

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	BEFORE THE TENNESSEE BOARD
)	OF MEDICAL EXAMINERS
DONALD D. GOLD, Jr., M.D.)	
RESPONDENT)	CASE NO: 2021020031 and
)	2022030751
)	
PARIS, TENNESSEE)	
TENNESSEE LICENSE NO. 9580)	

CONSENT ORDER

Comes now the Division of Health-Related Boards of the Tennessee Department of Health (the "Division"), by and through the Office of General Counsel, and Respondent, Donald D. Gold, M.D. ("Respondent"), who would respectfully move the Tennessee Board of Medical Examiners (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, 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* ("Tenn. Comp. R. & Regs.").

Respondent, Donald D. Gold, Jr., 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 9580 by the Board on February 20, 1976, which has a current expiration date of December 31, 2022.
2. The Department conducted an investigation that included the review of twenty-five (25) of the patient records prepared and kept by Respondent, the names of those patients whose charts were reviewed have been provided to the Respondent by separate correspondence.

3. From at least 2016 to the present, Respondent provided treatment for chronic pain to numerous patients which included prescribing large doses of narcotics and other controlled substances in amounts and/or for durations not medically necessary, and without documenting sufficient justification for such prescribing in the patients' charts.
4. The treatment Respondent provided included prescribing large doses of narcotics and other medications and controlled substances in amounts and/or for durations not medically necessary, advisable, or justified for a diagnosed condition.
5. Respondent prescribed controlled substances for his patients in escalating dosages and with the addition of other abuse potential medications, and Respondent did so without a clear objective finding of a chronic pain source/other medical condition to justify the ongoing and increasing prescribing.
6. Respondent routinely excessively prescribed Adderall to his patients in the amount of 60-120 mg per day, when the recognized maximum dose for adults is 40 mg per day, and any amounts in excess of that should only be used in rare cases.
7. Respondent failed to make appropriate, individualized diagnoses and/or failed to document adequate support for diagnoses sufficient to justify the treatment rendered and failed to integrate consultations, previous hospitalizations and other medical information into the treatment plan.
8. Respondent failed to develop, document, and monitor treatment plans for patients.
9. Respondent prescribed controlled substances and other medication without documenting a written treatment plan with regard to the use of controlled substances and other medications.
10. Respondent patient charts frequently involve handwritten notes with scant medical details.

11. Respondent prescribed narcotics 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, yet Respondent failed to make a bona fide effort to cure the habit of such persons or failed to document any such effort.
12. Respondent failed to properly or consistently monitor for or seek out and respond to signs of substance abuse on the part of his patients.
13. The treatment Respondent provided did not include providing the patient information about the risks and benefits of the drugs being prescribed.
14. Respondent provided few modalities of treatment other than the prescription of controlled substances.
15. Respondent failed to adequately counsel patients regarding anomalous urine drug screens and failed to inform patients of the possible harmful effects of certain medication combinations.
16. Specific, non-exhaustive, examples of the factual allegations found in paragraphs four (4) through fifteen (15) include:
 - a. Patient A.A. has been prescribed Xanax, Soma, and Adderall, for approximately four (4) years, without a plan to decrease or an updated rationale to continue this combination.
 - b. Several of Respondent's patients have been prescribed Xanax and Adderall simultaneously and for a long period of time without a plan to decrease or an updated rationale to continue this combination (C.B. since 2016; B.P. since 2019, A.A. since 2018, R.M.).

- c. Several of Respondent's patients have been prescribed stimulants in the amount of 60-120 mg, which is more than double the recognized maximum dosage; these patients include, but are not limited to, C.B., B.P., M.K., S.B., M.B., L.B., T.B., and K.B.
 - d. It appears there were no physical exams done after a patient's initial visit.
 - e. Even though they were referenced in Respondent's handwritten notes, the use/inclusion of medication sheets seemed to be rare amongst Respondent's patients' records, and if they happen to be used and/or included, they did not appear to be updated.
 - f. Respondent failed to use pain contracts when the prescribed medications and the length of the prescriptions would call for this controlled substance monitoring tool.
17. Respondent chose to close his practice located in Paris, TN, in November, 2022.
18. The Respondent did not refer all of his patients to other providers in a reasonable amount of time prior to closing his practice.
19. These patients were eventually referred to new providers by the Respondent.

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:

20. The facts stipulated in paragraphs three (3) through nineteen (19), *supra*, constitute a violation of Tenn. Code Ann. § 63-6-214(b)(1):

Unprofessional, dishonorable or unethical conduct.

21. The facts stipulated in paragraphs three (3) through nineteen (19), *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.

22. The facts stipulated in paragraphs three (3) through sixteen (16), *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.

23. The facts stipulated in paragraphs three (3) through sixteen (16), *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.

24. The facts stipulated in paragraphs three (3) through sixteen (16), *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.

25. The facts stipulated in paragraphs three (3) through sixteen (16), *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.
26. The facts stipulated in paragraphs three (3) through ten (10), *supra*, constitute a violation of Tenn. Comp. Reg. & R. 0880-02-.15(4)(a):

Duty to Create and Maintain Medical Records – As a component of the standard of care and of minimal competency a physician must cause to be created and cause to be maintained a medical records for every patient for whom he or she, and/or any of his or her professionally licensed supervisees, performs services or provides professional consultation.

III. POLICY STATEMENT

The Tennessee Board of Medical Examiners takes this action in order to protect the health, safety, and welfare of the citizens of the State of Tennessee by ensuring that physicians follow all legal and ethical requirements for prescribing and dispensing controlled medications and maintain appropriate records and logs.

IV. ORDER

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

27. The Tennessee medical license of Donald D. Gold, Jr., M.D., license number 9580, is hereby **VOLUNTARILY SURRENDERED, same as revocation**, effective the date of entry of this Consent Order by the Board.
28. Respondent agrees to **PERMANENTLY SURRENDER** his Drug Enforcement Administration (“DEA”) registrations for Schedules II (two) through V (five) of controlled substances and agrees to not seek reinstatement of such DEA privileges. Within seven (7) days of entry of this consent order, Respondent shall surrender any and all DEA registrations to prescribe controlled substances.
29. Respondent must pay, pursuant to Tenn. Code Ann. § 63-6-214(k) and Tenn. Comp. R. & Reg. 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 **One Thousand Dollars (\$1,000.00)**.
30. 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

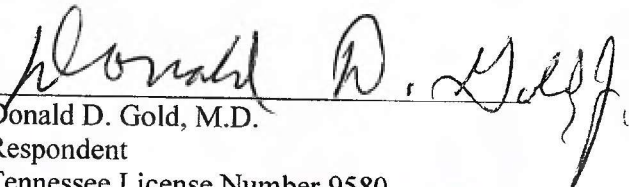
31. Any and all civil penalties and costs shall be paid in full within ninety (90) days from the issuance of the Assessment of Costs, unless a separate payment agreement is reached with the Respondent. Payment shall be made by **certified check, cashier's check, or money order**, payable to the **State 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 Donald D. Gold, M.D., Case No. 2021020031 and 2022030751.

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 24th day of January, 2023.

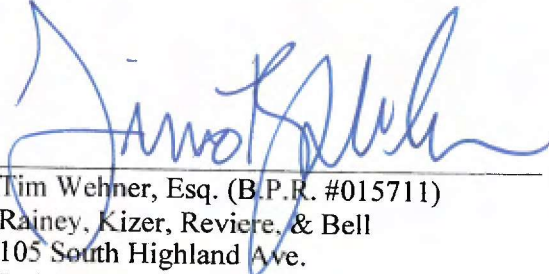


Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:


Donald D. Gold, M.D.
Respondent
Tennessee License Number 9580

01/17/2023
DATE


Tim Wehner, Esq. (B.P.R. #015711)
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105 South Highland Ave.
Jackson, TN 38301
Attorney for Respondent

1.17.2023
DATE



Justin C. Harleman (B.P.R. #040071)
Senior Associate General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 532-8975

1/19/2023
DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the Respondent, Donald D. Gold, M.D., 401 Tyson Ave, Paris, TN 38242 and 260 India Road, Paris, TN 38242, by certified mail number _____, return receipt requested and by regular mail, with sufficient postage thereon to reach its destination.

This 27th day of January, 2023.



Justin C. Harleman
Senior Associate General Counsel
Tennessee Department of Health