

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

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SECRETARY OF STATE

IN THE MATTER OF:) **BEFORE THE TENNESSEE**
) **BOARD OF MEDICAL EXAMINERS**
ROBERT ALLEN, M.D.)
RESPONDENT) **DOCKET NO: 17.18-1211956A**
)
JOHNSON CITY, TENNESSEE)
TENNESSEE LICENSE NO.: 8503)

AGREED ORDER

This matter came to be heard before the Tennessee Board of Medical Examiners (hereinafter the "Board") on the 19th day of November 2013, pursuant to a Notice of Charges issued against Robert Allen, 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 Jennifer L. Putnam, Assistant General Counsel. Neither Respondent nor Respondent's counsel was present. 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.

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.

FINDINGS OF FACT

6. The Respondent is a licensed medical doctor in the State of Tennessee, having been granted license number 8503 on March 1, 1974. Respondent's license expired on July 31, 2013.

7. On June 9, 2013, it is alleged that a Johnson City police officer attempted a traffic stop on a black Chevrolet Avalanche owned by Respondent.

8. The officer alleged that the Respondent refused to stop the vehicle and was able to elude officers.

9. The officer also alleged that the Respondent drove the vehicle to his personal residence and ran inside the home. Respondent was arrested, and his vehicle was searched.

10. Respondent was charged with felony evading arrest, reckless driving, felony Schedule VI drug charges, and prohibited weapons violations.

11. Respondent was housed in the Washington County jail on suicide watch.

12. A Department of Health investigator, Patricia Daugherty, attempted to interview Respondent on June 11, 2013 at the jail. For her safety, the jail personnel did not allow her to meet with Respondent in the same room, stating that Respondent had been violent on that day. Instead, Ms. Daugherty was placed in one room, and Respondent was placed in another room with a pane of glass separating the Ms. Daugherty and Respondent.

13. As soon as the interview began, it is alleged that the Respondent stated that he was not practicing medicine anymore. He allegedly stated further that he was on disability. It is alleged that Ms. Daugherty attempted to ask Respondent why he was on disability, and Respondent allegedly responded that the reason did not matter and was none of her business.

14. It is further alleged that Respondent then stated, "I don't want to practice medicine anymore. I quit!" He then allegedly told Ms. Daugherty that he was in the process of closing down his practice. When asked when the closing down of his practice occurred, Respondent allegedly said, "Over the weekend."

15. It is alleged that Respondent then became very angry. He allegedly pressed his face against the glass and said, "I'm done. I'm done with you, the board, and anything you stand for. You got that? You can go back to wherever you came from."

16. In addition to interviewing Respondent, Ms. Daugherty also interviewed Respondent's staff. It is alleged that the consensus from the staff was that "Respondent had not been himself for the past few weeks to few months."

17. It is admitted that the Respondent suffers from a myriad of physical ailments including a seizure disorder, a recent stroke, a spinal cord injury in his neck and blockage of blood to his foot which required recent surgery. It is also admitted that at the time of his arrest, the Respondent was suffering from psychosis, paranoia and manic depression as evidenced by a recent court ordered evaluation and resulting report dated November 4, 2013, prepared by Jorge F. Fuchs, M.A. and Diane L. Whitehead, Ph.D. of Assessment and Forensic Services, a division of Frontier Health in Johnson City, Tennessee, which provides in part:

After completion of the evaluation based on TCA 39-11-501, it is Dr. Whitehead's opinion that at the time of the commission of the acts

constituting the alleged offenses, Robert Allen was suffering from a severe mental disease or defect which prevented him from appreciating the nature and wrongfulness of his acts. At the time of the alleged offenses the defendant was psychotic and delusional and required psychiatric hospitalization soon thereafter. . . .”

18. Upon release from the Washington County jail, Respondent was transferred to Woodbridge Psychiatric Hospital in Johnson City, Tennessee for an emergency commitment to be evaluated. After evaluation, Respondent was released from Woodbridge Hospital.

19. Respondent was summarily suspended by the Board on June 21, 2013. His license remains suspended until further action is taken by the Board.

20. Respondent’s medical office was closed on or about June 22, 2013.

21. The Forensic Evaluation also states that at the current time “Robert Allen is functioning intellectually within the Superior range of current abilities.”

II. CONCLUSIONS OF LAW

22. Respondent’s acts as described in paragraphs six through 18 of Section I, *supra*, if true, are sufficient to establish that grounds for discipline of Respondent’s medical license exist.

23. The allegations in paragraphs 6. through 17. above, if true, constitute grounds for disciplinary action against Respondent’s license to practice as a medical doctor in the State of Tennessee pursuant to TENN.

CODE ANN. § 63-6-214(b)(18): *Engaging in the practice of medicine when mentally or physically unable to safely do so.*

III. REASONS FOR DECISION

24. The Tennessee Board of Medical Examiners takes the following action with the permission of the Respondent in order to protect the health, safety and welfare of the citizens of the State of Tennessee and ensure that the public confidence in the integrity of the medical profession is preserved.

IV. ORDER

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

A. Respondent's license to practice as a medical doctor, Tennessee license number 8503, is hereby **VOLUNTARILY SURRENDERED**,

B. Respondent must pay, pursuant to TENN. CODE ANN. § 63-1-144 and 63-5-124(e) and Rule 0460-1-.06(6) 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 Department. The maximum amount for the assessment of costs shall be two thousand dollars (\$2,000.00).

C. Respondent understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency.


D. The Respondent may apply for reinstatement of his license to practice medicine in the State of Tennessee at any time after one year from the date of this Order.

E. The Respondent shall continue to undergo mental health treatment with Ken Greenwood, M.D., and as otherwise directed by the Court. .

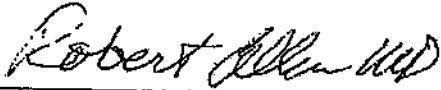
V. NOTICE

Any and all costs shall be paid in full within thirty (30) days from the issuance of the Assessment of Costs. Payment shall be made by certified check, cashier's check, or money order, payable to the State of Tennessee, Department of Health. Any and all payments shall be forwarded to the Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive Nashville, TN 37243. A notation shall be placed on said money order or such check that it is payable for the Costs of Robert Allen, M.D., Docket Number 17.18-1211956A.


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 20 day of November 2013.


Chairperson
Tennessee Board of Medical Examiners

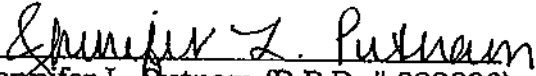
APPROVED FOR ENTRY:


Robert Allen, M.D.
Respondent

10/11/13
DATE


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Attorney for Respondent
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10/11/13
DATE


Jennifer L. Putnam (B.P.R. # 029890)
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health
220 Athens Way, Suite 210
Nashville, Tennessee 37243
(615) 741-1611

11/12/13
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 21st day of November, 2013.


Director, Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, Robert Allen, M.D., 117 Brentwood Drive, Johnson City, TN 37601, by delivering same in the United States Mail, Certified Number 7013 0600 0001 3729 4751 return receipt requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination.

This 22nd day of November, 2013.


Jennifer L. Putnam
Assistant General Counsel
Tennessee Department of Health