

6/22/94 12p.

STATE OF TENNESSEE  
DEPARTMENT OF HEALTH

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IN THE MATTER OF:

MICHAEL PATTERSON, MD

RESPONDENT  
License #17169  
Memphis, TN

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BEFORE THE BOARD OF MEDICAL  
EXAMINERS OF  
SECRETARY OF STATE  
DOCKET NO. 17.18-34-0987A

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DEFAULT ORDER

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This matter came to be heard before the Tennessee Board of Medical Examiners on June 21, 1994, pursuant to a Notice of Charges issued against the Respondent. Presiding at the hearing was the Honorable Robert T. McGowan, Administrative Law Judge, assigned by the Secretary of State. The State was represented by A. Yarnell Beatty, Assistant General Counsel. The Respondent was not present. After consideration of the Notice of Charges, testimony of witnesses, arguments of counsel, and the record as a whole, the Board found as follows:

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FINDINGS OF FACT

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1. The Department attempted to serve the Respondent with the Notice of Charges at his last known address as listed with the Division of Health Related Boards by certified mail return receipt requested on May 12, 1994. The charging document was returned to the State "Attempted Not Known" on June 6, 1994. In

addition, the Department attempted to serve the Respondent at three addresses that were made known to it via its investigator. Charges sent to Wrens Roost Road were returned "Unclaimed"; charges sent to Forrest Avenue were returned "Insufficient Address"; and charges sent to Plum Valley Drive were returned "Forwarding Order Expired". Thus, the State made every reasonable effort to serve the Respondent with the charges.

2. The Respondent failed to appear as required to defend this matter.

3. The interest of justice and the orderly and prompt conduct of proceedings before the Board requires that this matter be conducted without the participation of the Respondent.

4. The Respondent is a general practitioner practicing in Shelby County, Tennessee.

5. On February 16, 1993, the Respondent admitted to a Health Related Boards investigator and other witnesses that he had a history of cocaine addiction and abuse which progressed to the point where he was using cocaine every day in or about March 1990.

6. On February 16, 1993, the Respondent admitted to a Health Related Boards investigator and other witnesses that he used

cocaine while he practiced medicine in Tennessee in 1989 at MediQuick and PriMed clinics in Bartlett, Tennessee in order to "stay up so [he] could keep working."

7. On February 16, 1993, the Respondent admitted to a Health Related Boards investigator and other witnesses that he had entered drug treatment in March 1990.

8. On February 16, 1993, the Respondent admitted to a Health Related Boards investigator and other witnesses that he caused another person to type a different expiration date (3/31/95) over the original expiration date (3/31/91) on his DEA certificate registration card and that he knowingly submitted said forged certificate to his employer, Senatobia Community Hospital, Senatobia, Mississippi after March 1992. Records indicate that the Respondent issued sixty-seven (67) prescriptions after his DEA certificate expired.

9. On February 16, 1993, the Respondent admitted to a Health Related Boards investigator and other witnesses that he relapsed back into crack cocaine abuse from January 1992 until November 1992, using cocaine "whenever [he] could get it".

10. On February 16, 1993, the Respondent admitted to a Health Related Boards investigator and other witnesses that he had issued Dilaudid prescriptions for non-medical reasons in order to

obtain "discounts" on cocaine purchases during 1992. The Respondent also issued a large number of Dilaudid, Xanax, Valium, Demerol, and other controlled substance prescriptions to several persons for non-medical recreational reasons in 1992.

11. On February 16, 1993, the Respondent admitted to a Health Related Boards investigator and other witnesses that he was terminated from his employment at Baptist Minor Medical Center in Memphis, Tennessee in March 1992 for failure to obtain treatment for his cocaine addiction. Employees of the clinic observed the Respondent to be practicing in an apparent impaired state at the clinic. He was observed to be asleep on duty, incoherent, confused, and to mumble. Respondent's behavior so concerned staff that his supervisor had to be notified. Respondent was terminated on or about March 21, 1992.

12. On February 16, 1993, the Respondent admitted to a Health Related Boards investigator and other witnesses that he was terminated from his employment at Senatobia Community Hospital in or about September 1992 because "[he] was staying out all night on cocaine and [he] couldn't make it to work on time...[he] left the hospital uncovered...they put [him] on probation, and told [him] that if [he] missed one more day that [he] would be terminated; of course [he] missed another day because [he] was having to have this cocaine."



13. Respondent was convicted of possession of drug paraphernalia and reckless driving on October 22, 1992 stemming from an incident which occurred July 25, 1992.

14. On February 16, 1993, the Respondent admitted to a Health Related Boards investigator and other witnesses that he entered treatment for cocaine abuse at Charter Lakeside Hospital, Memphis, Tennessee in or about November 1992.

15. In or about March 1993, the Respondent began employment at Baptist Minor Medical Clinic in Memphis, Tennessee. At the time he undertook this employment, the Respondent practiced medicine on an expired Tennessee medical license. Respondent's medical license expired on December 31, 1992 and the "grace" period for renewal ended on March 1, 1993. Records indicate that the Respondent saw five hundred eighteen patients (518) during fifteen (15) shifts between March 6, 1993 and March 23, 1993 after his license had expired. When he finally did submit his renew form to the Board, the Respondent lied on his renewal form. He stated, in answer to question number 18, that he had not been convicted of a crime other than a minor traffic violation in the previous two years. In fact, only five months before, he had been convicted of the offenses described in paragraph 11 herein. Furthermore, the Respondent did not pay his renewal fee to the Board until May 11, 1993.

16. The Respondent falsified information on his employment application to Community Emergency Physicians, Inc., Memphis, Tennessee dated September 29, 1993:

(a) The Respondent answered "No" to the question, "Have your privileges or professional services at any hospital ever been suspended, diminished, revoked, not reviewed, voluntarily or involuntarily limited or reduced (per hospital decision)?" The Respondent had been placed on probation and later terminated by Senatobia Community Hospital in Mississippi. Also, Respondent's subcontract with Baptist Minor Medical Clinics was terminated on or about March 21, 1992.

(b) The Respondent answered "No" to the question, "Have you ever been denied membership or renewal thereof, been subject to disciplinary action (either voluntarily or involuntarily) in any medical organization or medical staff?" Respondent had been placed on probation and later terminated by Senatobia Community Hospital and had been terminated from Baptist Minor Medical Clinics.

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#### CONCLUSIONS OF LAW

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The Respondent, having failed to appear after the State made every reasonable attempt to serve the Respondent at his last known address listed with the Division of Health Related Boards, is therefore held in default. The content of the

Findings of Fact in this order are sufficient to establish that the Respondent has violated the following statutes or rules which are part of the Medical Practice Act and/or Division Laws for which assessment of civil penalties and disciplinary action are authorized:

1. Unprofessional, dishonorable or unethical conduct. T.C.A. section 63-6-214(b)(1).

2. Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the state of Tennessee. T.C.A. section 63-6-214(b)(2) to wit:

(a) Each person licensed to practice medicine and surgery in this state shall apply to the board for a renewal of his license and shall pay a renewal fee as set annually by the board. Each application shall be made on a form to be furnished by the board. The board shall in its discretion renew such license upon application made in due form and upon payment of all required fees. T.C.A. section 63-6-210(a).

(b) All physicians licensed by the Board must renew those licenses to be able to legally continue to practice. Rule 0880-2-.09

3. Making false statements or representations, being guilty of

fraud or deceit in obtaining admission to practice, or being guilty of fraud or deceit in the practice of medicine. T.C.A. section 63-6-214(b)(3).

4. Habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled drugs or other drugs or stimulants in such a manner as to adversely affect the person's ability to practice medicine. T.C.A. section 63-6-214(b)(5).

5. Conviction of a felony, conviction of any offense under federal or state drug laws, or conviction of any offense involving moral turpitude. T.C.A. section 63-6-214(b)(10).

6. Dispensing, prescribing or otherwise distributing any controlled substances 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. T.C.A. section 63-6-214(b)(12).

7. Engaging in the practice of medicine when mentally or physically unable to safely do so. T.C.A. section 63-6-214(b)(18).

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REASONS FOR DECISION

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The Board takes this action in order to protect the health of the citizens of Tennessee.

Therefore, it is ORDERED AS FOLLOWS:

1. The Respondent is hereby notified of the Default entered in this matter.

2. The medical license of the Respondent is hereby REVOKED by this order without permission to petition for its reinstatement. The Respondent shall immediately cease and desist the practice of medicine in Tennessee and shall mail or deliver his license to the Board c/o Melissa Haggard, 287 Plus Park Boulevard, Nashville, TN 37247-1010. The Respondent is relegated to the status he possessed prior to application for licensure. He must apply to the Board for a new license.

3. Respondent is hereby assessed a civil penalty in the amount of four thousand three hundred dollars (\$4300.00) which represents the following: one (1) Type A civil penalty in the amount of one thousand dollars (\$1000.00) for practicing on a medical license after failing to timely renew said license; one (1) Type A civil penalty in the amount of one thousand dollars (\$1000.00) for knowingly practicing medicine in an impaired condition; one (1) Type A civil penalty in the amount of one thousand dollars (\$1000.00) for issuing several controlled substance prescriptions

for non-legitimate medical use; one (1) Type A civil penalty in the amount of one thousand dollars (\$1000.00) for knowingly providing false information on his medical license renewal form; one (1) Type C civil penalty in the amount of one hundred dollars (\$100.00) for falsifying the date on his DEA renewal form; one Type C civil penalty in the amount of one hundred dollars (\$100.00) for submitting false information on an employment application; and one (1) Type C civil penalty in the amount of one hundred dollars (\$100.00) for conviction of a drug-related criminal offense. Said civil penalty shall be paid within thirty (30) days to the Board at the address provided in paragraph 1 above. T.C.A. §63-1-134. Taken into account in assessing these civil penalties are the economic deterrent to the violator, circumstances leading to the violation; severity of the violation, the risk of harm to the public, and the economic benefits as a result of noncompliance.

SO ORDERED THIS \_\_\_\_\_ DAY OF 6/22/, 1998 BY THE  
TENNESSEE BOARD OF MEDICAL EXAMINERS.

Edgar L. Scott, MD  
Edgar Scott, MD

Prepared for entry:

A. Yarnell Beatty  
A. Yarnell Beatty (#13712)  
Assistant General Counsel  
Tennessee Department of Health

11th Floor, Tennessee Tower  
312 8th Avenue North  
Nashville, TN 37247-0120  
(615) 741-1611

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon all interested parties, or their counsel, by delivering same to their offices or by placing a true and correct copy of same in the United States mail, postage prepaid.

This 22<sup>nd</sup> day of June, 1994.

A. Yamell Beatty  
Assistant General Counsel  
TN Department of Health

RECONSIDERATION, ADMINISTRATIVE RELIEF  
AND JUDICIAL REVIEW

Within ten (10) days from the effective date of the Final Order, a party has the right to petition the Board for reconsideration of the Final Order. If no action is taken within (20) twenty days of filing of the petition with the Board, it is deemed denied. T.C.A. 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 Final Order. T.C.A. 4-5-316

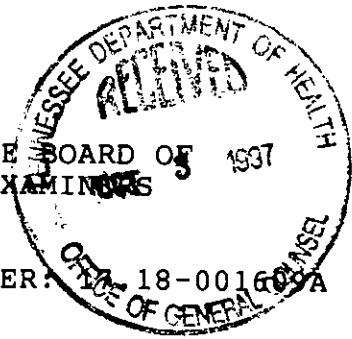
Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective day of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then 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. T.C.A. 4-5-322.

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STATE OF TENNESSEE  
DEPARTMENT OF HEALTH  
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IN THE MATTER OF )  
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MICHAEL A. PATTERSON, M.D. )  
PETITIONER )  
Memphis, TN )

BEFORE THE BOARD OF 1997  
MEDICAL EXAMINERS  
DOCKET NUMBER: 18-001609A

ORDER

This matter came to be heard by a duly constituted panel of the Tennessee Board of Medical Examiners consisting of Drs. Starnes, Cunningham, and Fenyves and Ms. McElroy and Ms. Yeiser on September 17, 1997 pursuant to the licensure denial appeal filed by the Petitioner. Presiding at the hearing was the Honorable James A. Hornsby, Administrative Law Judge, assigned by the Secretary of State. The Petitioner was present to prosecute the appeal but was not represented by legal counsel. The Respondent State of Tennessee was represented by A. Yarnell Beatty, Associate General Counsel, Tennessee Department of Health. After consideration of the testimony and exhibits entered, the Board found as follows:

FINDINGS OF FACT

1. The Petitioner applied for a license to practice medicine in

Tennessee pursuant to T.C.A., Section 63-6-207.

2. The Board considered the Petitioner's application for licensure at its meeting on July 15, 1997 and found that his previously held Tennessee medical license was disciplined and accordingly it denied the Petitioner's application for licensure. The Board notified the Petitioner of that action by letter dated July 16, 1997. Specifically, the ground for denial was that Petitioner's former Tennessee medical license was revoked by Agreed Order dated November 8, 1994. In said Agreed Order, the Board found Petitioner in violation of seven (7) separate statutory provisions of the Medical Practice Act for using cocaine while on duty, submitting a forged DEA certificate to his employer, issuing controlled drug prescriptions for non-medical purposes, practicing on an expired medical license, and providing false information on an employment application.
3. The Petitioner by letter of July 20, 1997 requested a contested case hearing to appeal the Board's action.
4. The Petitioner has been monitored by the Tennessee Medical Foundation's Physician Health Program and is currently in good standing with the program. He presented evidence of five (5) years of sobriety.

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CONCLUSIONS OF LAW

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The facts as found above constitute violations of the following provisions of the Medical Practice Act (T.C.A. §§ 63-6-201 et seq.) and constitute the statutory and/or regulatory grounds for denial of licensure:

1. Unprofessional, dishonorable or unethical conduct. T.C.A. §63-6-214(b)(1);

2. Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the state of Tennessee. T.C.A. §63-6-214(b)(2); and

3. The issuance or renewal of licensure to applicants who otherwise may be entitled to full licensure or renewal, may be withheld, denied, conditioned, or restricted in any manner the Board deems necessary to protect the public in any of the following circumstances:

2. When any applicant's application indicates a problem in the areas of mental, physical, moral, or educational criteria for licensure or renewal which the Board determines may create a potential threat to the public health, safety or welfare.

3. When any applicant has violated any provision of T.C.A. §63-6-214(b) or rules promulgated pursuant thereto.

Rules 0880-2-.07(d)(2 and 3).

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REASONS FOR THE DECISION

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This action is taken for the welfare and benefit of the citizens of the State of Tennessee.

THEREFORE, IT IS ORDERED as follows:

The Petitioner's licensure application is GRANTED with the following RESTRICTIONS:

1. The Petitioner must maintain an affiliation with the Tennessee Medical Foundation's Physician Health Program for a period of five (5) years from the date of entry of this Order. Such affiliation shall include at least five (5) unannounced drug screens per year and said screens must be negative;


2. Any DEA certificate that the Petitioner shall apply for shall be limited to Schedules III, IV, and V. To document compliance, the Petitioner must send a copy of his DEA certificate, as soon as it is issued, to the Board. In order to attempt to modify this provision, the Petitioner must first petition the Board in

writing and personally appear before it; and

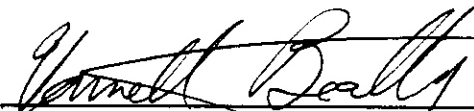
3. Until Petitioner's criminal probation is lifted by the court of proper jurisdiction, but for not less than two (2) years from the date of entry of this Order, the Petitioner shall only practice in a supervised setting under a licensed physician who

- (a) agrees to be Petitioner's supervisor and
- (b) who is acceptable to the Board.

SO ORDERED this 17th day of September, 1997 by the Tennessee Board of Medical Examiners.

  
\_\_\_\_\_  
Daniel Starnes, M.D.  
President of the Board

Prepared for entry by:

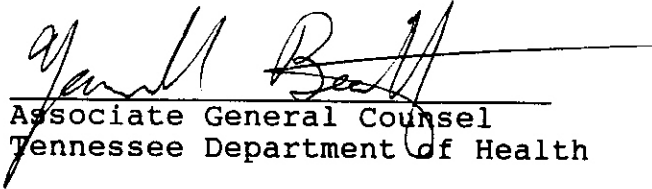
  
\_\_\_\_\_  
Y. Yarnell Beatty #13712  
Associate General Counsel  
Office of General Counsel  
Tennessee Dept. of Health  
7th Floor, Tennessee Tower  
426 5th Avenue North  
Nashville, TN 37247-0120  
(615) 741-1611

CERTIFICATE OF SERVICE

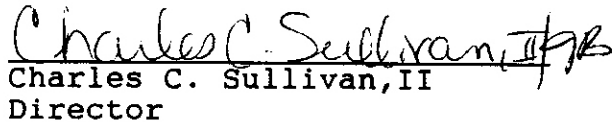
The undersigned hereby certifies that a true and correct copy of

this document has been served upon all interested parties, or their counsel, by delivering same to their offices or by placing a true and correct copy of same in the United States mail, postage paid.

This 6<sup>th</sup> day of October, 1997.

  
\_\_\_\_\_  
Associate General Counsel  
Tennessee Department of Health

This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the 6<sup>th</sup> day of October, 1997.

  
\_\_\_\_\_  
Charles C. Sullivan, II  
Director

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RECONSIDERATION, ADMINISTRATIVE RELIEF  
AND JUDICIAL REVIEW

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Within ten (10) days from the effective date of the Final Order, a party has the right to petition the Board for reconsideration of the Final Order. If no action is taken within (20) twenty days of filing of the petition with the Board, it is deemed denied. T.C.A. 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. T.C.A. 4-5-316.

Finally, a party may seek judicial review by filing a petition for review 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. T.C.A. 4-5-322.



STATE OF TENNESSEE  
DEPARTMENT OF HEALTH  
HEALTH RELATED BOARDS  
FIRST FLOOR, CORDELL HULL BUILDING  
425 FIFTH AVENUE NORTH  
NASHVILLE, TENNESSEE 37247-1010

**CERTIFIED**

March 13, 2000

Michael Alan Patterson, MD  
8750 Somerset Lane  
Germantown, TN 38138

Dear Dr. Patterson:

On March 7, 2000, the Board of Medical Examiners voted at their meeting to remove all restrictions from you license. However, the condition remains that you must maintain advocacy with the Tennessee Medical Foundation's Physicians Health Program for your lifetime, or for as long as you hold an active Tennessee medical license.

If you have any questions, please do not hesitate to contact me toll-free at 1-888-310-4650, Extension 24384.

Yours truly,

*Linda Hudgins*

Linda Hudgins  
Administrator

lwh

cc: Licensure File



**STATE OF TENNESSEE  
DEPARTMENT OF HEALTH**

<b>IN THE MATTER OF:</b>	)	<b>BEFORE THE TENNESSEE</b>
	)	<b>BOARD OF MEDICAL EXAMINERS</b>
<b>MICHAEL A. PATTERSON, M.D.</b>	)	
<b>RESPONDENT</b>	)	<b>DOCKET NO.: 17.18-098619A</b>
	)	
<b>GERMANTOWN, TENNESSEE</b>	)	
<b>TENNESSEE LICENSE NO.: 29380</b>	)	

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**ORDER**

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This matter came to be heard before the Tennessee Board of Medical Examiners (hereinafter referred to as “the Board”) on the 14<sup>th</sup> day of May, 2008, pursuant to a Notice of Charges and Memorandum for Assessment of Civil Penalties issued against the Respondent. Presiding at the hearing was the Honorable James Hornsby, Administrative Judge, assigned by the Secretary of State. The Division of Health Related Boards of the Tennessee Department of Health (hereinafter referred to as “the State”) was represented by Mona N. Jean-Baptiste, Assistant General Counsel. The Respondent was present but not represented by counsel. After consideration of the Notice of Charges, documentary evidence, and the record as a whole, the Board found as follows:

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**I. FINDINGS OF FACT**

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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 29380 on October 6, 1997. Respondent’s license expires July 31, 2008.

2. On June 22, 1994, a Default Order was entered by the Board of Medical Examiners revoking Respondent's Tennessee license to practice medicine for seven violations of the Medical Practice Act. These violations included conviction of an offense under state or federal drug laws, habitual intoxication or personal misuse of drugs or alcohols, engaging in the practice of medicine when not mentally or physically able to do so and fraud or deceit in obtaining admission to practice.
3. On October 6, 1997, Respondent was issued a new Tennessee medical license numbered 29380 pursuant to an Order of the Board of Medical Examiners. Respondent's license was limited in the following ways:
  - a. Respondent was ordered to maintain affiliation with the Tennessee Medical Foundation's Physician Health Program for a period of five (5) years including five (5) unannounced drug screens per year.
  - b. If Respondent obtained a Drug Enforcement Agency certificate, the drugs he was authorized to prescribe should be limited to Schedules III, IV and V.
  - c. For a period of not less than two years or until Respondent's criminal probation was lifted, he was only authorized to practice in a supervised setting, under a licensed physician acceptable to the Board of Medical Examiners.
4. On March 7, 2000, the Board of Medical Examiners voted to remove all restrictions from the Respondent's license with the condition remaining that he obtain and maintain lifetime advocacy of the Tennessee Medical Foundation..

5. On November 26, 2007, the Tennessee Medical Foundation notified the Board of Medical Examiners that Respondent failed to enter a lifetime contract with the Tennessee Medical Foundation's Physicians Health Program. Respondent's failure to obtain the lifetime advocacy of the Tennessee Medical Foundation's Physicians Health Program constitutes a violation of an order of this Board and unprofessional conduct.

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## II. CONCLUSIONS OF LAW

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The facts as alleged in Section I of this Order are sufficient to establish violations by the Respondent of the following statutes or rules which are part of the provisions of the Tennessee Medical Examiners Practice Act, (TENN. CODE ANN. § 63-6-101, *et seq.*) for which disciplinary action before and by the Board of Medical Examiners is authorized:

6. The facts as alleged in Section I, paragraphs 4 and 5, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(1):

Unprofessional, dishonorable or unethical conduct.

7. The facts as alleged in Section I, paragraphs 4 and 5, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(2):

Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the state of Tennessee.

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## III. REASONS FOR DECISION

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This action was taken by the Board of Medical Examiners for the safety and welfare of the citizens of the State of Tennessee.

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#### IV. ORDER

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THEREFORE, in consideration of the above Findings of Fact and Conclusions of Law, it is **ORDERED, ADJUDGED, and DECREED** as follows:

10. The Tennessee medical license of the Respondent, Michael Alan Patterson, M.D., license number 29380, is hereby placed **on PROBATION, for a period of five (5) years**, commencing from the effective date of this Order.
11. Respondent is, hereby also, ordered to obtain a contract for **lifetime advocacy** with the Tennessee Medical Foundation Physician Health Program within **sixty (60) days of the effective date of this Order**. Respondent must maintain **one hundred percent (100%) compliance** with the directives and terms of the contract.
12. If Respondent fails to enter into a contract for lifetime advocacy with the Tennessee Medical Foundation Physician Health Program within the time allotted, Respondent is on notice that he faces the summary suspension of his license to practice as a medical doctor in the state of Tennessee.
13. Respondent is advised that any subsequent violation of this Order of the Board of Medical Examiners shall constitute a **separate violation** of the Medical Practice Act, TENN. CODE ANN. § 63-6-214(b)(2) and will result in further disciplinary action by the Board up to revocation.

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**V. CIVIL PENALTY AND ASSESSMENT OF COSTS**

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14. Based upon the facts and causes of action in this Order, Respondent is hereby assessed two (2) Type A Civil Penalties in the amount of Seven Hundred and Fifty Dollars (\$750.00) each, for a total assessment of One Thousand Five Hundred Dollars (\$1,500.00) for two (2) violations of the Medical Practice Act based upon the following factors:
- a. Whether the amount imposed will be a substantial economic deterrent to the violator;
  - b. The circumstances leading to the violation;
  - c. The severity of the violation and the risk of harm to the public;
  - d. The economic benefits gained by the violator as a result of the noncompliance; and
  - e. The interest of the public.
15. The Respondent must pay the actual and reasonable costs of prosecuting this case, not to exceed \$5,500, to the extent allowed by law. TENN. CODE ANN. § 63-6-214(k). These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department. Costs shall be paid within thirty (30) days after the issuance of the Affidavit 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, Heritage Place Metro Center, 227 French Landing, Suite 201, Nashville, Tennessee 37243.** A

notation shall be placed on said money order or check that is payable for the costs of  
**MICHAEL A. PATTERSON, M.D., CASE Nos. 2007020841 and 2007020571**

So **ORDERED** by the Tennessee Board of Medical Examiners this 14<sup>th</sup> day of May,  
2008.

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Charles W. White, Sr., M.D.,  
Panel Chairperson  
Tennessee Board of Medical Examiners

**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 (Supp. 2002).

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 (1998).

Finally, a party may seek judicial review by filing a petition for review 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 (Supp. 2002).

Prepared for entry:

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Mona N. Jean-Baptiste, BPR #025481  
Assistant General Counsel  
Office of General Counsel  
Tennessee Department of Health  
220Athens Way, Suite 210  
Nashville, Tennessee 37243  
(615) 741-1611

**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 \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Thomas G. Stovall, Director  
Administrative Procedures Division

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served upon the Respondent, Michael A. Patterson, MD, 8750 Somerset Lane, Germantown, TN 38138 and Michael A. Patterson, MD, c/o Bartlett Psychiatric Center, P.C., 3189 Kirby Whitten Road, #105, Bartlett, TN 3813464, by placing same in the United States Mail, Certified Numbers \_\_\_\_\_ and \_\_\_\_\_, return receipt requested, with sufficient postage thereon to reach its destination.

This \_\_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_  
Mona N. Jean-Baptiste  
Assistant General Counsel



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STATE OF TENNESSEE  
DEPARTMENT OF HEALTH

IN THE MATTER OF: )  
MICHAEL A. PATTERSON, M.D. )  
RESPONDENT )  
GERMANTOWN, TENNESSEE )  
TENNESSEE LICENSE NO. 29380 )

BEFORE THE TENNESSEE BOARD  
OF MEDICAL EXAMINERS

DOCKET NO. 17.18-110683A

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AGREED ORDER

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This matter came to be heard before the Tennessee Board of Medical Examiners (hereinafter the "Board") on the 22<sup>nd</sup> day of March, 2011, pursuant to a Notice of Charges issued against Michael A. Patterson, M.D. (hereinafter "Respondent") by the Division of Health Related Boards of the Tennessee Department of Health, (hereinafter the "State"). The State was represented by Anthony K. Czerniak, Assistant General Counsel. Respondent was not present but is represented by counsel, Frank Scanlon, Esq. After consideration of the Notice of Charges and presentation of counsel, the Board finds as follows:

1. Respondent agrees that presentation to and consideration of this Agreed 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.
2. Respondent understands the nature of the charges herein alleged and that if proved at hearing, such charges and allegations would constitute cause for imposing discipline upon Respondent's license issued by the Board.

3. Respondent is aware of each of Respondent's rights, including the right to a hearing on the charges and allegations, the right to appear personally and by counsel, the right to confront and cross-examine witnesses who would testify against Respondent, the right to testify and present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, the right to contest the charges and allegations, and other rights which are accorded Respondent pursuant to the Administrative Procedures Act and other applicable laws, including the right to seek reconsideration, review by the Chancery Court and appellate review.
4. In order to avoid the expense and uncertainty of a hearing, Respondent freely and voluntarily waives each and every one of these rights set forth above and admits the truth of the allegations herein contained. Respondent agrees that cause exists to discipline his license.
5. Respondent understands that by signing this Agreed Order, Respondent is enabling the Board to issue its order without further process. In the event that the Board rejects this Agreed Order for any reason, it will be of no force or effect for either party.

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### I. FINDINGS OF FACT

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6. Respondent was licensed by the Board as a medical doctor in the State of Tennessee, having been granted Tennessee medical license number 17169 by the Board on June 18, 1986.
  - a. On June 22, 1994, a Default Order was entered by the Board of Medical Examiners revoking Respondent's Tennessee license to practice medicine for

seven violations of the Medical Practice Act. These violations included conviction of an offense under state or federal drug laws, habitual intoxication or personal misuse of drugs or alcohols, engaging in the practice of medicine when not mentally or physically able to do so and fraud or deceit in obtaining admission to practice.

7. Respondent reapplied and was again licensed by the Board as a medical doctor in the State of Tennessee, having been granted Tennessee medical license number 29380 by the Board on October 6, 1997, pursuant to an Order of the Board of Medical Examiners (hereinafter "October 1997 Order"). Pursuant to the Board's October 1997 Order, Respondent's license was issued with the following limitations/conditions:
  - a. Respondent was ordered to maintain affiliation with the Tennessee Medical Foundation's Physician Health Program for a period of five (5) years including unannounced drug screens per year.
  - b. If Respondent obtained a Drug Enforcement Agency certificate, the drugs Respondent was authorized to prescribe should be limited to Schedules III, IV, and V.
  - c. For a period of not less than two years or until Respondent's criminal probation was lifted, Respondent was only authorized to practice in a supervised setting, under a licensed physician acceptable to the Board of Medical Examiners.
8. On March 7, 2000, the Board of Medical Examiners voted to remove all restrictions from Respondent's license with the condition remaining that Respondent obtains and maintains the lifetime advocacy of the Tennessee Medical Foundation's Physician Health Program.

9. On or about November 26, 2007, the Tennessee Medical Foundation notified the Board of Medical Examiners that Respondent failed to enter a lifetime contract with the Tennessee Medical Foundation's Physician Health Program.
10. On May 15, 2008, after a contested case hearing, the Board of Medical Examiners issued an Order placing Respondent's license on probation for a period of not less than five (5) years and again ordered Respondent to obtain and maintain a lifetime advocacy contract with the Tennessee Medical Foundation's Physician Health Program.
11. On or about November 2, 2010, information was received that Respondent had relapsed into the disease of chemical dependency and lost the advocacy of the Tennessee Medical Foundation's Physician Health Program and was thus in violation of the directives of the Board issued on May 15, 2008. Respondent lost advocacy due to eighty-four (84) missed call-in urine drug screens in 2010 and an elevated ETG.
12. Respondent's failure to maintain the advocacy of the Tennessee Medical Foundation's Physician Health Program constitutes violation of a previously issued order of the Board of Medical Examiners and unprofessional conduct.

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## II. CONCLUSIONS OF LAW

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The facts as found in the Findings of Fact are sufficient to establish that the Respondent has violated the following statutes or rules which are part of the Medical Examiners Practice Act, (TENN. CODE ANN. § 63-6-101, *et seq.*) for which disciplinary action before and by the Board of Medical Examiners is authorized:

13. The Findings of Fact in paragraphs 7, 11, and 12, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(1):

Unprofessional, dishonorable or unethical conduct.

14. The Findings of Fact in paragraphs 7, 11, and 12, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(2):

Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or, any lawful order of the board issued pursuant thereto or any criminal statute of the state of Tennessee

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### III. REASONS FOR DECISION

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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.

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### IV. ORDER

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IT IS, THEREFORE, **ORDERED, ADJUDGED and DECREED** as follows:

15. The Tennessee medical license of Michael A. Patterson, M.D., license number 29380, shall be and is hereby **REVOKED**, with leave to re-apply after one (1) year from the effective date of this Order.
16. Respondent must pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-2-.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 Affidavit of Costs prepared and filed by counsel for the Department. The maximum

amount for the assessment of costs shall be forty thousand dollars (\$40,000.00), which shall be paid within one (1) year from the effective date of this Order.

14. This is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank and/or similar agency.

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V. NOTICE

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15. Any and all costs shall be paid within one (1) year from the effective date of this Order 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, 227 French Landing, Suite 300, Heritage Place Metro Center, Nashville, Tennessee 37243.** A notation shall be placed on said check that it is payable for the costs of Michael A. Patterson, M.D., Docket No. 17.18-110683A.

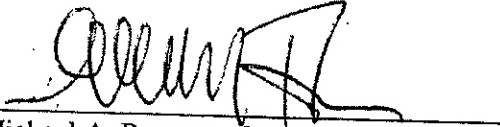
This **AGREED ORDER** was approved by a majority of a quorum of the Tennessee Board of Medical Examiners at a public meeting of the Board and signed this 22nd day of March, 2011.



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Chairperson  
Tennessee Board of Medical Examiners

**APPROVED FOR ENTRY:**



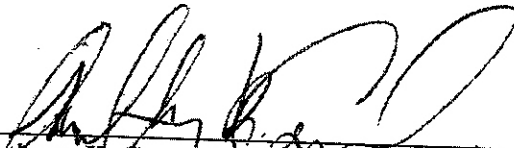
Michael A. Patterson, M.D.  
Respondent

3/20/11  
DATE



Frank J. Scanlon, Esq., B.P.R. #003588  
Watkins & McNelly, PLLC  
214 Second Avenue North  
Suite 300  
Nashville, Tennessee 37201-1638

3-15-11  
DATE

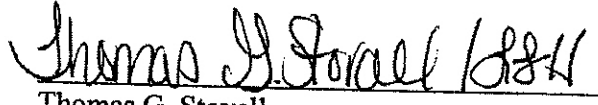


Anthony K. Czerniak, Esq. B.P.R. #027774  
Assistant General Counsel  
Tennessee Department of Health  
Office of General Counsel  
220 Athens Way, Suite 210  
Nashville, Tennessee 37243  
(615) 741-1611

22 March 2011  
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 23rd day of March, 2011.

  
Thomas G. Stovall  
Administrative Procedures Division

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, Michael A. Patterson, M.D., by and through Respondent's attorney, Frank J. Scanlon, Esq., Watkins & McNeilly, PLLC, 214 Second Avenue North, Suite 300, Nashville, Tennessee 37201-1638, by delivering same in the United States regular mail and United States certified mail, number 7010 0290 0002 4172 7350, return receipt requested, with sufficient postage thereon to reach its destination.

This 24<sup>th</sup> day of March, 2011.

  
Anthony K. Czerniak  
Assistant General Counsel  
Office of General Counsel