

STATE OF TENNESSEE
DEPARTMENT OF HEALTH

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SECRETARY OF STATE

IN THE MATTER OF:)
)
VALERIE LOUISE AUGUSTUS, M.D.)
RESPONDENT)
)
)
GERMANTOWN, TENNESSEE)
TENNESSEE LICENSE NO. 28298)

BEFORE THE TENNESSEE BOARD
OF MEDICAL EXAMINERS

DOCKET NO: 17.18-138134A

AMENDED FINAL ORDER

This matter came to be heard before the Tennessee Board of Medical Examiners (hereinafter the "Board") on January 22, 2018, January 24, 2018, March 19, 2018, and March 21, 2018, and April 23, 2018, pursuant to a Notice of Charges and Memorandum for Assessment of Civil Penalties issued against Respondent. Presiding at the hearing was the Honorable Thomas G. Stovall, Administrative Judge, assigned by the Secretary of State. The Division of Health Related Boards of the Tennessee Department of Health was represented by Paetria P. Morgan, Esq., Assistant General Counsel. Respondent, Valerie Louise Augustus, M.D., (hereinafter "Respondent"), was represented by counsel, Darrell E. Baker, Esq. After consideration of the Notice of Charges, the evidence presented by both parties, arguments of counsel, and the record as a whole, the Board finds as follows:

I. FINDINGS OF FACT

- I. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor in the State of Tennessee, having been granted Tennessee medical license number 28298

by the Board on June 14, 1996. Respondent's license currently has an expiration date of February 28, 2020.

2. From on or about February 26, 2015, to on or about August 24, 2015, Respondent treated patient P. T. for recurrent major depression. The psychosocial background section of P.T.'s initial treatment note includes a history of physical abuse. Additionally, the Respondent repeatedly notated in the treatment notes that P.T. experienced suicidal ideation. During the July 20, 2015, appointment, the Respondent made contact with P.T. on the buttocks with a riding crop.
3. Respondent has made contact with other mental health patients with a riding crop, whip, or other object.
4. Respondent has had both a riding crop and a whip displayed in her office. Additionally, the Respondent compared her patients to mules.
5. There's no evidence in psychiatric literature to support the use of touching a patient with an implement as part of treatment; this is supported by the A.P.A.'s commentary on ethics and practice.
6. Medical students observed the Respondent use an implement to make contact with a patient.

II. CONCLUSIONS OF LAW

7. The allegations of fact in Section I, paragraphs two (2) through six (6), *supra*, constitute unprofessional and unethical conduct in violation of TENN. CODE ANN. §63-6-214(b)(1).

8. The allegations of fact in Section I, paragraphs two (2) and three (3), *supra*, constitute ignorance, negligence, or incompetence in the course of medical practice, which is grounds for disciplinary action against Respondent's license to practice as a medical doctor in the State of Tennessee pursuant to TENN. CODE ANN. §63-6-214(b)(4).

9. The Respondent has violated the standard of care as referenced in paragraph five (5), *supra*, also constituting grounds for disciplinary action against the Respondent's license to practice as a medical doctor in the State of Tennessee pursuant to TENN. CODE ANN. §63-6-214(b)(4).

III. POLICY STATEMENT

The Board finds Respondent guilty of violating the Tennessee Medical Practice Act. We feel that the discipline imposed against the Respondent's license is to ensure she obtains a mental health finding that demonstrates that she is fit to safely practice psychiatry and is appropriate and necessary to protect the health, safety and welfare of the people in Tennessee.

IV. ORDER

THEREFORE, in consideration of the above Findings of Fact and Conclusions of Law, it is **ORDERED, ADJUDGED, and DECREED** as follows:

10. Respondent's Tennessee Medical License, No. 28298, is hereby **SUSPENDED**, effective thirty (30) days from the effective date of this Order, for not less than sixty (60) days and until:

- a. Respondent undergoes an assessment with the Vanderbilt Comprehensive Assessment Program (VCAP) regarding her ability to safely practice psychiatry. Respondent must follow all recommendations from the VCAP assessment; and
- b. Respondent enrolls in the two (2) day medical course entitled "*Medical Ethics, Boundaries & Professionalism*" offered at The Case Western Reserve University Continuing Medical Education Program at The Case Western Reserve University School of Medicine located in Cleveland, Ohio, or an equivalent course approved in advance by the Board's Medical Consultant.

If the VCAP assessment finds that Respondent may safely continue to practice psychiatry, the Respondent may present those findings and recommendations to the Board or its Consultant and petition the Board for an Order of Compliance to lift the suspension. Respondent must appear in person before the Board to answer any questions the Board has and to present any documentation the Board may require, and must satisfy the Board of her ability to safely and professionally practice medicine in Tennessee.

11. Upon successful petition for an Order of Compliance lifting the suspension, Respondent's license shall be placed on **PROBATION** for a period no less than three (3) years.
12. During the suspension and probationary period, Respondent shall not serve as a supervising physician or substitute supervising physician.
13. During this term of probation, Respondent shall maintain good and lawful conduct, and any violation of law that relates to the practice of medicine or Respondent's ability to safely and competently practice medicine will be a violation of the terms of this Order.

14. Respondent shall pay ten (10) "Type A" civil penalties in the amount of one thousand dollars (\$1,000.00) each representing one penalty for every patient that the Respondent hit with a riding crop, whip, or other object, for a total assessment of ten thousand dollars (\$10,000.00). This civil penalty shall be paid in full and sent to the address listed below within sixty (60) days of the effective date of this Order.
15. Respondent shall pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-02-.12(1)(j) of the *Official Compilation Rules and Regulations of the State of Tennessee*, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed by the Office of Investigations, Secretary of State, Administrative Procedures Division as well as the Office of General Counsel. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be fifty thousand dollars (\$50,000.00). Any and all costs shall be paid in full within one hundred and twenty (120) days from the issuance of the Assessment of Costs by submitting a certified check, cashier's check, or money order payable to the **State of Tennessee**, which shall be mailed or delivered to: **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, Nashville, Tennessee 37243**. A notation shall be placed on said check that it is payable for the costs of Valerie Louise Augustus, M.D., Docket No. 17.18-138134A.
16. Within one (1) year of the effective date of this Order, the Respondent must successfully complete the two (2) day medical course entitled "*Medical Ethics, Boundaries & Professionalism*" offered at The Case Western Reserve University Continuing Medical Education Program at The Case Western Reserve University School of Medicine located

in Cleveland, Ohio, or an equivalent course approved in advance by the Board's Medical Director. Within thirty (30) days after completion of such course, Respondent shall mail or deliver proof of compliance with this course requirement to: **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, Nashville, Tennessee 37243.** Any Continuing Medical Education (hereinafter "CME") course hours earned from attendance and completion of the course required by this paragraph shall be in addition to the CME hours required to maintain licensure.

17. At the expiration of the probationary period, Respondent becomes eligible to petition the Board for an "Order of Compliance" lifting the restrictions imposed by this Order. As part of her petition for an "Order of Compliance," Respondent shall appear personally before the Board unless waived by the Board's Medical Consultant.
18. Respondent understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (N.P.D.B.) and/or similar agency.

So ORDERED by the Tennessee Board of Medical Examiners this 2nd day of May, 2018.


Panel Chairperson
Tennessee Board of Medical Examiners

PREPARED FOR ENTRY:

Paetria P. Morgan

Paetria P. Morgan, Esq. (B.P.R. # 031772)

Assistant General Counsel

Office of General Counsel

Tennessee Department of Health

665 Mainstream Drive, 2nd Floor

Nashville, Tennessee 37243

(615) 741-1611

May 2, 2018

DATE

RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW

Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322.

CERTIFICATE OF FILING

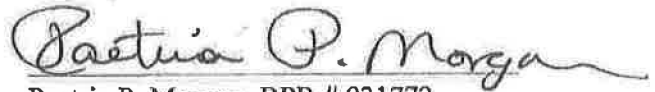
This Order was received for filing in the Office of the Tennessee Secretary of State, Administrative Procedures Division, and became effective on the 2nd day of May, 2018.


Richard Collier, Director
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, Valerie Louise Augustus, M.D., through Respondent's attorney, Darrell E. Baker, Jr., Esq., Baker & Whitt, PLLC, 6800 Poplar Avenue, Suite 205, Memphis, Tennessee 38138 by delivering same in the United States Mail, Certified Number 7016 0600 0000 6508 0867, return receipt requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination and via email to debaker@baker-whitt.com.

This 3rd day of May, 2018.



Paetria P. Morgan, BPR # 031772

Assistant General Counsel