

Respondent, Glenn R. Yank, M.D., by his signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions, and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. Respondent acknowledges that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (hereinafter "NPDB") and/or a similar agency. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

I. STIPULATIONS OF FACT

1. 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 29465 by the Board on August 18, 1988.

2. The Department conducted an investigation that included the review of ten (10) patient records prepared and kept by Respondent.
3. Between October 2007 and January 2015, Respondent provided treatment for chronic pain to patients while failing to document all elements needed to justify the prescribing in the patients' charts.
4. Respondent prescribed controlled substances and other medication for the treatment of chronic pain without documenting a written treatment plan for the use of controlled substances and other medications.
5. Respondent failed to acquire urine drug screens or employ additional methodologies, other than patient interviews and review of the CSMD, to detect appropriate and/or inappropriate controlled substance use by patients. Respondent failed to document informing patients of the possible harmful effects of certain medication combinations.

II. GROUNDS FOR DISCIPLINE

The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent's medical license exist. Specifically, Respondent has violated the following provisions of the Tennessee Medical Practice Act (TENN. CODE ANN. § 63-6-101, *et seq.*) and/or the Rules and Regulations promulgated by the Board and recorded in the Official Compilation Rules and Regulations of the State of Tennessee (hereinafter, "TENN. COMP. R. & REGS.") for which disciplinary action before and by the Board is authorized:

6. The facts stipulated in paragraphs three (3) through five (5), *supra*, constitute a violation of TENN. COMP. R. & REG. RULE 0880-2-.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.

7. The facts stipulated in paragraphs three (3) through five (5), *supra*, constitute a violation of TENN. COMP. R. & REG. RULE 0880-2-.14 (7)(a):

Except as provided in subparagraph (b), it shall be a prima facie violation of T.C.A. § 63-6-214 (b) (1), (4), and (12) for a physician to prescribe or dispense any drug to any individual, whether in person or by electronic means or over the Internet or over telephone lines, unless the physician, or his/her licensed supervisee pursuant to appropriate protocols or medical orders, has first done and appropriately documented, for the person to whom a prescription is to be issued or drugs dispensed, all of the following:

1. Performed an appropriate history and physical examination; and
2. Made a diagnosis based upon the examinations and all diagnostic and laboratory tests consistent with good medical care; and
3. Formulated a therapeutic plan, and discussed it, along with the basis for it and the risks and benefits of various treatments options, a part of which might be the prescription or dispensed drug, with the patient; and
4. Insured availability of the physician or coverage for the patient for appropriate follow-up care.

II. 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, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

8. The Tennessee medical license of Glenn R. Yank, M.D., license number 29465, is hereby **REPRIMANDED**.

9. At any time in the future, while licensed by the Tennessee Board of Medical Examiners, Respondent shall not provide treatment, other than indicated psychiatric services, for any patients for chronic non-malignant pain and shall not prescribe any medications other than indicated antidepressants and anticonvulsants for the treatment of chronic non-malignant pain. This restriction shall not be construed to prevent Respondent from prescribing benzodiazepines for treatment of diagnosed conditions in the specialty of psychiatry for which they are indicated.
10. During the term of the monitoring agreement, Respondent shall refer all patients requiring opiates or opioids listed in Schedule II-IV to other providers for receipt of opioid therapy. The practice monitor's quarterly report set forth in paragraph 13 must include a CSMD printout showing any opioids prescribed by the Respondent during the reporting period. Failure to refer such patients to other providers shall constitute a violation of this Order.
11. Respondent shall enter into a monitoring agreement with Affiliated Monitors, Inc. that continues for a period of three (3) years. Respondent shall not have less than ten (10) of his patients' records for patients seen within the prior ninety (90) days receiving controlled substances reviewed by Affiliated Monitors every ninety (90) days. Affiliated Monitors shall determine which records to review and may at its discretion review more than ten (10) of the Respondent's controlled substance records. If Respondent has not prescribed any controlled substances during a prior ninety (90) day period, Respondent shall certify such to the practice monitor, and submit to the practice monitor a printout of the controlled substance monitoring database for at least the prior ninety (90) day period. Respondent shall provide a printout of the controlled substance monitoring database for

at least the prior ninety (90) day period and provide that printout to Affiliated Monitors so that it may verify that Respondent has not prescribed any opiates or opioids listed on Schedule II-IV. The practice monitoring shall be a records-review only and the practice monitor is not required to be present during any patient examination, diagnosis, or procedure. In addition, Respondent does not need the second opinion of the practice monitor before diagnosing or treating any patient.

12. Respondent shall comply with all recommendations of the practice monitor program, including, but not limited to any recommendations regarding additionally needed education.
13. Respondent shall cause the practice monitor to issue a report to the Board's Medical Director every three months beginning three months after the entry of this Order detailing the findings of the practice monitor in regards to the Respondent's:
 - a. Compliance with practice monitor's recommendations,
 - b. Respondent's prescribing practices, and
 - c. Respondent's medical record keeping.
14. Respondent shall be responsible for the timely payment of all costs associated with the agreement between himself and Affiliated Monitors, Inc.
15. Within six (6) months of the entry of this Order, Respondent must enroll in and successfully complete the two (2) day medical course entitled "PBI Medical Record Keeping" offered by Professional Boundaries, Inc., an educational partner with University of California, Irvine School of Medicine, and held in Atlanta, GA, or an equivalent course pre-approved 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, 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.

16. Respondent is assessed and must pay, pursuant to TENN. CODE ANN. §63-6-214 and TENN. COMP. R. & REGS. Rule 0880-02-.12(1)(h), ten (10) Type "A" Civil Penalties, representing the ten patients whom Respondent treated with opioids, in the amount of one thousand dollars (\$1,000.00) each for a total Civil Penalty of **ten thousand dollars (\$10,000.00).**
17. Respondent must pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and TENN. COMP. R. & REGS. 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 against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Division. The maximum amount for the assessment of costs shall be Twenty Thousand Dollars (\$20,000).
18. Respondent's failure to comply with any of the conditions of this Order shall constitute a violation of this Order which shall constitute grounds for further discipline.
19. Respondent understands that this is a formal disciplinary action and will be reported to the NPDB and/or similar agency.

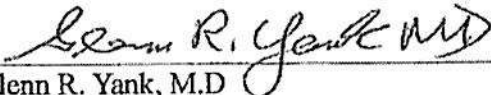
IV. NOTICE

20. Any and all civil penalties and costs shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs. Payment shall be made in equal monthly installments by the fifth day of each month until paid in full, with payments to commence the fifth day of the month immediately following the issuance of the Assessment of Costs. Respondent may pay the civil penalties and costs in-full, without penalty, at any time within twelve (12) months from the issuance of the Assessment of Costs. Payment shall be made by **certified check, cashier's check, or money order**, payable to the **State of Tennessee, Department of Health**. Any and all payments shall be forwarded to the **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 money order or such check that it is payable for the Civil Penalty and Costs of **Glenn R. Yank, M.D., Case No. 201401198**.

This **CONSENT ORDER** was approved by a majority of a quorum of the Tennessee Board of Medical Examiners at a public meeting of the Board and signed this 16th day of November, 2016.


Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:



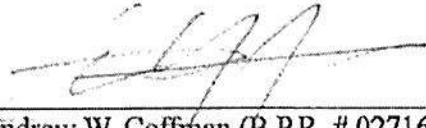
Glenn R. Yank, M.D.
Respondent
Tennessee License Number 29465

11/12/2016
DATE



Samuel P. Helmreich (B.P.R. # 023683)
Attorney for Respondent
Watkins & McNeilly, PLLC
214 Second Avenue North, Suite 300
Nashville, TN 37201

11/14/16
DATE




Andrew W. Coffman (B.P.R. # 027160)
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243

11/17/16
DATE

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 16 day of November 2016.

A handwritten signature in cursive script that reads "J. Richard Collier" followed by a stylized flourish.


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 the below counsel, by delivering the same via first class United States Mail to the following address:

Samuel P. Helmbrecht, Esq.
Watkins & McNeilly, PLLC
214 Second Avenue North, Suite 300
Nashville, TN 37201

This 17 day of November, 2016.



Andrew W. Coffman
Assistant General Counsel
Tennessee Department of Health