

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:

**BEFORE THE BOARD OF
MEDICAL EXAMINERS**

**Richard W. Feldman, M.D.
RESPONDENT
Nashville, TN
License No. 10062**

DOCKET NO. 17.18-016099A

ORDER

This matter came on to be heard before the Board of Medical Examiners (hereinafter the Board) on the 18th, day of September, 2001, pursuant to a Notice of Charges issued against the Respondent. Presiding at the hearing was the honorable Marion P. Wall, Administrative Law Judge, assigned by the Secretary of State. The State was represented by Earl W. Roberts, Assistant General Counsel, and the Respondent was represented by Frank Scanlon, Esq. 214 Second Avenue North Suite 300, Nashville, TN 37201-1638 and William O'Bryan, Esq. 1200 One Nashville Place, 150 Fourth Avenue North, Nashville TN 37219-2433. After consideration of the Notice of Charges, testimony, exhibits and the record as a whole, the Board found as follows:

FINDINGS OF FACTS

1. The Respondent, Richard W. Feldman, M.D., received the doctor of medicine degree from the Meharry Medical College. He became licensed to practice medicine in Tennessee on September 24, 1976, and was given the license

number 10062 MD.

2. On or about July 25, 2000, Respondent was providing medical services through the corporation known as "Doctors Diet Program, Inc.," which is a duly authorized Tennessee corporation. Respondent is the president of said corporation.
3. The corporation advertised a weight loss program through post cards, which provided for fifty percent (50%) off to those who bring a "diet buddy" on their next visit. The content of Dr. Fellman's advertising offered material consideration for the acquisition of patients.
4. Respondent failed to have a directory of licensees on display at three of the four locations where he was practicing pursuant to the Doctors Diet Program, Inc. However, Respondent's conduct in this regard was not willful.

CONCLUSIONS OF LAW

Respondent has violated the General Rules and Regulations governing the practice of medicine, which are promulgated by the Board, as follows:

Directly or indirectly offering, giving, receiving, or agreeing to receive any fee
Or other consideration to or from a third party for the referral of a patient in connection with the performance of professional services, Board Rule 0880-2-13(4)(i).

REASONS FOR DECISION

The Board takes this action to protect the health, safety, and welfare of the citizens of Tennessee and to protect the integrity of the medical profession.

Therefore, it is ORDERED as follows:

1. Respondent shall pay a One Thousand Dollar civil penalty (\$1,000.00),
to be paid within 30 days of the date of this order; and
2. He shall remain on probation as set forth in the previous order of this
Board.

SO ORDERED THIS 27th DAY OF September, 2001 BY THE BOARD OF
MEDICAL EXAMINERS.

Lucretia Green Lovett
Lucretia Lovett, Panel Chairperson
Board of Medical Examiners

RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW

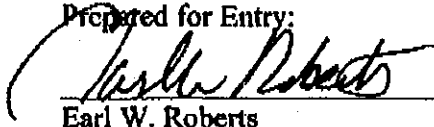
Within fifteen -(15) days from the effective date of the Final Order, a party has the right to petition the Board for reconsideration of the Final Order. If no action is taken within twenty- (20) days of filing of the petition with the Board, it is deemed denied. T.C.A. 4-5-317

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. T.C. A. 4-5-316.


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. T.C.A. 4-5-322

Prepared for Entry:



Earl W. Roberts
Assistant General Counsel
Office of General Counsel
312 8th Avenue North
26FL Tennessee Tower
Nashville, Tennessee 37243
615-532-7181

This order was received for filing in the office of the Secretary of State, Administrative Procedures Division, and became effective on the 1st day of October 2001.


Charles C. Sullivan II, Director
Administrative Procedure Division

CERTIFICATE OF SERVICES

The undersigned hereby certifies that a true and correct copy of this document has been served upon Frank J. Scanlon, Esq. at Suite 300, 214 Second Avenue North, Nashville, TN 37201-1638 and William R. O'Bryan, Jr., Esq. at 1200 One Nashville Place, 150 Fourth Avenue North, Nashville, TN 37219-2433 by placing a true and correct copy of the same in the United States mail, postage prepaid on this 1st day of October 2001.


Earl W. Roberts, Jr.