

STATE OF TENNESSEE DEPARTMENT OF HEALTH

IN THE MATTER OF:

RAJU V. INDUKURI M.D.,
TENNESSEE LICENSE NO. 28138,
NASHVILLE, TENNESSEE

RESPONDENT

)
) BEFORE THE TENNESSEE BOARD
) OF MEDICAL EXAMINERS
)
) COMPLAINT NOS. 2019055551
) 2021011891
)
)
)

CONSENT ORDER

Comes now the Division of Health Related Boards of the Tennessee Department of Health (hereinafter the "Division"), by and through the Office of General Counsel, and Respondent, James Raju Venkata Indukuri, M.D., (hereinafter "Respondent"), who would respectfully move the Tennessee Board of Medical Examiners (hereinafter the "Board") for approval of this Consent Order affecting Respondent's medical license in the State of Tennessee.

The Board is responsible for the regulation and supervision of medical doctors licensed to practice in the State of Tennessee. *See* Tennessee Medical Practice Act, Tennessee Code Annotated Section (hereinafter "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 to apply the laws so as 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 as to promote and protect 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.* 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.").

Respondent, Raju V. Indukuri, 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 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 28138 by the Board on August 9, 1996, which has a current expiration date of June 6, 2024.

2. From at least 2010 to the present, Respondent has treated multiple patients both in person and by telemedicine in Nashville, Tennessee.
3. The Department conducted an investigation of Respondent's practices that included the review of thirty-three (33) of the patient records prepared and kept by Respondent.
4. Respondent provided treatment that included prescribing benzodiazepines, buprenorphine, and other medications and controlled substances in amounts and/or durations not medically necessary, advisable, or justified for a diagnosed condition.
5. Respondent prescribed controlled substances used for the treatment of anxiety in conjunction with other medications with a high potential for abuse without making a clear objective finding to justify the ongoing and increasing prescribing.
6. Respondent prescribed controlled substances without documenting that he reviewed the Controlled Substance Monitoring Database (CSMD).
7. Respondent prescribed controlled substances and other medication without obtaining a thorough history or adequately inquiring into the patients' potential substance abuse history and/or failing to document such history.
8. Respondent prescribed benzodiazepines and/or other controlled substances to persons when the quantity, duration and method was such that the persons would likely become addicted to the habit of taking said controlled substances and failed to make a bona fide effort to cure the habit of such persons or failed to document any such effort.

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 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:

11. The facts stipulated in paragraphs 2 through 8, *supra*, constitute a violation of Tenn. Code Ann. § 63-6-214(b)(1):

Unprofessional, dishonorable or unethical conduct.

12. The facts stipulated in paragraphs 2 through 8, *supra*, constitute a violation of Tenn. Code Ann. § 63-6-214(b)(4):

Gross health care liability or a pattern of continued or repeated health care liability, ignorance, negligence or incompetence in the course of medical practice.

13. The facts stipulated in paragraphs 2 through 8, *supra*, constitute a violation of Tenn. Code Ann. § 63-6-214(b)(12):

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.

14. The facts stipulated in paragraphs 2 through 8, *supra*, constitute a violation of Tenn. Code Ann. § 63-6-214(b)(13):

Dispensing, prescribing or otherwise distributing to any person a controlled substance or 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.

15. The facts stipulated in paragraphs 2 through 8, *supra*, constitute a violation of Tenn. Code Ann. § 63-6-214(b)(14):

Dispensing, prescribing or otherwise distributing any controlled substance, controlled substance analogue or other drug to any person in violation of any law of the state or of the United States.

16. The facts stipulated in paragraphs 2 through 8 *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.

17. The facts stipulated in paragraphs 2 through 8, *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.

18. The facts stipulated in paragraph six (6), *supra*, constitute a violation of Tenn. Code Ann. § 53-10-310(e)(1)-(2):

(1) When prescribing a controlled substance, all healthcare practitioners, unless otherwise exempted under this part, shall check the controlled substance database prior to prescribing one (1) of the controlled substances identified in subdivision (e)(4) to a human patient at the beginning of a new episode of treatment and shall check the controlled substance database for that human patient at least annually when that prescribed controlled substance remains part of the treatment. An authorized healthcare practitioner's delegate may check the controlled substance database on behalf of the healthcare practitioner. A new episode of treatment means a prescription for a controlled substance that has not been prescribed by that healthcare practitioner within the previous twelve (12) months.

(2) When dispensing a controlled substance, all healthcare practitioners, unless otherwise exempted under this part, shall check the controlled substance database prior to dispensing one (1) of the controlled substances identified in subdivision (e)(4) to a human patient the first time that patient is dispensed a controlled substance at that practice site. The dispenser shall check the controlled substance

database again at least once every twelve (12) months for that human patient after the initial dispensing. The initial dispensing check fulfills the first annual check. An authorized healthcare practitioner's delegate may check the controlled substance database on behalf of the healthcare practitioner.

III. POLICY STATEMENT

The Tennessee Department of Health 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:

19. The Tennessee medical license of Raju V. Indukuri, M.D., license number 28138, is hereby placed on **PROBATION** for a period of not less than **three (3) years** and until Respondent has completed the requirements in paragraphs 20 through 25. Respondent must petition for an Order of Compliance and appear personally before the Board for the probation of Respondent's license to be lifted. Respondent acknowledges that such probation is an encumbrance on his license.
20. Respondent is prohibited from collaborating with any Advanced Practice Registered Nurse or Physician Assistant while his license is on probation and thus encumbered. Respondent shall notify any and all midlevel practitioners, including but not limited to Advanced Practice Registered Nurses and Physician Assistants, with which Respondent collaborates, of Respondent's probationary status and inability to serve as a collaborating physician.

Within five (5) days of this order Respondent shall submit proof to the Board's Disciplinary Coordinator that any such practitioners have been informed of this discipline.

21. Respondent agrees that he shall not prescribe opioids, including Buprenorphine, Suboxone, and Subutex, for a period of at least six (6) months from the date of entry of this Consent Order. While this restriction is in effect, it shall constitute an encumbrance of Respondent's license.
 - a. Respondent shall not be eligible to act as medical director of a pain management clinic, as defined in Tenn. Code Ann. § 63-1-301(4), during the period that Respondent's license is encumbered.
 - b. At the expiration of the six (6) month period, and after Respondent has provided proof to the Disciplinary Coordinator that he has completed the coursework requirements in paragraph 22, below, Respondent may petition the Board to lift the restriction on prescribing of opioids on his license imposed by this Consent Order. The Board shall lift the restriction on prescribing opioids provided that Respondent has provided proof of his compliance with the restriction and of his successful completion of the coursework described in paragraph 22 of this Consent Order. Upon the lifting of this restriction, Respondent's license shall be unencumbered.
22. Within six (6) months of the date this Consent Order is approved by the Board, Respondent must:
 - a. Successfully complete the medical course titled "*Intensive Course in Medical Documentation: Clinical, Legal and Economic Implications for Healthcare Providers*" offered by the Case Western Reserve University Continuing Medical Education Program at Case Western Reserve University School of Medicine

located in Cleveland, Ohio, or an equivalent course approved in advance in writing by the Board's Medical Director, and 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, TN 37243**. Respondent may also deliver proof of compliance with this course requirement by email to **disciplinary.coordinator@tn.gov**. Any Continuing Medical Education ("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.

- b. Successfully complete the medical course titled "*Prescribing Controlled Drugs: Critical Issues and Common Pitfalls*" offered by Vanderbilt University Medical Center or an equivalent course approved in advance in writing by the Board's Medical Director, and 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, TN 37243**. Respondent may also deliver proof of compliance with this course requirement by email to **disciplinary.coordinator@tn.gov**. Any 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.
- c. Respondent's failure to submit proof of his completion of the course requirements described this paragraph within six (6) months of the date this Consent Order is approved by the Board shall constitute a violation of the terms of this Consent Order and may subject Respondent to additional disciplinary action by the Board.

23. Respondent is assessed and must pay, pursuant to Tenn. Code Ann. §63-6-214 and Rule 0880-02-.12(1)(h) of the Official Compilation Rules and Regulations of the State of Tennessee, eight (8) Type "A" Civil Penalties in the amount of five hundred dollars (\$500.00) each for a total Civil Penalty of **Four Thousand Dollars (\$4,000.00)**.
24. Respondent must 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 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 fifteen thousand dollars (\$15,000.00).
25. For the duration of time that Respondent's license is on probation, Respondent shall obtain Practice Monitoring through a psychiatrist (hereinafter "Practice Monitor"), Dr. Sricharan Moturi, 321 Billingsley, Franklin, Tennessee 37067, (615) 678-7839 (telephone). Dr. Moturi, as the Practice Monitor, shall review Respondent's prescribing practices, particularly for controlled substances, as follows:
 - i. The monitoring shall continue for the duration that Respondent's license is on probation, unless Respondent retires his medical license before the expiration of three (3) years.
 - ii. Respondent shall receive additional training in appropriate prescribing of controlled medication and medical record keeping, if recommended by the

Practice Monitor Practice Monitor. Said instruction shall be in addition to any continuing medical education required to maintain licensure.

- iii. 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 the Practice Monitor every ninety (90) days. The Practice Monitor shall randomly determine which records to review and may at his or her 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 notify the Practice Monitor of such, and submit to the Practice Monitor a printout of the CSMD for at least the prior ninety (90) day period.
- iv. Respondent shall comply with all recommendations of the Practice Monitor.
- v. 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:

- 1. Compliance with Practice Monitor's recommendations,
- 2. Completion of any educational program prescribed by the Practice Monitor,
- 3. Respondent's prescribing practices,
- 4. Respondent's medical record keeping, and
- 5. Respondent's treatment of chronic or intractable pain.

- 26. At the expiration of the three (3) year probationary period, Respondent becomes eligible to petition the Tennessee Board of Medical Examiners for an "Order of Compliance" lifting

the restrictions imposed by this Consent Order. As part of his petition for an "Order of Compliance," Respondent shall appear personally before the Tennessee Board of Medical Examiners.


27. 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.

IV. NOTICE

28. Any and costs shall be paid in full within thirty six (36) months after the issuance of the Assessment of Costs. Payments 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 shall begin paying the civil penalties and costs within thirty (30) days of the issuance of the Assessment of Costs. Civil penalties and costs shall be paid by submitting a certified check, cashier's check, or money order payable to the State of Tennessee by mail. Proof of compliance regarding CMEs or any other submitted documents can be submitted via electronic means (e-mail) to disciplinary.coordinator@tn.gov. All disciplinary terms submitted, including CMEs, civil penalties and/or cost payments, must include Respondent's name, Raju Indukuri, M.D. case nos. 201905551 and 2021011891, on the instrument. All payments can be mailed or delivered to:

**Office of General Counsel
Attn: Disciplinary Coordinator
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, TN 37243**

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 10 day of Jan, 2023.



Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:

R. Indukuri
Raju Indukuri, M.D.
License # 28138
2900 Felecia Street., Suite 103
Nashville TN 37209

12/8/2022
DATE

Scott McDearman
Scott McDearman, BPR No. 012174
GRANT, KONVALINKA & HARRISON, PC
900 Republica Centre, 633 Chestnut Street
Chattanooga, Tennessee 37243
(423) 756-8400

12/8/2022
DATE

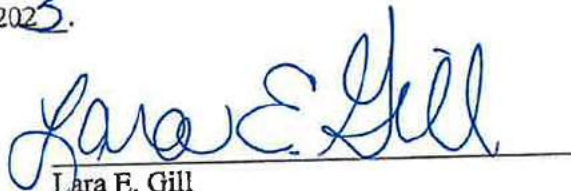
Lara Gill
Lara Gill BPR No. 026103
Senior Associate General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 253-5895

1/10/23
DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the Respondent, Raju Indukuri, M.D., 2900 Felecia ST., St 103, Nashville TN 37209, by certified mail number 7022 0410 0003 4910 9291, return receipt requested and by regular mail, with sufficient postage thereon to reach its destination, and to his attorney of record, Scott McDearman, Grant, Konvalinka and Harrison, PC, 633 Chestnut Street, Suite 900 Chattanooga, Tennessee 37450, smcdearman@gkhpc.com, via email and United States mail postage prepaid.

This 11th day of January, 2023.



Lara E. Gill
Senior Associate General Counsel
Tennessee Department of Health