

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	BEFORE THE TENNESSEE BOARD
)	OF MEDICAL EXAMINERS
THOMAS NAMEY,)	
RESPONDENT)	CASE NO.: 2023037931
)	
KNOXVILLE, TENNESSEE)	
TENNESSEE LICENSE NO. 19193)	

CONSENT ORDER

The Division of Health Related Boards of the Tennessee Department of Health (hereinafter the “Department”), by and through the Office of General Counsel, and Respondent Thomas Namey, M.D. (hereinafter “Respondent”), 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.

I. AUTHORITY AND JURISDICTION

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 the public health, safety and welfare in every practicable way, including disciplining medical doctors who violate the provisions of TENN. CODE ANN. § 63-6-101, *et seq.* 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, by their 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 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.

II. 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 19193 by the Board on September 1, 1988, which has a current expiration date of September 30, 2024.

2. On May 17, 2023, the Board ratified a Consent Order, signed by Respondent on May 16, 2023, for improper maintenance of controlled substances as found by the United States Drug Enforcement Administration (“DEA”).
3. Under the terms of the Consent Order, Respondent agreed to the following:
 - a. Respondent’s Tennessee medical license being placed on probation for a period of two (2) years.
 - b. Within thirty (30) days from the effective date of the order, Respondent was to provide written documentation to the Disciplinary Coordinator that he updated his information on file with the Board, including LARS and CSMD, to accurately reflect termination of his collaborating relationships or a statement that no update is needed.
 - c. Complete the three (3) day medical course entitled, “Prescribing Controlled Substances,” offered by Vanderbilt University Medical Center or an equivalent course approved in advance by the Board’s medical consultant. This is in addition to completing the continuing education hour requirement for the current year. Respondent is to provide proof of completion of the CE credits within one hundred twenty (120) days of the effective date of the Order.
 - d. Pay one (1) Type A civil penalty in the amount of \$500.00 each. The civil penalty was to be paid within thirty (30) days of the effective date of the Order.
 - e. The maximum amount for assessment of costs shall be \$2,000.00, to be paid within sixty (60) days of the issuance of the Assessment of Costs.
4. The Assessment of Costs was issued on May 24, 2023.
5. The costs from the May 17, 2023, Consent Order were to be paid by July 17, 2023.

6. The documentation that Respondent's information on file with the Board, including LARS and CSMD, to accurately reflect termination of his collaborating relationships or a statement that no update is needed was due on June 17, 2023.
7. Proof that Respondent completed the CE course, "Prescribing Controlled Substances," offered by VUMC was due by September 17, 2023.
8. Respondent's civil penalty of \$500.00 was due by June 17, 2023.
9. On October 6, 2023, the Department sent a thirty (30) day correspondence to Respondent regarding his failure to comply with the Board's May 17, 2023, Consent Order, specifically as it related to the civil penalty, completion of the CE coursework, and documentation that he updated his information on file with the Board.
10. On November 6, 2023, the Department sent Respondent a final notice regarding his failure to comply with the Board's May 17, 2023, Consent Order.
11. On November 30, 2023, Respondent paid his total civil penalty in the amount of \$500.
12. To date, the Department has not received any proof of completion of the CE credits or documentation that Respondent updated his information on file with the Board.

III. GROUNDS FOR DISCIPLINE

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:

13. The facts stipulated in paragraphs two (2) through (12), *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(1):

Unprofessional, dishonorable or unethical conduct;

14. The facts stipulated in paragraphs two (2) through (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 this state.

IV. 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.

V. ORDER

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

15. The Tennessee medical license of Thomas Namey, M.D. license number 19193, is hereby **SUSPENDED**, effective the date of entry of this Order, until a time when Respondent is fully compliant with the terms of the Consent Order entered on or about May 17, 2023.
16. Upon Respondent completing the requirements of the aforementioned Consent Order and the requirements of this Consent Order in paragraphs eighteen (18) through twenty (20), Respondent becomes eligible to petition the Tennessee Board of Medical Examiners for an “Order of Compliance” lifting the restrictions imposed by this Consent Order.


17. Following, an Order of Compliance to lift the restrictions imposed by this Consent Order, Respondent's license is placed on probation as provided in the Consent Order ratified by the Board on May 17, 2023.
18. Respondent must pay seven (7) Type C Civil Penalties in the amount of fifty dollars (\$50.00) each, for a total of three hundred fifty dollars (\$350.00) representing each month that has passed since the time frame to comply with the Consent Order as outlined in the Stipulations of Fact, *supra*.
19. Respondent must pay the actual and reasonable costs associated with the investigation and prosecution of this case, in accordance with TENN. CODE ANN. §§ 63-1-144, 63-6-214 and TENN. COMP. R. & REGS 0880-02-.12. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. The maximum assessment of costs shall be limited to three thousand dollars (\$3,000.00).
20. Any and all costs and civil penalties shall be paid in full within sixty (60) days from the issuance of the Assessment 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, 665 Mainstream Drive, 2nd Floor, Nashville, Tennessee 37243**
A notation shall be placed on said check that it is payable for the costs and civil penalties of **Thomas Namey, M.D., COMPLAINT NO. 2023037931**.
21. 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.

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 31st day of July, 2024.




Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:



Thomas Namey, M.D.
Respondent

7/24/24
Date



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Brittani.Kendrick@tn.gov

7/29/2024
Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, Thomas Namey, 2033 Lyons Ridge Road, Knoxville, Tennessee 37919, by delivering same in the United States Mail, Certified Number 9589 0710 5270 0707 9323 66, return receipts requested, United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination, and via email at thomasnamey@gmail.com.

This 31st day of July, 2024.



Brittani Kendrick
Senior Associate Counsel