

STATE OF TENNESSEE

DEPARTMENT OF HEALTH

IN THE MATTER OF:)	BEFORE THE TENNESSEE BOARD
)	OF MEDICAL EXAMINERS
THOMAS GLEN BANNISTER, M.D.)	
RESPONDENT)	CASE NO: 201400136
)	
MEMPHIS, TENNESSEE)	
TENNESSEE LICENSE NO. 25198)	

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 Thomas Glen Bannister, 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 Thomas Glen Bannister, 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 Healthcare 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 25198 by the Board on February 03, 1994. Respondent's license currently has an expiration date of February 28, 2018.

2. On or about May 22, 2008, patient P.F., a former nurse, presented to the Respondent with complaints of chronic pain related to a history of snake bite, narcotic abuse, and a desire to withdraw from narcotics. The Respondent initially advised the patient to enter a treatment facility, but after the patient expressed a financial inability to make such arrangements, respondent prescribed a thirty-day supply, 180 tablets, of Methadone Hydrochloride for detoxification treatment. Respondent maintains that the prescription of Methadone was consistent with his training to treat rebound pain as well as detoxification but his records support the conclusion that the predominant purpose for the treatment was detoxification. The patient denied current treatment by any other psychiatrist and denied use of any other controlled substances other than pain medications to which he had become dependent.
3. The medication prescribed by Dr. Bannister was not taken as directed.
4. The patient died six days later from an apparent unintentional overdose. The Autopsy report listed the cause of death as Methadone toxicity. Toxicology testing proved that the patient had exceeded the recommended dose of Methadone. The patient also had high levels of the anti-depressant drug Trazadone in his blood. Unknown to the Respondent, Trazadone had been prescribed by another psychiatrist.
5. The Drug Enforcement Administration requires physicians and clinics who engage in detoxification plans using Methadone to register with the DEA for training and oversight.
6. Respondent was not registered with the DEA for detoxification using Methadone.
7. Respondent treated patient P.F. outside of a registered methadone clinic.

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:

1. The facts stipulated in paragraph two (2), *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(14):

Dispensing, prescribing or otherwise distributing any controlled substance, controlled substance analogue or other drug to any person in violation of any law of the state or of the United States;

IV. POLICY STATEMENT

The Tennessee Board of Medical Examiners takes this action in order to protect the health, safety and welfare of the people in the State Tennessee.

V. ORDER

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


2. The Tennessee medical license of Thomas Glen Bannister, M.D. license number 25198, is hereby **REPRIMANDED**, effective the date of entry of this Consent Order.
3. Respondent must pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and 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 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 Assessment of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be three thousand dollars (\$3,000.00).

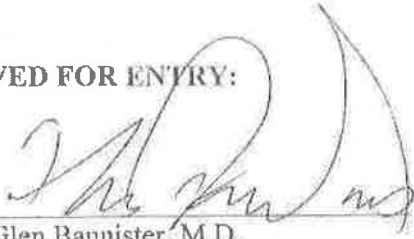
VI. NOTICE

4. 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.
5. Any and all costs 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 Glen Bannister, M.D., Case No. 201400136**.

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 11th day of January/2017.


Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:



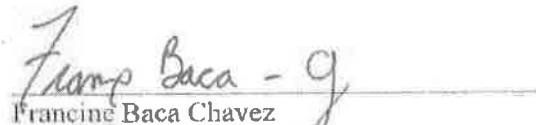
Thomas Glen Bannister, M.D.
Respondent

1/5/17
Date



Darrell E. Baker, Jr., Esq.
Attorney for Respondent
Baker & Whitt, PLLC
6800 Poplar Avenue, Suite 205
Memphis, Tennessee 38138

1/7/17
Date



Francine Baca Chavez
Paetria P. Morgan (B.P.R.#031772)
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243

1/9/17
Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent through his attorney Darrell E. Baker, Jr., Esq., Baker & Whitt, PLLC, 6800 Poplar Avenue, Suite 205, Memphis, Tennessee 38138 by delivering same in the United States Mail, Certified Number 7016 1970 0000 6197 ¹³⁰²⁶, return receipt requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination.

This 16th day of January, 2017.

Paetria P. Morgan w/ permission fee
Paetria P. Morgan
Assistant General Counsel