

**STATE OF TENNESSEE  
DEPARTMENT OF HEALTH**

<b>IN THE MATTER OF:</b>	)	<b>BEFORE THE TENNESSEE BOARD</b>
	)	<b>OF MEDICAL EXAMINERS</b>
<b>WAYNE CORBET CURFMAN, M.D.</b>	)	
<b>RESPONDENT</b>	)	<b>CASE NO: 2023037561</b>
	)	
<b>KNOXVILLE, TENNESSEE</b>	)	
<b>TENNESSEE LICENSE NO. 11251</b>	)	

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**CONSENT ORDER**

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Comes now 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, Wayne Corbet Curfman, M.D., (hereinafter "Respondent"), who would 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.

The Board is responsible for the regulation and supervision of medical professionals licensed to practice in the State of Tennessee. *See* Tennessee Medical Practice Act, Tennessee Code Annotated sections ("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 individuals 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* ("Tenn. Comp. R. & Regs.") 0880-02, *et seq.*

Respondent, Wayne Corbet Curfman, 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 by signing this Consent Order, he is allowing the Board to issue its order without further process. Respondent acknowledges this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/ or a similar agency to comply with all of the public reporting obligations of the Health-Care Consumer Right to Know Act of 1998 (Tenn. Code Ann. §§ 63-51-101, *et seq.*). In the event the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

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## **I. STIPULATIONS 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 first granted Tennessee medical license number 12512 by the Board on June 19, 1978, which currently has an expiration date of July 31, 2025.

2. Respondent currently owns and operates W. Corbet Curfman MD, PC, a psychiatry office in Knoxville, Tennessee.
3. From at least 2012 to the present, Respondent provided treatment to multiple patients, including fourteen (14) patients to whom Respondent prescribed controlled substances, specifically stimulants.
4. The Department reviewed Respondent's Tennessee Controlled Substance Monitoring Database ("CSMD") and medical records of fourteen (14) patients.
5. Respondent's patient medical records were handwritten, and difficult for a subsequent reviewing or treating physician would be unable to ascertain the basis for the diagnosis, treatment plan and outcomes, or provide continuity of care for the patient.
6. Respondent prescribed stimulants to his patients in excess of Food and Drug Administration's (FDA) daily recommended dose without clearly documenting medical justification for prescribing above recommended guidelines.
7. Respondent prescribed stimulants without sufficient documentation in patient charts regarding the patient's chief complaint, physical examination and/or medical justification for prescribing and/or increasing the medications.
8. Respondent occasionally prescribed patients a combination of stimulants and benzodiazepines without documenting discussions regarding the synergistic effects of these medications.
9. Respondent prescribed stimulants to patients in escalating dosages, and did so without appropriately documenting the justification for ongoing and increased prescribing of stimulants.

10. Respondent failed document in patient charts that he reviewed the Tennessee Controlled Substance Monitoring Database (CSMD) when prescribing patients controlled substances.

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## II. GROUNDS FOR DISCIPLINE

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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 the Tenn. Comp R. & Regs. 0880-02, *et seq.*, for which disciplinary action before and by the Board is authorized:

11. The facts stipulated paragraphs two (2) through ten (10), *supra*, constitute grounds for discipline with regard to Tenn. Code Ann. § 63-6-214(b)(2), which establishes that the Board may discipline a medical doctor for:

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

12. The facts stipulated in paragraphs two (2) through ten (10), *supra*, constitute grounds for discipline with regard to Tenn. Comp. R. & Regs. 0880-02-.14(6)(e), which authorizes disciplinary action against a Respondent who prescribes, orders, administers or dispenses dangerous drugs or controlled substances without observing Board guidelines.

13. The facts stipulated in paragraphs two (2) through ten (10), *supra*, constitute grounds for discipline with regard to Tenn. Code Ann. § 53-10-310(e):

(1) When prescribing a controlled substance, all healthcare practitioners, unless otherwise exempted under this part, shall check the controlled substance database prior to prescribing one (1) of the controlled substances identified in subdivision (e)(4) to a human patient at



the beginning of a new episode of treatment, prior to the issuance of each new prescription for the controlled substance for the first ninety (90) days of a new episode of treatment, and shall check the controlled substance database for that human patient at least every six (6) months when that prescribed controlled substance remains part of the treatment. An authorized healthcare practitioner's delegate may check the controlled substance database on behalf of the healthcare practitioner. A 'new episode of treatment' means a prescription for a controlled substance that has not been prescribed by that healthcare practitioner within the previous six (6) months.

(2) When dispensing a controlled substance, all healthcare practitioners, unless otherwise exempted under this part, shall check the controlled substance database prior to dispensing one (1) of the controlled substances identified in subdivision (e)(4) to a human patient the first time that patient is dispensed a controlled substance at that practice site. The dispenser shall check the controlled substance database again at least once every six (6) months for that human patient after the initial dispensing for the duration of time the controlled substance is dispensed to that patient. The initial dispensing check fulfills the check requirement for the first six-month period. An authorized healthcare practitioner's delegate may check the controlled substance database on behalf of the healthcare practitioner.

(3) Before prescribing or dispensing, a healthcare practitioner shall have the professional responsibility to check the database or have a healthcare practitioner delegate check the database if the healthcare practitioner is aware or reasonably certain that a person is attempting to obtain a Schedule II-V controlled substance, identified by the committee or commissioner as demonstrating a potential for abuse for fraudulent, illegal, or medically inappropriate purposes, in violation of § 53-11-402.

(4) The controlled substances that trigger a check of the controlled substance database pursuant to subdivisions (e)(1) and (2) include, but are not limited to, all opioids and benzodiazepines. By rule, the commissioner, pursuant to § 53-10-311, may require a check of the database for additional Schedule II-V controlled substances that are identified by the committee or commissioner as demonstrating a potential for abuse.

14. The facts stipulated in paragraphs two (2) through ten (10), *supra*, constitute grounds for discipline with regard to Tenn. Comp. R. & Regs. 0880-02-.14(7)(a):

Except as provided in subparagraph (b), it shall be a prima facie violation of T.C.A. § 63-6-214 (b) (1), (4), and (12) for a physician to prescribe or dispense any drug to any individual, whether in person or by electronic means or over the Internet or over telephone lines, unless the physician, or his/her licensed supervisee pursuant to appropriate protocols or medical orders, has first done and appropriately documented, for the person to whom a prescription is to be issued or drugs dispensed, all of the following:

1. Performed an appropriate history and physical examination; and

2. Made a diagnosis based upon the examinations and all diagnostic and laboratory tests consistent with good medical care; and
  3. Formulated a therapeutic plan, and discussed it, along with the basis for it and the risks and benefits of various treatments options, a part of which might be the prescription or dispensed drug, with the patient; and
  4. Insured availability of the physician or coverage for the patient for appropriate follow-up care.
15. The facts stipulated in paragraphs two (2) through ten (10), *supra*, constitute grounds for discipline with regard to Tenn. Comp. R. & Regs. 0880-02-.15(4)(d), Medical Records - Content:
- All medical records, or summaries thereof, produced in the course of the practice of medicine for all patients shall include all information and documentation listed in Tenn. Code Ann. § 63-2-101(c)(4) and such additional information that is necessary to ensure that a subsequent reviewing or treating physician can both ascertain the basis for the diagnosis, treatment plan and outcomes, and provide continuity of care for the patient.
16. The facts stipulated in paragraphs two (2) through ten (10), *supra*, constitute grounds for discipline with regard to Tenn. Comp. R. & Regs. 0880-02-.15(5) Violations:
- Violation of any provision of these rules is grounds for disciplinary action pursuant to Tenn. Code Ann. §§ 63-6-214(b)(1) and/or (2).

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### III. POLICY STATEMENT

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The Tennessee Board of Medical Examiners takes this action in order to protect, promote, and improve the health and well-being of all people in Tennessee by ensuring that physicians follow all legal and ethical requirements for prescribing and dispensing controlled medications and maintaining appropriate records and logs.

#### IV. ORDER

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

17. The Tennessee medical license of Wayne Corbet Curfman, M.D., license number 12512, is hereby **REPRIMANDED** effective the date of entry of this Consent Order by the Board.
18. Within three (3) months of the date this Consent Order is approved by the Board, Respondent must:
  - a. Enroll in and successfully complete the medical course titled “*Proper Prescribing (RX-21)*” offered by PBI Education, or an equivalent course approved in advance in writing by the Board’s Medical Director.
  - b. Enroll in and successfully complete the medical course titled “*Medical Record Keeping Seminar with required enrollment in the Personalized Implementation Program (PIP)*” offered by CPEP, or an equivalent course approved in advance in writing by the Board’s Medical Director.
    - i. Respondent must enroll in the CPEP Personalized Implementation Program (PIP) in combination with the Medical Record Keeping Seminar.
    - ii. Respondent must submit three sets of charts to CPEP at two, four and six months after enrollment in the Medical Record Keeping Seminar.
    - iii. Respondent must implement the concrete suggestions for improvement that are provided in the written CPEP PIP reports.
    - iv. Within thirty (30) days after completion of CPEP PIP report, Respondent must submit a copy of the CPEP PIP reports with a copy of his CSMD for

the previous ninety (90) days to: **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, TN 37243.** Respondent may also deliver proof of compliance with this requirement by email to [disciplinary.coordinator@tn.gov](mailto:disciplinary.coordinator@tn.gov).

- c. Within thirty (30) days after completion of each course, Respondent shall mail or deliver proof of compliance with this course requirement to: **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, TN 37243.** Respondent may also deliver proof of compliance with this course requirement by email to [disciplinary.coordinator@tn.gov](mailto:disciplinary.coordinator@tn.gov). Any CME course hours earned from attendance and completion of the above courses required by this paragraph shall be in addition to the CME hours required to maintain licensure.

19. Respondent agrees that, within ninety (90) days of the effective date of this Consent Order, Respondent shall decrease his prescribing of stimulants to no more than the maximum daily dosage equivalent per FDA guidelines, which is currently a daily equivalent of sixty milligrams (60 mg) of Adderall to any single patient.

- a. Respondent shall be in violation of this Consent Order if he prescribes any stimulant or combination of stimulants in a total daily dosage greater than the current equivalent of 60 mg of Adderall, or in excess the maximum daily dosage equivalent per FDA guidelines, to any single patient at any time after ninety (90) days from the effective date of this Consent Order.
- b. This prescribing restriction shall continue until terminated by the Board.

- c. Respondent's compliance will be determined by review of his CPEP PIP reports and his prescribing as reported in the CSMD.
- d. Respondent shall provide a copy of his CSMD Practitioner Report with his CPEP PIP reports. Each CSMD Practitioner Report shall reflect all controlled substance prescriptions Respondent has written for the previous ninety (90) days. The first report shall be due thirty (30) days after CPEP issues its first PIP report to Respondent. Respondent shall mail or deliver written proof of compliance with this CPEP PIP report and CSMD Practitioner Report requirement to:

**Disciplinary Coordinator  
Office of General Counsel  
Tennessee Department of Health  
665 Mainstream Drive, 2nd Floor  
Nashville, TN 37243  
Or via email to: [disciplinary.coordinator@tn.gov](mailto:disciplinary.coordinator@tn.gov)**

- e. The Board's Medical Director for Overprescribing and Pain Management Clinics shall review Respondent's quarterly CSMD Practitioner Reports to determine Respondent's compliance with this Consent Order.
- 20. Respondent acknowledges this order does not preclude the Department from initiating additional investigations or disciplinary actions.
  - 21. Respondent is assessed and must pay, pursuant to Tenn. Comp. R. & Regs. Rule 0880-02-.12(4), six (6) Type "B" Civil Penalties for the grounds of discipline, stated *supra*, in this case, in the amount of two hundred dollars (\$250.00) each for a total of **one thousand five hundred dollars (\$1,500.00)**. All civil penalties shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs and Civil Penalties.
  - 22. Respondent must pay, pursuant to Tenn. Code Ann. § 63-1-144, 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 and Civil Penalties prepared and filed by counsel for the Division. The maximum amount for the assessment of costs for this case shall be three thousand dollars (\$3,000.00) and shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs and Civil Penalties. Such costs shall include, but not be limited to, the following:

- a. All costs absorbed by or assessed against the Board by the Department's Office of Investigations in connection with the prosecution of the matter including all investigator time, travel and lodging incurred during the prosecution;
  - b. All costs absorbed by or assessed against the Board by the Division of Health Related Boards for the use of the division facilities and personnel for prosecution of the matter;
  - c. All costs assessed against the Board for the appearance fees, transcripts, time, travel and lodging of administrative law judges and court reporters and witnesses required in the prosecution of the matter; and
  - d. All costs attributed to and assessed against the Board by the Department's Office of General Counsel in connection with the prosecution of the matter, including all attorney and paralegal time, travel and lodging incurred during the prosecution of the matter.
23. Respondent understands this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or a similar agency to comply with all of the public reporting obligations of the Health-Care Consumer Right to Know Act of 1998 (Tenn. Code Ann. §§ 63-51-101, *et seq.*).

24. Each condition of discipline herein is a separate and distinct condition. If any condition of this Consent Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Consent Order, and all other applications thereof, shall not be affected. Each condition of this Consent Order shall separately be valid and enforceable to the fullest extent permitted by law.

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**V. NOTICE**

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25. Any and all civil penalties and costs shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs and Civil Penalties. Payment shall be made by **certified check, cashier's check, or money order**, payable to the **State of Tennessee**, Department of Health by mail. Proof of compliance regarding CMEs or any other submitted documents can be submitted via electronic means (e-mail) to **[disciplinary.coordinator@tn.gov](mailto:disciplinary.coordinator@tn.gov)**. All disciplinary terms submitted, including CMEs, Civil penalties and/or Cost payments, must include **Wayne Corbet Curfman, M.D., Case No. 2023037561** on the instrument. All payments can be mailed or delivered to:

**Office of Investigations  
Attn: Disciplinary Coordinator  
Tennessee Department of Health  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243**

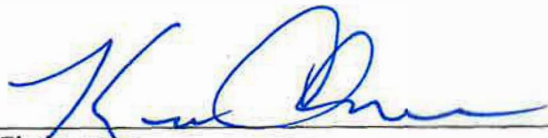
26. A violation of this Consent Order shall constitute a separate violation, pursuant to Tenn. Code Ann. § 63-6-214(b)(2) and is grounds for further disciplinary action by the Board, including revocation of Respondent's license.

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**VI. APPROVAL BY THE BOARD**

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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 24th day of September, 2024.

  
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Chairperson  
Tennessee Board of Medical Examiners

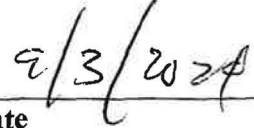



Wayne Corbet Curfman, M.D.  
Case No. 2023037561  
Consent Order

**APPROVED FOR ENTRY:**

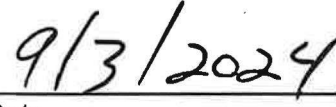
  
**Wayne Corbet Curfman, M.D.**  
License No. 11251

*Respondent*  
9508 Middleground Lane  
Knoxville, Tennessee 37923  
Email: [corvol@knology.net](mailto:corvol@knology.net)

  
Date

  
**Daniel T. Swanson (BPR No. 023051)**  
*Counsel for Respondent*

Law Office of Daniel T. Swanson  
1003 Hamilton Ridge Lane  
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Date

  
**Candace M. Carter (BPR No. 034514)**  
Senior Associate General Counsel

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Tennessee Department of Health  
665 Mainstream Drive, 2<sup>nd</sup> Floor  
Nashville, Tennessee 37243  
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Email: [Candace.Meagan.Carter@tn.gov](mailto:Candace.Meagan.Carter@tn.gov)

September 3, 2024  
Date

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent's counsel by delivering the same via the United States Postal Service Certified Mail Number 9589 0710 5270 0707 9332 57 return receipt requested, United States Postal Service First Class Postage Pre-Paid Mail, both with sufficient postage thereon to reach its destination, and electronic mail to:

Wayne Corbet Curfman, M.D.  
c/o Daniel T. Swanson, II, Esq.  
Law Office of Daniel T. Swanson  
1003 Hamilton Ridge Lane  
Knoxville, Tennessee 37922  
Email: [dan@danswansonlaw.com](mailto:dan@danswansonlaw.com)

This 24th day of September, 2024.



\_\_\_\_\_  
Candace M. Carter  
Senior Associate General Counsel  
Tennessee Department of Health