

**STATE OF TENNESSEE  
DEPARTMENT OF HEALTH**

|                                     |   |                                   |
|-------------------------------------|---|-----------------------------------|
| <b>IN THE MATTER OF:</b>            | ) | <b>BEFORE THE TENNESSEE</b>       |
|                                     | ) | <b>BOARD OF MEDICAL EXAMINERS</b> |
| <b>KEVIN COLLEN, M.D.</b>           | ) |                                   |
| <b>RESPONDENT</b>                   | ) | <b>CASE NO.: 2010001971</b>       |
|                                     | ) |                                   |
| <b>NASHVILLE, TENNESSEE</b>         | ) |                                   |
| <b>TENNESSEE LICENSE NO.: 38029</b> | ) |                                   |

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**CONSENT ORDER**

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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, **KEVIN COLLEN, 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 of Rules and Regulations of the State of Tennessee (hereinafter "TENN. COMP. R. & REGS.").

Respondent **KEVIN COLLEN, 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 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.

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#### I. STIPULATIONS OF FACT

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1. The 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 38029 on 16 September 2003.
2. On 21 January 2010, Respondent tested positive for methamphetamine and benzodiazepines after submitting to a "for-cause" drug screen by his employer. Respondent has subsequently admitted to being addicted to street level methamphetamine and benzodiazepines for more than one year. Upon being confronted with the positive drug screen, Respondent immediately contacted the Tennessee Medical Foundation.

3. On 23 January 2010, Respondent entered the 12-week inpatient drug treatment program at Bradford Health Services in Warrior, Alabama following the recommendation of the Tennessee Medical Foundation. Respondent is still currently participating in the Bradford program and is uncertain of his release date.
4. Respondent's admission to the personal misuse of methamphetamines and benzodiazepines constitutes unprofessional, dishonorable and unethical conduct and habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such manner as to adversely affect the person's ability to practice medicine.

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

5. Respondent's acts as stipulated in paragraphs 2 through 4, *supra*, each constitute violations of TENN. CODE ANN. § 63-6-214(b)(1):

Unprofessional, dishonorable, or unethical conduct.

6. Respondent's acts as stipulated in paragraphs 2 through 4, *supra*, each constitute violations of TENN. CODE ANN. § 63-6-214(b)(5):

Habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such

manner as to adversely affect the person's ability to practice medicine.

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### III. REASONS FOR DECISION

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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 consistent with its charge and finds that no lesser sanction would protect the citizens of this state.

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### III. 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:

7. The Tennessee medical license of Respondent **KEVIN B. COLLEN, M.D.**, license number 38029, shall be and is hereby **placed on PROBATION**, commencing from the date this Consent Order is ratified by the Board of Medical Examiners, **for a period not less than five (5) years.**
8. TENNESSEE MEDICAL FOUNDATION
  - a. Respondent shall obtain a contract for life time advocacy and monitoring with the Tennessee Medical Foundation's Physician Health Program immediately upon release from all stages of treatment at Bradford Health Services in Warrior, Alabama. Respondent shall further execute all necessary releases to ensure that quarterly reports from TMF are sent to the **Medical Director of the Board of Medical Examiners, Division of Health Related Boards, 227 French Landing,**

Suite 300, Heritage Place Metro Center, Nashville, Tennessee 37243. In addition, Respondent shall:

- i. Cause the TMF to issue quarterly reports to the Board's Consultant detailing Respondent's compliance with the terms of the TMF contract;
  - ii. Cause the TMF to notify the Board's Consultant in writing of any violation of the TMF contract even if TMF continues to provide advocacy for Respondent;
  - iii. Comply with all recommendations of the TMF; and
  - iv. Maintain one hundred percent (100%) compliance with his TMF contract.
- b. If Respondent fails to enter into a contract for lifetime advocacy with the Tennessee Medical Foundation Physician Health Program within the time allotted, Respondent is on notice that he faces the summary suspension of his license to practice as a medical doctor in the state of Tennessee.

9. ORDER OF COMPLIANCE

- a. At the conclusion of five (5) years, Respondent becomes eligible to petition the Board of Medical Examiners for an "Order of Compliance". Respondent shall submit all documentation necessary to obtain such an order in accordance with the rules and regulations in effect at the time of the request. Further, Respondent must physically and personally appear before the Board of Medical Examiners before such a request may be granted.

10. CIVIL PENALTIES

- a. The Respondent shall pay one (1) Type A Civil Penalties in the amount of One

Thousand Dollars (\$1000.00) each, for a total assessment of One Thousand dollars (\$1000.00) representing each failed drug screen during his employment. Any and all civil penalties shall be paid in full within one hundred-eighty (180) days of the effective date of this Consent Order.

11. COSTS. The Respondent shall pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and TENN. CODE ANN. § 63-1-144, all costs allowable by law associated with the prosecution of this matter. These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department and shall not exceed -five thousand dollars (\$5,000.00). To the extent allowed by law, execution may issue for payment of these costs for all or any portion thereof that remain unpaid for one (1) year after the Order becomes final.
12. During the period of Probation and/or Suspension Respondent shall maintain good and lawful conduct and any violation of law will be a violation of the terms of this Order.
13. Respondent is advised that any subsequent violation of this Order of the Board of Medical Examiners shall constitute a **separate violation** of the Medical Practice Act, TENN. CODE ANN. § 63-6-214(b)(2) and will result in further disciplinary action by the Board up to revocation.
14. This **PROBATION** is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank and/or similar agency.

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#### IV. NOTICE

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15. 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 KEVIN B. COLLEN, M.D., complaint no. 2010001971.

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 19<sup>th</sup> day of May, 2010.

*Charles W. White*

Chairperson  
Tennessee Board of Medical Examiners

*[Handwritten signature]*

**PREPARED FOR ENTRY:**

Mona N. Jean-Baptiste  
Mona N. Jean-Baptiste, BPR #025481  
ASSISTANT GENERAL COUNSEL  
Office of the General Counsel  
Tennessee Department of Health  
Plaza I  
220 Athens Way, Suite 210  
Nashville, Tennessee 37243  
(615) 741-1611

17 May 2010  
DATE

**APPROVED FOR ENTRY:**

Kevin B. Collen, M.D.  
Kevin B. Collen, M.D.  
RESPONDENT  
Tennessee License No. 38029  
2809 Acklen Avenue  
Nashville, Tennessee 37212

5-13-10  
DATE

and

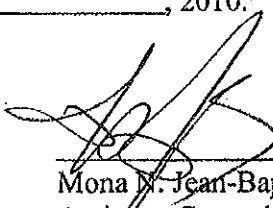
C/o ~~Bradford Health Services~~ Any Length Resources  
1515 Second Avenue North  
Bessemer, Alabama 35020



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document, having been ratified by the Tennessee Board of Medical Examiners, has been served upon the Respondent, Kevin B. Collen, M.D., 2809 Acklen Avenue, Nashville, Tennessee 37212 and c/o Bradford Health Services, 1515 Second Avenue North, Bessemer, Alabama 35020, by delivering same via United States regular mail and United States certified mail numbers 7009 2820 0003 6206 3262 and 7009 2820 0003 6206 3279, return receipt requested, via United States Mail, with sufficient postage thereon to reach its destination.

This 24<sup>TH</sup> day of May, 2010.



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Mona N. Jean-Baptiste  
Assistant General Counsel  
Tennessee Department of Health