

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	BEFORE THE TENNESSEE
)	BOARD OF MEDICAL EXAMINERS
CUPID R. POE, M.D.)	
RESPONDENT)	CASE NO.: 2009014971
)	
NASHVILLE, TENNESSEE)	
TENNESSEE LICENSE NO.: 10087)	

CONSENT ORDER

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 CUPID R. POE, M.D. (hereinafter the "Respondent"), respectfully moves 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 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, CUPID R. POE, M.D., by ^{his} ~~her~~ 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 the 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. 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 10087 on October 15, 1976.
2. On July 9, 2009, a judgment of felony conviction was entered against Respondent in the United States District Court-Middle District of Tennessee for one count of "Health Care Fraud," pursuant to 18 USC §§ 2 and 1347, for which he was sentenced to four (4) years probation.

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.* and TENN. COMP.R. & REGS.) for which disciplinary action before and by the Board is authorized:

3. The facts stipulated in paragraph 2, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(1):

Unprofessional, dishonorable, or unethical conduct.

4. The facts stipulated in paragraph 2, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(10):

Conviction of a felony, conviction of any offense under state or federal drug laws, or conviction of any offense involving moral turpitude.

POLICY STATEMENT

The Tennessee Board of Medical Examiners takes this action to protect the safety and welfare of the citizens of the State of Tennessee consistent with its charge and finds that no lesser sanction would protect the citizens of this state.

III. ORDER

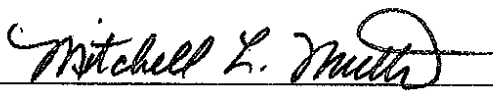
NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

5. The Tennessee medical license of Respondent, **CUPID R. POE, M.D.**, license number 10087, shall be and is hereby placed on **PROBATION**, for a period not less than five **(5) years**, commencing from the effective date of this Consent Order. Respondent must petition for an Order of Compliance for the Probation on Respondent's license to be lifted.
6. 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 by the Office of Investigations, Secretary of State, Administrative Procedures Division as well as the Office of General Counsel. 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 five thousand dollars (\$5,000.00).
7. During the period of Revocation Respondent shall maintain good and lawful conduct and any violation of law will be a violation of the terms of this Order.
8. This Consent Order is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank and/or similar agency.

IV. NOTICE


9. Any and all civil penalty and cost payments shall be made by **cashier's check, money order and/or certified check**, payable to the **State of Tennessee, Department of Health**. Any and all payments shall be forwarded to the **Disciplinary Coordinator, State of Tennessee, Bureau of Investigations, Heritage Place Metro Center, 227 French Landing, Suite 201, Nashville, Tennessee 37243**. A notation shall be placed on said check that it is payable for the costs of **CUPID R. POE, case no. 2009014971**.

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 16th day of March, 2010.



Chairperson
Tennessee Board of Medical Examiners

PREPARED FOR ENTRY:



Benjamin C. Mezer, B.P.R. 027426
ASSISTANT GENERAL COUNSEL
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Tennessee Department of Health
Plaza I
220 Athens Way, Suite 210
Nashville, Tennessee 37243
(615) 741-1611

3/10/10

DATE

APPROVED FOR ENTRY:

Cupid R. Poe, MD

Cupid R. Poe, M.D.

RESPONDENT

Tennessee License No. 10087

512 Old Hickory Blvd

Apartment 1714

Nashville, Tennessee 37209

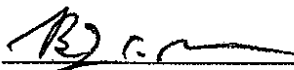
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DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Cupid R. Poe, M.D., through Respondent's attorney, Quenton I. White, Esq., Booker White, PLLC, 942 Jefferson St., Box 280837, Nashville, TN via United States Mail, with sufficient postage thereon to reach its destination.

This 17th day of March, 2010.



Benjamin C. Mezer
Assistant General Counsel
Tennessee Department of Health