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SECRETARY OF STATE

STATE OF TENNESSEE
DEPARTMENT OF HEALTH

IN THE MATTER OF:)

ROSALIA DOMINGUEZ, M.D.)

(License No. 28268))

2975 Sparta St., Box 7274)

McMinnville, TN 37111)

Respondent)

BEFORE THE TENNESSEE
BOARD OF MEDICAL EXAMINERS

DOCKET NO.: 17.18-104667A

FINAL ORDER

This matter came to be heard before the Tennessee Board of Medical Examiners (hereinafter referred to as "the Board") on the 27th day of January, 2010, pursuant to a Notice of Charges and Memorandum for Assessment of Civil Penalties issued against Respondent. Presiding at the hearing was the Honorable Mary Collier, Administrative Judge, assigned by the Secretary of State. The Division of Health Related Boards of the Tennessee Department of Health (hereinafter referred to as "the State") was represented by Shiva K. Bozarth, Deputy General Counsel. Respondent was not present and the Board entered default against the Respondent pursuant to Tenn. Code Ann. §4-5-309. After consideration of the Notice of Charges, documentary evidence, and the record as a whole, the Board found as follows:

I. FINDINGS OF FACT

1. At all times pertinent hereto, the Respondent, Rosalia Dominguez, M.D., was licensed as a medical doctor by the State of Tennessee Board of Medical Examiners having been

issued license number 28268 on June 20, 1996 with a license expiration date of September 30, 2010.

2. While working as a psychiatrist at Western Mental Health Institute, Dr. Dominguez allegedly exhibited symptoms of cognitive impairment.

II. CONCLUSIONS OF LAW

The facts as alleged in Paragraph 2 of this Notice of Charges are sufficient to constitute violations by Respondent of the following statutes or rules which are part of the provisions of the Tennessee Medical Examiners Practice Act, (TENN. CODE ANN. § 63-6-101, *et seq.*) for which disciplinary action before and by the Board of Medical Examiners is authorized:

3. The facts in Section II, paragraph 2 constitute a violation of 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

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.

IV. ORDER

THEREFORE, in consideration of the above Findings of Fact and Conclusions of Law, it is **ORDERED, ADJUDGED, and DECREED** as follows:

4. Respondent's Tennessee medical license is hereby **SUSPENDED** until such time as a history and physical evaluation, including a neuropsychological assessment, can be reviewed by a panel of four (preferably the same panel of the Board that heard this matter on this date). Said assessment must come from Bradford Health Services, Vanderbilt Comprehensive Assessment Program ("VCAP") or Talbott County Addictions Program as selected by Respondent. That panel shall determine what, if any, further discipline should be imposed at that time.

V. CIVIL PENALTY AND ASSESSMENT OF COSTS

5. Respondent must pay the actual and reasonable costs of prosecuting this case to the extent allowed by law. TENN. CODE ANN. § 63-6-214(k). These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department. Said costs shall not exceed three thousand dollars (\$3,000.00). Costs shall be paid within thirty (30) days after the issuance of the Affidavit 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, Heritage Place Metro Center, 227 French Landing, Suite 201, Nashville, Tennessee 37243**. A notation shall be placed on said money order or check that is payable for the costs of **Rosalia Dominguez, M.D., Docket No. 17.18-104667A**.

So **ORDERED** by the Tennessee Board of Medical Examiners, this 4th day of
Feb, 2010.

Charles W. White

Panel Chairperson,
Tennessee Board of Medical Examiners


RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW

Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317 (Supp. 2002).

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316 (1998).

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322 (Supp. 2002).

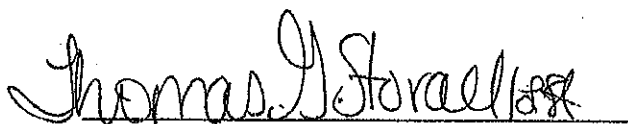
PREPARED FOR ENTRY:



Shiva K. Bozarth, BPR #22685
Deputy General Counsel
Office of General Counsel
Tennessee Department of Health
220Athens Way, Suite 210
Nashville, Tennessee 37243
(615) 741-1611

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 8th day of February 2010.

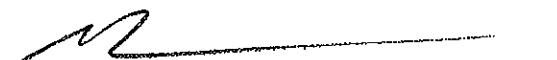


Thomas G. Stovall, Director
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, Rosalia Dominguez, M.D., 2975 Sparta Street, Box 7274, McMinnville, TN 37111, and 1595 Dellwood Avenue, Cookeville, TN 38506, by delivering same in the United States Mail, Certified nos. 70092250000407670872 and 70092250000407670889 return receipts requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination.

This 9th day of February, 2010.



Shiva K. Bozarth
Deputy General Counsel
Tennessee Department of Health