BEFORE THE TENNESSEE BOARD OF MEDICAL EXAMINERS

In The Matter of:	)	
	)	
MARK A. COOPER	)	
License Number 29115	)	**Case No. 201400445**
Respondent	)	
	)	
	)	

ORDER OF SUMMARY SUSPENSION

This cause came to be heard on the 19th day of March 2014, at a public meeting, before the Tennessee Board of Medical Examiners ("Board"), upon the application of the Tennessee Department of Health, Division of Health Related Boards ("State"), for a summary suspension of Respondent's license pursuant to the Tennessee Code Annotated Section ("T.C.A. §") 4-5-320(c). The State presented evidence that the Respondent, Mark A. Cooper, M.D. ("Respondent") practiced medicine in violation of the provisions of T.C.A. §63-6-101, *et seq.* The State presented evidence that Dr. Cooper was under a Board Order to seek an evaluation from the Vanderbilt Comprehensive Assessment Program ("VCAP") and comply with any recommendations which might be made by that evaluation, to include a entering into a monitoring contract with the Tennessee Medical Foundation ("TMF"); information that the Respondent received an evaluation indicating he should contract with the TMF; and an affidavit that he had not done so. By this evidence submitted to the Board, the State presented evidence that Dr. Cooper was in violation of his Consent Order and presently unfit to practice medicine.

JURISDICTION

The Board is responsible for the regulation and supervision of the practice of medicine in the State of Tennessee. TENN. CODE ANN. § 63-6-101, *et seq*. The Board has the duty and power to revoke, suspend, or otherwise discipline the license of a nurse who has violated the provisions of Title 63, Chapter 6, or any substantive rule promulgated under that chapter. T.C.A. §63-6-214. Under T.C.A. § 4-5-320(c), the Board has the authority to summarily suspend a license if it finds that the public health, safety, or welfare imperatively require emergency action.

FACTS

1. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor, having been granted license number 29115 on April 16, 1997. Respondent's medical license will expire on January 31, 2015.
2. Respondent signed a Consent Order which was ratified by the Board of Medical Examiners at its September 18, 2013, meeting ("Consent Order"). The Consent Order placed his license on Probation for five (5) years and required him to undergo an evaluation with the Vanderbilt Comprehensive Assessment Program ("VCAP").
3. The Consent Order requires Respondent to comply with "any and all" recommendations of the VCAP evaluation, and if the results of the evaluation recommended follow-up or continuing treatment, Respondent, by his signature, agreed to obtain and maintain a monitoring agreement with the Tennessee Medical Foundation ("TMF") within thirty (30) days. As part of that monitoring agreement, which would run concurrent to the length of the probationary period, Respondent would cause the TMF to submit quarterly reports to the Board of Medical Examiners Disciplinary Coordinator.

4. An evaluation of Respondent by the VCAP was conducted from November 20 to November 22, 2013. The results of said evaluation from VCAP, which were generated on December 16, 2013, and at that time communicated to Dr. Cooper, indicate to a reasonable degree of medical certainty that Dr. Cooper is presently unfit to practice medicine. It recommended an extended period of monitored abstinence from alcohol and monitoring for ongoing psychiatric care.

5. To date, Respondent has not signed a monitoring agreement with TMF. In fact, he has had no contact with TMF regarding the Consent Order and has apparently not released the VCAP evaluation to them. Respondent has been working in a solo practice since August 2010.

CONCLUSIONS OF LAW

The facts listed above are sufficient to establish that Respondent has violated the following statutes or rules which are part of the Act, TENN. CODE ANN. § 63-6-101, *et seq.* and the *Official Compilation Rules and Regulation of the State of Tennessee* ("TENN. COMP. R. & REGS."), Rule 0880-02-.01, *et seq.*, for which disciplinary action by the Board is authorized:

6. The facts stipulated in paragraphs 2-5 constitute a violation of TENN. CODE ANN. § 63-6-214(b)(1): unprofessional, dishonorable, or unethical conduct;

7. The facts stipulated in paragraphs 2-5 constitute a violation of TENN. CODE ANN. §63-6-214(b)(2): violation or attempted violation, directly or indirectly, of any provision of this chapter, or any lawful order of the board issued pursuant thereto, or any criminal statute of the state of Tennessee.

8. The facts stipulated in paragraphs 4-5 constitute a violation 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.

9. The facts stipulated in paragraphs 4-5 constitute a violation of TENN. CODE ANN. § 63-6-214(b)(18): engaging in the practice of medicine when mentally or physically unable to do so.

SUSPENSION

In consideration of the evidence presented, and pursuant to the authority granted under T.C.A. § 4-5-320(c), T.C.A. §§ 63-6-214, and the Rules of the Board, Chapters 0880-02-.01, *et seq.*, the Board hereby preliminarily finds that the misconduct of Respondent, **Mark A. Cooper, M.D.**, is so severe that it imperatively requires emergency action in order to protect the public health, safety, and welfare prior to the initiation of formal disciplinary charges.

It is therefore **ORDERED** that:

10. Respondent's Tennessee medical license, number 29115, is hereby **SUMMARILY SUSPENDED;**

11. Upon receipt of this Order, Respondent shall cease and desist from practicing medicine in the state of Tennessee;

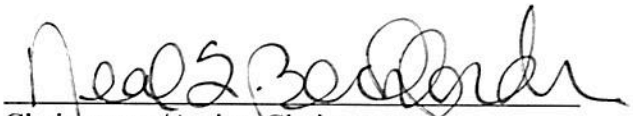
12. This suspension shall be effective immediately and shall remain in effect until the conclusion of the contested case hearing against Respondent or until otherwise ordered by the Tennessee Board of Medical Examiners;

13. Pursuant to T.C.A. § 4-5-320(d)(1), Respondent may present his version of the facts to the Board at an informal conference, if a timely request is made by 5:00pm on March 26,

2014, to Rosemarie Otto, Medical Examiners Board Director, 665 Mainstream Drive, Nashville, TN 37243.

14. The sole issue at the informal conference mentioned above shall be whether the public health, safety or welfare imperatively required emergency action by the Board.

SO ORDERED, this 19th day of March, 2014.



Chairperson/Acting Chairperson
Tennessee Board of Medical Examiners

Respectfully submitted,

Mary Katherine Bratton (BPR No. 030083)
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health