



STATE OF TENNESSEE
DEPARTMENT OF HEALTH
OFFICE OF GENERAL COUNSEL

665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
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**CLOSING and DISTRIBUTION MEMORANDUM:
CASE DISPOSITION at a BOARD MEETING**

TO: File
FROM: Paetria P. Morgan, Senior Associate General Counsel *P.M.*
DATE: October 20, 2021
RE: Closure of Case No.: 2017032871/Docket No.: 17.18-210892A
Board of Medical Examiners
Gladys R. Gregory, M.D., License No. 35793

This case is closed pursuant to the attached Final Order. Pursuant to OGC / IOP Records Management, 10-012 eff. July 12, 2010, either this file was closed:

- a) after all protected health information was removed and secured, or
- b) after being designated to hold in the Closed File Room until the time to file an appeal has run or any appeal is over.

Pursuant to RDA 1581, the case file remains at OGC for two years, then goes to the Archive for eight years prior to destruction.

This Memo with the attached Closing Document must be electronically distributed as follows:

1.	Mary Katherine Bratton	Chief Deputy General Counsel	Yes	<input checked="" type="checkbox"/>
2.	Francine Baca-Chavez	Deputy General Counsel	Yes	<input checked="" type="checkbox"/>
3.	Paetria P. Morgan	Senior Associate General Counsel	Yes	<input checked="" type="checkbox"/>
4.	Elizabeth Danier	Disciplinary Coordinator, OI	Yes	<input checked="" type="checkbox"/>
5.	Angela M. Lawrence	Director, Board of Medical Examiners	Yes	<input checked="" type="checkbox"/>
6.	Brandi Allocco	Administrator for the Board	Yes	<input checked="" type="checkbox"/>
7.	Jamie Byerly	Director, OI	Yes	<input checked="" type="checkbox"/>
8.	Melanie Rucker	Assistant Director, OI	Yes	<input checked="" type="checkbox"/>
9.	Amy Bozzelli	Complaint Coordinator, OI	Yes	<input checked="" type="checkbox"/>
10.	Dorsey Luther	Legal Review Coordinator	Yes	<input checked="" type="checkbox"/>

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	BEFORE THE TENNESSEE BOARD OF MEDICAL EXAMINERS
)	
GLADYS REGINA GREGORY, M.D. RESPONDENT)	DOCKET NO: 17.18-210892A
)	
)	
GALLATIN, TENNESSEE TENNESSEE LICENSE NO. 35793)	

FINAL ORDER

This matter came to be heard before the Tennessee Board of Medical Examiners (hereinafter the "Board") on September 22, 2021, pursuant to a Notice of Charges and Memorandum for Assessment of Civil Penalties issued against Respondent. Presiding at the hearing was the Honorable Richard M. Murrell, 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. and Jessica L. Turner, Esq. Respondent, Gladys Regina Gregory, M.D., (hereinafter "Respondent") was represented by James Edwards, Esq. After consideration of the Notice of Charges, the evidence presented by both parties, 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

35793 by the Board on October 9, 2001. Respondent's license currently has an expiration date of May 31, 2023.

2. Respondent offered discounts to patients in exchange for recruitment of other patients

II. CONCLUSIONS OF LAW

The Findings of Fact are sufficient to establish that grounds for discipline of Respondent's medical license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Medical Practice Act, TENN. CODE ANN. § 63-6-101, *et seq.* and TENN. COMP. R. & REGS., 0880-1-.01, *et seq.* for which disciplinary action before and by the Board is authorized:

3. The fact in paragraph two (2), *supra*, constitutes a violation of TENN. CODE ANN. § 63-6-214(b)(1):

Unprofessional, dishonorable or unethical conduct [.]

4. The fact in paragraph two (2), *supra*, constitutes grounds for disciplinary action against Respondent's license to practice as a medical doctor in the State of Tennessee pursuant to TENN. COMP. R. & REGS., Rule 0880-02-.14(8):

Code of Ethics – The Board adopts, as if fully set out herein and to the extent that it does not conflict with state law, rules or Board Position Statements, as its code of medical ethics the “Code of Medical Ethics” published by the A.M.A. Council on Ethical and Judicial Affairs as it may, from time to time, be amended.

(a) In the case of a conflict the state law, rules or position statements shall govern. Violation of the Board's code of ethics shall be grounds for disciplinary action pursuant to T.C.A. § 63-6-214(b)(1).

Code of Medical Ethics of the American Medical Association, as articulated in Opinion 9.6.3- Incentives to Patients for Referrals:

Endorsement by current patients can be a strong incentive to direct new patients to a medical practice and physicians often rely on word of mouth as a source of referrals. However, to be ethically appropriate, word-of-mouth referrals must be voluntary on the part of current patients and should reflect honestly on the practice.

Physicians must not offer financial incentives or other valuable incentives to current patients in exchange for recruitment of other patients. Such incentives can distort the information patients provide and skew the expectations of prospective patients, thus compromising the trust that is the foundation of patient-physician relationships.

III. POLICY STATEMENT

The Tennessee Board of Medical Examiners takes this action in order to protect the health, safety and welfare of people in the State of Tennessee.

IV. ORDER

NOW THEREFORE, the Board orders the following:

5. The Tennessee medical license of Gladys Regina Gregory, M.D. license number 35793, is hereby issued a **LETTER OF WARNING**.
6. Respondent shall pay one (1) "Type B" civil penalty in the amount of five hundred dollars (\$500.00), representing a penalty for the violation described in paragraph two (2) of this Order. This civil penalty shall be paid in full and sent to the address listed below within thirty (30) days of the effective date of this Order.
7. Respondent must enroll in and successfully complete within one (1) year of the effective date of this Order, 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. 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.

8. Respondent must pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-02-.12(1)(j), 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 twenty thousand dollars (\$20,000.00).
9. Any and all costs shall be paid in full within sixty (60) 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, 2nd Floor, Nashville, Tennessee 37243.** A notation

shall be placed on said check that it is payable for the costs and civil penalties of Gladys Regina Gregory, M.D., Case No. 2017032871.

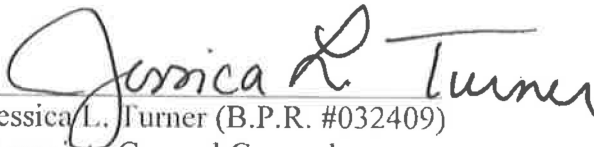
10. Failure to comply with any of the terms of this Order shall be considered a Board Order violation, which may result in further discipline against Respondent pursuant to T.C.A. § 63-6-214(b)(2).

So **ORDERED** by the Tennessee Board of Medical Examiners this 22nd day of September, 2021.



Panel Chairperson
Tennessee Board of Medical Examiners

PREPARED FOR ENTRY:



Jessica L. Turner (B.P.R. #032409)
Associate General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611

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 nearest to the place of residence of the person contesting the agency action or alternatively, at the person's discretion, in the chancery court nearest to the place where the cause of action arose, or 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 22 day of September, 2021.


Stephanie Shackelford, 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, Gladys Regina Gregory, M.D., through counsel James Edwards, Esq., Corley Henard Lyle Levy & Langford, 177 East Main Street. Lancaster Bldg, Ste. 4, Hendersonville. Tennessee 37075 by delivering same in the United States Mail, Certified Number 7021 0950 0001 8066 5288, return receipts requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination and via email to lawyerjim41@gmail.com.

This 23rd day of September 2021.


Jessica L. Turner
Associate General Counsel

TN SOS-APD Wed, Sep 22, 2021 05:30 PM : 7 of 7 pages received



STATE OF TENNESSEE DEPARTMENT OF HEALTH
Bureau of Health Licensure and Regulation
Division of Health Related Boards
665 Mainstream Drive
Nashville, TN 37243

BILL LEE
GOVERNOR

LISA M. PIERCEY, MD, MBA, FAAP
COMMISSIONER

BOARD OF MEDICAL EXAMINERS

October 13, 2021

Gladys R. Gregory
113 Trail Drive
Gallatin, TN 37066

Re: **Letter of Warning**

Dear Dr. Gregory:

As you are aware, a panel of the Board of Medical Examiners heard a matter related to discipline of your medical license on September 22, 2021. During the hearing, the Board found that you offered discounts to patients in exchange for recruitment of other patients.

It is the position of the Board that your conduct in this matter constitutes a violation of T.C.A. § 63-6-214(b)(1), Tenn. Comp. R. & Regs., Rule 0880-02-.14(8), and the Code of Medical Ethics of the American Medical Association Opinion 9.6.3. Specifically, the Board heard testimony that you developed a referral program that would allow your clients to receive discounted services in exchange for new patient referrals. While no testimony was provided to substantiate who drafted the program referral flyers, you admitted through your own testimony to approving the documents prior to their placement on a table in the lobby used for patient news and advertisements. Although you denied personally handing the flyers for these programs to patients, the Board found that your actions clearly constituted an "offer" within the meaning of the Code of Medical Ethics which prohibits a physician from offering "financial incentives or other valuable incentives to current patients in exchange for recruitment of other patients." Finally,

although the Board agrees that there is no evidence of actual patient harm as a result of your actions, there is no requirement that actual patient harm occur. Instead, the violation is the mere offering of the discounted services, regardless of a physician's intentions.

As a reminder, in addition to this letter of warning, the Board has also entered an Order in this matter which, under federal law, will be reported to the National Practitioner Data Bank as formal discipline. This Order required the following:

- 1) Respondent shall pay one (1) "Type B" civil penalty in the amount of five hundred dollars (\$500.00), representing a penalty for the violation described in paragraph two (2) of this Order. This civil penalty shall be paid in full and sent to the address listed below within thirty (30) days of the effective date of this Order.
- 2) Respondent must enroll in and successfully complete within one (1) year of the effective date of his Order, 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. 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.
- 3) Respondent must pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-02-.12(1) (j), 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 twenty thousand dollars (\$20,000.00).
- 4) Failure to comply with any of the terms of this Order shall be considered a Board Order violation, which may result in further discipline against Respondent pursuant to T.C.A. § 63-6-214(b)(2).

While this letter itself is not considered formal discipline and will not be made public, you are **ADMONISHED** that any further allegations relating to use of incentives to obtain new patients may result in additional or harsher discipline.

Sincerely,



Panel Chairperson
Tennessee Board of Medical Examiners