

1606_8503_012406
BEFORE THE TENNESSEE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF:)
)
State Of Tennessee)
Department Of Health)
)
vs.)
)
Robert Clark Allen, M.D.)
Respondent)

CONSENT ORDER

This matter came to be heard before the Board of Medical Examiners on the 24th day of January, 2006, pursuant to an agreement reached between the State, represented by Robert J. Kraemer, Jr., Assistant General Counsel and the Respondent who was represented by Charles Herndon, IV, of the Johnson City Bar. The Respondent's presence was waived by the Board's Medical Director. After consideration of the presentations of counsel, the Board found as follows:

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. The Respondent agrees that presentation to and consideration of this 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.

3. The Respondent was convicted on July 28, 2005 in the General Sessions Court of Washington County, Tennessee of one count each of Driving under the Influence, Violation of the Implied Consent law and Evading Arrest all of which were misdemeanors.

CONCLUSIONS OF LAW

4. The facts as found in paragraph 3 of the Findings of Fact in this Order are sufficient to establish violation by the Respondent of the following provision of the Medical Practice Act for which disciplinary action before and by the Board is authorized.

Tennessee Code Annotated, § 63-6-214 (b) (2) Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto, or any criminal statute of the state of Tennessee.

REASONS FOR DECISION

5. This action was taken to protect the public health, safety and welfare.

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

6. The Respondent’s license is placed on probation for a period of not less than five (5) years. The conditions attached to that probation are that the Respondent shall enter into and fully comply with all terms of an advocacy contract with the Tennessee Medical Foundation for the entire period of his probation.
7. At the end of the probationary period the Respondent must petition and appear before the Board for issuance of an Order of Compliance pursuant to rule 0880-2-.12 (2) before the probation can be lifted.

So **ORDERED** this the 24th day of January, 2006, by the Tennessee Board of Medical Examiners.

Panel Chairperson

Approved for entry by:

Robert C. Allen, M.D.

Date

Charles Herndon, IV Esq.
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Robert J. Kraemer, Jr.
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon all interested parties, or their counsel, by delivering same to their offices or by placing a true and correct copy of same in the United States mail, postage prepaid.

This ___ day of _____, 20___.

BY: _____
Assistant General Counsel
Tennessee Department of Health