

1606_15067_112103
STATE OF TENNESSEE
DEPARTMENT OF HEALTH

IN THE MATTER OF:)	BEFORE THE TENNESSEE
)	BOARD OF MEDICAL EXAMINERS
)	
HELMUT K. HARNISCH, M.D.)	DOCKET NO. 17.18-049141A
RESPONDENT)	
)	
LEWISBURG, TENNESSEE)	
LICENSE NO. 15067)	

AGREED ORDER OF REPRIMAND

This matter came to be heard before the Tennessee Board of Medical Examiners on the 18th day of November 2003, pursuant to a Notice of Charges issued against the Respondent. Robert A. O'Connell, Assistant General Counsel, represented the State. Daniel D. Warlick, Attorney, represented the Respondent. After consideration of the Notice of Charges, and presentation of counsel, the Board found as follows:

I. FINDINGS OF FACT

1. The Respondent has, by his signature on this Order, waived his right to a contested case hearing and any and all rights to judicial review in this matter.
2. At all times relevant to this matter, Respondent was licensed to practice medicine in Tennessee, License Number 15067.

3. On at least three occasions, August 6, 2001, September 10, 2001, and September 24, 2001, the Respondent administered intravenous infusions of hydrogen peroxide to patients (W.B., in this instance).
4. All of the hydrogen peroxide infusions referenced above were administered without the appropriate informed consent of the patient. Prior to the initial administration, on August 6, 2001, the patient signed a two-page form entitled “Informed Consent for MgEDTA Chelation Therapy”. This form details the possible side effects and describes the risks and benefits of receiving intravenous administration of MgEDTA chelation therapy. At the end of the first paragraph the words “incl. H2O2” are added to the sentence, “I have chosen an alternative approach”. No risks or benefits or possible side effects of the intravenous administration of hydrogen peroxide are in any way mentioned in the “informed consent” signed by the patient. This “informed consent” is the only one found in the patient’s file.

II. CONCLUSIONS OF LAW

5. The facts as alleged in Section I of this Order establish violations by the Respondent of the following statutes or rules which are part of the provisions of the Tennessee Medical Examiners Practice Act, (T.C.A. § 63-6-101, *et seq.*) for which disciplinary action before and by the Board of Medical Examiners is authorized:
 - (a) The facts alleged in Paragraphs 2, 3, and 4, *supra*, constitute a violation of TENN. CODE. ANN. § 63-6-214(b)(1):
Unprofessional, dishonorable, or unethical conduct.

- (b) The facts alleged in Paragraphs 2, 3, and 4, *supra*, constitute a violation of TENN. CODE. ANN. § 63-6-214(b)(4):
- Gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence, or incompetence in the course of medical practice.

IV. REASONS FOR DECISION

6. The Board takes this action because the health, safety, and welfare of the citizens of this state so requires.

Therefore, it is **ORDERED** as follows:

7. The Respondent is officially **REPRIMANDED** for the actions described above.
8. The Respondent has voluntarily agreed, and is hereby ordered, to limit his practice to exclude any further IV infusions of hydrogen peroxide or chelation therapy.
9. The Respondent will pay the costs associated with this disciplinary action, pursuant to TENN. CODE ANN. § 63-6-214(k) and the Official Compilation of Rules and Regulations of the State of Tennessee (hereinafter referred to as the “TENN. COMP. R. & REGS.”) Rule 0880-2-.12(j).

ORDERED by the Tennessee Board of Medical Examiners this _____ day of _____ 2003.

Board Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:

Robert A. O'Connell
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health
26th Floor, Wm. Snodgrass Tennessee Tower
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Helmut K. Harnisch, M.D.
Respondent
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Lewisburg, Tennessee 37091

Daniel Warlick, Esq.
Attorney for the Respondent
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Suite 2712, The Tower
Nashville, Tennessee 37203

ENTRY OF ORDER

This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the _____ day of _____ 2003.

Honorable Charles C. Sullivan, II, Director
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been forwarded via United States Mail, to the following:

Daniel D. Warlick, Esq.
611 Commerce Street
Suite 2712, The Tower
Nashville, Tennessee 37203

This the _____ day of _____ 2003.

Robert A. O'Connell
Assistant General Counsel
Tennessee Department of Health