statement or claim
- Action: Reprimanded; assessed \$2,000 in civil penalties; and assessed case costs
- Licensee: Christy Nicole Shipley, RDA, Harriman, TN
- Violation: Practicing on an expired license; monitored nitrous oxide without a permit
- Action: Reprimanded; assessed \$500 in civil penalties; and assessed case costs
- Licensee: Lawrence Trivette, Jr, DDS, Knoxville, TN
- Violation: 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, such as, but not limited to, nitrous oxide sedation, in such manner as to adversely affect the person's ability to practice dentistry; engaging in the practice of dentistry when mentally or physically unable to safely do so; 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; violation of rules regarding prescribing
- more-

Action: Licensed Suspended indefinitely; DEA certificate permanently surrendered; must appear before the Board with proof that he has met certain terms and conditions; thereafter, license to be placed on Probation for five years, if he has not met the conditions, his license will remain suspended for five years; assessed case costs

### **BOARD OF MASSAGE LICENSURE**

Licensee: Blue River Canyon Day Spa & Store  
 Violation: Operating as a massage establishment on an expired license  
 Action: Assessed \$3,000 in civil penalties

Licensee: Denise Ann Knight, LMT, Nashville, TN  
 Violation: Allowed unlicensed person to practice  
 Action: Assessed \$200 in civil penalties

Licensee: Bradley Slavik, LMT, Brentwood, TN  
 Violation: Allowed unlicensed person to practice  
 Action: Assessed \$1,700 in civil penalties

Licensee: Shelli Williams, LMT, Dowelltown, TN  
 Violation: Failure to comply with continuing education requirements  
 Action: Assessed \$200 in civil penalties

### **BOARD OF MEDICAL EXAMINERS**

Licensee: Robert Clark Allen, MD, Johnson City, TN  
 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 placed on Probation for not less than five years; must maintain advocacy with the Tennessee Medical Foundation

Licensee: Jesse D. Herbert, M.D., Morristown, TN  
 Violation: Unprofessional conduct  
 Action: Reprimanded; must complete continuing education within one year; assessed \$1,000 in civil penalties; and assessed case costs

Licensee: Richard J. Kienzle, M.D., Copperhill, TN  
 Violation: Practicing without a license; which constitutes a Class B misdemeanor for each instance of such practice; 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; 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; gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical

-more-

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; 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 when mentally or physically unable to safely do so

Action: Assessed \$3,000 in civil penalties and assessed case costs

Licensee: Phillip B. Michael, M.D., Knoxville, TN

Violation: 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; 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; 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; dispensing, prescribing or otherwise distributing to any person a controlled substance or any 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 any other drug to any person in violation of any law of the state or of the United States; violation of rules pertaining to prescribing for pain management

Action: License placed on Probation for five years; must complete continuing education; assessed \$17,000 in civil penalties; and assessed case costs

Licensee: Patricia Moynihan, MD, Franklin, TN

Violation: Gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice

Action: License Surrendered; assessed case costs

Licensee: Richard Ruhling, MD, Collegedale, TN

Violation: Unprofessional, dishonorable, or unethical conduct; out of state action

Action: License permanently Revoked; assessed case costs

Licensee: Fortune Williams, MD, Nashville, TN

Violation: Out of state action

Action: License Revoked; assessed \$2,000 in civil penalties; and assessed case costs

-more-

**BOARD OF NURSING**

Licensee: Gary Hubbard, RN, Church Hill, TN  
Violation: Unprofessional Conduct; out of state action  
Action: License placed on Probation to run concurrent with Tennessee Professional Assistance Program Contract; assessed \$1,000 in civil penalties

**COMMITTEE OF PHYSICIAN ASSISTANTS**

Licensee: Joel Burnett, PA, Harriman, TN  
Violation: Violation or attempted violation of, or conspiring to violate, any provision of the Physicians Assistants Act or any lawful order of the Committee and Board issued pursuant thereto, or any criminal statute of the State of Tennessee; habitual 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 as a physician's assistant  
Action: License suspended until he has obtained and maintained for 120 days the supervision and advocacy of the Tennessee Professional Assistance Program. After completion of the 120 days; he may petition for an order of compliance and will be required to show proof of absolute compliance with a "zero tolerance" contract; upon submission of this proof, his license will be placed on Probation for the entirety of his contract with the Tennessee Professional Assistance Program

Licensee: Jared Manning, OPA, Cordova, TN  
Violation: Practicing outside of the specialty of orthopedic medicine or surgery  
Action: Reprimanded; assessed \$1,300 in civil penalties; and assessed case costs

**BOARD OF PODIATRIC MEDICAL EXAMINERS**

Licensee: Mike Westerfield, DPM, Greeneville, TN  
Violation: 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  
Action: License Revoked

**BOARD OF EXAMINERS IN PSYCHOLOGY**

Licensee: David McElroy, Ph.D., Nashville, TN  
Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violation, any provision T.C.A. 63-11-215 et. Seq., or any lawful order of the Board issued pursuant thereto, or any criminal statute of the State of Tennessee; habitual 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 the person's profession; engaging in practice when mentally or physically unable to safely do so

-more-

Action: Board's order of August 5, 2005 is vacated; license to be Suspended for a period of at least two years; must meet certain conditions before license will be unencumbered; assessed costs

Licensee: Janis Neece, Ph.D., Knoxville, TN

Violation: Unprofessional, dishonorable or unethical conduct; violation of rules and regulations

Action: Reprimanded; must obtain 12 hours of continuing education; assessed case costs

**BOARD OF VETERINARY MEDICAL EXAMINERS**

Licensee: Sammy Sanders, Unlicensed, Atoka, TN

Violation: Practicing without a license

Action: Ordered to Cease and Desist from the practice of veterinary medicine; assessed \$1,500 in civil penalties

**DECEMBER 2005 ABUSE REGISTRY PLACEMENTS**

Individual: Sydney Courtney, Companion Staff and CAN, Lenoir City, TN

Violation: Misappropriation

Action: CNA Certification Revoked  
Placed on State Abuse Registry

Individual: Iris Daniels, Residential Support, Cordova, TN

Violation: Physical Abuse

Action: Placed on State Abuse Registry

Individual: Elizabeth Havey, Development Tech, Greeneville, TN

Violation: Physical Abuse

Action: Placed on State Abuse Registry

Individual: Christopher Hicks, DSA, Greeneville, TN

Violation: Misappropriation

Action: Placed on State Abuse Registry

Individual: Donna Leavelle, Personal Assistant, Memphis, TN

Violation: Physical Abuse

Action: Placed on State Abuse Registry

Individual: Tawana Maddox, Direct Care Staff, Dickson, TN

Violation: Misappropriation

Action: Placed on State Abuse Registry

Individual: Naomi Regan, Development Tech, Greeneville, TN

Violation: Verbal/Physical Abuse

Action: Placed on State Abuse Registry

-more-



**JANUARY 2006 ABUSE REGISTRY PLACEMENTS**

Individual: Tonia Bell, Asst. Business Manager, Nashville, TN  
 Violation: Misappropriation  
 Action: Placed on State Abuse Registry

Individual: Dominique Brown, Direct Care Staff and CNA, Nashville, TN  
 Violation: Neglect  
 Action: CNA Certification Revoked  
 Placed on State Abuse Registry

Individual: Patricia Collins, Direct Care Staff, Tazewell, TN  
 Violation: Physical/Verbal/Mental Abuse  
 Action: Placed on State Abuse Registry

Individual: Ken Madewell, Respite Coordinator, Nashville, TN  
 Violation: Verbal Abuse  
 Action: Placed on State Abuse Registry

Individual: Amy McDowell, a/k/a Amy Diana Barnes, Erin, TN  
 Violation: Physical Abuse  
 Action: Placed on State Abuse Registry

Individual: Christi Riddle, Supported Living Companion  
 Violation: Misappropriation  
 Action: Placed on State Abuse Registry

Individual: Lokesial Sanders, Supported Living Companion  
 Violation: Neglect  
 Action: Placed on State Abuse Registry

Individual: Brenda Smith, Direct care and CNA, Waynesboro, TN  
 Violation: Mentall Abuse  
 Action: CNA Certification Revoked  
 Placed on State Abuse Registry

Individual: Gabriel Swope, Collegedale, TN  
 Violation: Physical Abuse  
 Action: Placed on State Abuse Registry

Individual: Christeen Taylor, Developmental Technician, Nashville, TN  
 Violation: Physical Abuse  
 Action: Placed on State Abuse Registry

Individual: Hazel Weems, Supported Living Companion, Greeneville, TN  
 Violation: Verbal and Physical Abuse, Neglect  
 Action: Placed on State Abuse Registry

###