

**STATE OF TENNESSEE  
DEPARTMENT OF HEALTH**

<b>IN THE MATTER OF:</b>	)	<b>BEFORE THE TENNESSEE BOARD</b>
	)	<b>OF MEDICAL EXAMINERS</b>
<b>RICHARD G. FARMER, M.D.</b>	)	
<b>RESPONDENT</b>	)	<b>CASE NO. 2018055821</b>
	)	
<b>MEMPHIS, TENNESSEE</b>	)	
<b>TENNESSEE LICENSE NO. 3897</b>	)	

**CONSENT ORDER**

Comes now the Division of Health Related Boards of the Tennessee Department of Health (hereinafter "Department"), by and through the Office of General Counsel, and Respondent, Richard G. Farmer, M.D. (hereinafter "Respondent"), by and through counsel, and respectfully move the Tennessee Board of Medical Examiners (hereinafter "Board") for approval of this Consent Order affecting Respondent's medical license in the State of Tennessee and resolving the pending matter before the Board.

The Board is responsible for the regulation and supervision of medical doctors licensed to practice in the State of Tennessee, as set forth in the Tennessee Medical Practice Act. Tenn. Code Ann. § 63-6-101, et seq. It is the policy of the Board to require strict compliance with the laws of this State and apply the laws to preserve the quality of medical care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Medical Practice Act in such a manner to promote and protect the public health, safety, and welfare in every practicable way, including disciplining medical doctors who violate the provisions of Tenn. Code Ann. § 63-6-101, et seq. and the Rules and Regulations promulgated by the Board and recorded at Tenn. Comp. R. & Regs. 0880-02-.01, et seq.

Respondent, Richard G. Farmer, 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, he is allowing the Board to issue its order without further process. Respondent acknowledges this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or a similar agency. In the event the Board rejects this Consent Order for any reason, it will be of no force or effect for either party, and any stipulations of fact or admissions cannot be used by any party for any purpose.

#### **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 3897 by the Board.

2. From at least January 1, 2012 until at least April 11, 2019, Respondent owned and operated a medical practice in Memphis, Tennessee, with the most recent address of that practice located at 1355 Lynnfield Road, Suite 158, Memphis, Tennessee 38119.

3. At all times pertinent herein, the Respondent represented that the primary focus of his clinic was to provide psychiatric services to patients in general and specifically to provide medication-assisted treatment services to patients for opioid addiction. At no time, however, was Respondent's clinic a licensed nonresidential office-based opiate treatment facility (hereinafter "OBOT").

4. At all times pertinent herein, Respondent provided chronic pain management to multiple patients. In addition to providing chronic pain management to patients, Respondent also provided addiction treatment for multiple patients, some of whom were patients who also received chronic pain management care from Respondent. As a result of its review of twenty-one (21) of Respondent's patient charts, the Department concluded that evidence existed that Respondent's prescribing practices for controlled substances fell below the applicable standard of care.

5. The Respondent was indicted on April 11, 2019 in the United States District Court for the Western District of Tennessee. A copy of the Superseding Indictment, filed on September 26, 2019, is attached as Exhibit 1 to this Order and its contents are adopted the same as if copied herein verbatim. The Respondent disputes the allegations of the Superseding Indictment. A jury found the Respondent guilty of counts 1, 3, and 4 of the Superseding Indictment. A copy of the jury's Verdict Form is attached hereto as Exhibit 2, the contents of which are adopted the same as if copied herein verbatim. The Respondent disputes the jury's

verdict on counts 1, 3, and 4 of the Superseding Indictment, but acknowledges that this is an accurate reflection of the results of his criminal jury trial.

6. Respondent disputes the Department's allegations set-forth in Paragraphs 4 and 5 herein above. Solely for the purpose of resolving this matter, however, Respondent acknowledges that evidence exists that, if proven, could enable the trier of fact to conclude that the allegations set-forth in Paragraphs 4 and 5 are true.

## **II. Grounds for Discipline**

The facts as set forth in the Stipulations of Fact, if proven, are sufficient to allow the Board to conclude that discipline of the Respondent's medical license is appropriate. Specifically, solely for the purpose of resolving this matter, the Respondent acknowledges that facts exist which, if proven, would allow the Board to determine that he has violated the following statutes or rules which are part of the Tennessee Medical Practice Act (Tenn. Code Ann. § 63-6-101, et seq.), for which disciplinary action before and by the Board is authorized:

7. Tenn. Code Ann. § 63-6-214(b)(1) which authorizes disciplinary action against a Respondent who has engaged in unprofessional conduct.

8. Tenn. Code Ann. § 63-6-214(b)(4) which authorizes disciplinary action against a Respondent who is guilty of ignorance, negligence, or incompetence in the course of medical practice.

9. Tenn. Code Ann. § 63-6-214(b)(12) which authorizes disciplinary action against a Respondent who is guilty of dispensing, prescribing, or otherwise distributing any controlled substance or 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.

10. Tenn. Comp. Reg. & R. 0880-02-.14(7)(a) promulgated by the Tennessee State Board of Medical Examiners which authorizes disciplinary action as follows:

(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.

11. Tenn. Comp. Reg. & R. 0880-02-.15(4)(d), which authorizes disciplinary action as follows:

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 T.C.A. § 63-2101(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.

### **III. Policy Statement**

The Tennessee Board of Medical Examiners takes this action to protect the health, safety, and welfare of the citizens of the State of Tennessee by ensuring physicians safely prescribe controlled substances in an informed and knowing manner. Furthermore, this action is taken to ensure physicians are vigilant in looking for and recognizing signs of aberrant behavior and

substance dependence, thereby protecting the public.

#### IV. Order

NOW THEREFORE, Respondent, while not admitting any fault, for the sole purpose of avoiding further administrative action with respect to this cause, agrees to the following:

12. The Tennessee medical license of Richard G. Farmer, M.D., license number 3897, is hereby **SURRENDERED the same as if REVOKED** effective the date of entry of this Consent Order by the Board.

13. Respondent is **PERMANENTLY PROHIBITED** from applying for a new medical license or for reinstatement of his revoked medical license.

14. Respondent must pay, pursuant to Tenn. Code Ann. § 63-6-214(k) and Tenn. Comp. R. & Regs. 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 Forty Thousand and No/100 Dollars (\$40,000.00). Any and all costs shall be paid in full within one hundred eighty (180) days from the issuance of the Assessment of Costs unless Respondent makes arrangements for a payment plan approved by the Disciplinary Coordinator.

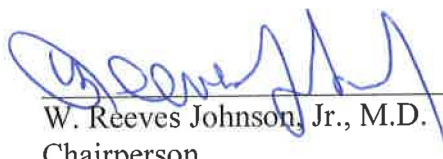
12. Respondent understands this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or a similar agency.

#### V. Notice

13. Any and all costs shall be paid in full, unless Respondent makes arrangements for a payment plan approved with the Disciplinary Coordinator, by submitting **certified checks**,

cashier's checks, or money orders 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, 2<sup>nd</sup> Floor, Nashville, Tennessee 37243**. A notation shall be placed on said check that it is payable for the civil penalties and costs of **Richard G. Farmer, M.D., case no. 2018055821**.

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 25<sup>th</sup> day of March, 2020.



W. Reeves Johnson, Jr., M.D.  
Chairperson  
Tennessee Board of Medical Examiners