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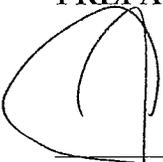
STATE OF TENNESSEE
DEPARTMENT OF HEALTH

IN THE MATTER OF:)	BEFORE THE TENNESSEE
)	BOARD OF MEDICAL EXAMINERS
CHIMENE KESSERWAN, M.D.)	
PETITIONER)	
)	
MEMPHIS, TENNESSEE)	DOCKET NO.: 17.18-133340A
)	
PETITION FOR DECLARATORY)	
ORDER)	

NOTICE OF HEARING

Comes now the Department of Health, Division of Health Related Boards, by and through counsel and gives notice that a Petition for Declaratory Order filed on behalf of Chimene Kesserwan, M.D. (and attached hereto as Exhibit A) was granted by the Board on September 15, 2015 and referred for a contested case hearing, which shall be heard on November 10, 2015 at 10:00 a.m. or as soon thereafter as the Board may take this matter up. This case shall determine whether Dr. Kesserwan ("Petitioner") qualifies for the issuance of her Tennessee medical license.

PREPARED BY:



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Chief Deputy General Counsel
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10-6-15
DATE

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Chimene Kesserwan, M.D. by and through her attorneys, by delivering the same in the United States certified mail number 7015 1520 0003 4290 4087 and United States mail with sufficient postage thereon to reach its destination.

David L. Steed
Cornelius & Collins
Nashville City Center, Suite 1500
511 Union Street
Nashville, Tennessee 37219

This 6th day of October, 2015.



Andrea Huddleston
Chief Deputy General Counsel

BEFORE THE TENNESSEE BOARD OF MEDICAL EXAMINERS

CHIMENE KESSERWAN, M.D.'S

PETITION FOR DECLARATORY ORDER

1. Petitioner's Name: Chimene Kesserwan, M.D.
Address: 158 Harbor Town Blvd
Memphis, Tennessee, 38103
Telephone Number: (405) 517-3533

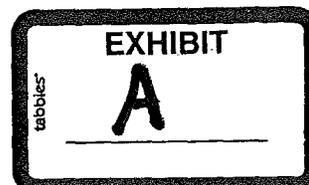
2. Petitioner's Attorneys' Names: David L. Steed
Cornelius & Collins
Nashville City Center | Suite 1500
511 Union Street
Nashville, Tennessee 37219
dlsteed@cornelius-collins.com
615.244.1440

3. Organization, if any, that the Petitioner Represents: This Petitioner does not represent an organization.

Organization Name: Not Applicable
Address: Not Applicable
Telephone Number: Not Applicable

4. Provide a statement of the facts which led to the filing of this petition. Include all facts you believe necessary for the agency to make a decision in this matter.

Chimene Kesserwan, M.D was recruited to join St Jude Children's research hospital as a faculty member, clinician and researcher because of her unique and exceptional skills and expertise that meet a need at St Jude and in the state of Tennessee. Dr Kesserwan has a highly specialized and sought-after skillset, having completed residencies in pediatrics, anatomic pathology, clinical genetics, clinical molecular genetics, and fellowship in pediatrics hematology oncology. She is triple board certified in anatomic pathology, clinical genetics and clinical molecular genetics. The combination of these residencies uniquely qualifies her to diagnose and manage both pediatrics and adult patients with a host of genetics condition and cancer predisposition syndromes. Dr. Kesserwan's expertise allows her to utilize cutting edge genomic technology for the diagnosis of cancer predisposition and to address surveillance and risk- reduction strategies as deemed appropriate.



Dr Kesserwan's clinical practice skills not only meet a significant need, but the combination is exceedingly rare; as there are only handful of physicians in the United States and worldwide with her set of skills, training and expertise. In fact, she is the first board certified clinical geneticist to be hired as faculty at St Jude. She is probably the only physician worldwide who is fully trained in pediatrics, pathology, clinical genetics, clinical molecular genetics and pediatrics hematology oncology. Her multidisciplinary training in these overlapping specialties was carefully planned, and was aiming towards establishing a clinical and research career in the field of cancer genomic at renowned institution like St. Jude Children's Research Center. Dr Kesserwan's credentials, clinical training and expertise are essential for the optimal application of genomic medicine and for the successful integration of precision medicine at the bedside. It would best serve Tennessee's patient population to expediently grant Dr. Kesserwan a license, to allow her to use her skills and training to advance the care delivery for individuals who have a heightened risk for cancer development.

If granted a license, Dr Kesserwan will promptly start seeing patients at St Jude's newly established cancer predisposition clinic, as well as inpatient consults. She will function also as a liaison for cancer predisposition at Le Bonheur children's hospital at the University of Tennessee.² Additionally, she will serve as an integral member of the emerging clinical genomics efforts at St Jude.² Dr Kesserwan will be leading the family study protocol at St Jude,³ and was tasked to start the molecular oncology tumor board.

Dr Kesserwan attended medical school in Lebanon, and completed a residency training program in pediatrics and pathology at the American University of Beirut-Medical Center. The American University of Beirut Medical Center is well regarded as having high quality training programs. In 2001, she relocated to Oklahoma City along with her husband, who is currently an established interventional cardiologist in Oklahoma City. In order to gain board certification, she repeated her pathology training at the University of Oklahoma Health Sciences Center and became board certified in Pathology in 2005 (Certificate is not time limited).

To pursue her academic ambitions, she then completed a clinical and molecular genetics residency at the National Human Genome Research Institute (NHGRI) at NIH. She was highly recommended to pursue a formal training in the highly competitive clinical pediatrics hematology-oncology fellowship at the combined program at Johns Hopkins University and NCI, and was awarded an NIH T32 training grant. Her contribution to Science is summarized by her attached biosketch⁴. During her training at NHGRI, she was mentored by Dr. Fabio Candotti, a senior investigator and clinician leading the gene therapy protocol for a rare form of immunodeficiency called ADA-SCID. Dr. Kesserwan was directly responsible for the clinical care of the patients admitted for gene therapy. During this period of clinical training at NHGRI, she discovered a new association between a rare tumor malignant tumor called Dermatofibrosarcoma protuberans (DFSP) and ADA-SCID. She published her work as a first

author in the high impact journal of "Allergy and Clinical immunology". Her work was recommended by the faculty F1000 (Faculty members of F1000 recommend and rate the best articles published in the biomedical literature). Her discovery led to the institution of screening and early detection of this tumor type in patients with ADA-SCID. During her training at Johns Hopkins, she was selected as a scholar for the American Society of Blood and Marrow Transplant clinical research intense course, as well as the Association for Cancer Research Molecular Biology in Clinical Oncology workshop. At the completion of her training, the entire faculty both at NIH and Hopkins expressed highest regard for her accomplishment. Dr Kesserwan's husband has always been encouraging her and supporting her in her quest for academic excellence. During her 6 years of training at Hopkins and NIH, he oftentimes commuted from Oklahoma City to Maryland to visit her. At the completion of her training, she returned back to Oklahoma to live with her supportive husband. She was offered a faculty position at the University of Oklahoma in the department of pediatrics, section of genetics. In this capacity she was covering a busy genetics clinic. She as well was a key leader along with colleagues Marsha Pratt, M.D. and Melissa Hall, M.S., in establishing the cancer genetics clinic at the Stephenson cancer center of the University of Oklahoma. In addition to practicing, Dr Kesserwan is an educator. She contributed to the training mission of the Section of Genetics and the Department of Pediatrics, where she taught trainees in the Master of Science in Genetic Counseling (MSGC) program and she lectured pediatrics residents. She held a joint appointment as Associate Member in the Graduate Faculty in Genetic Counseling, and served on the thesis committees for 2 genetic counseling students. She also served and as the director for the MSGC cancer genetics intense summer course in 2015. In terms of Dr Kesserwan's involvement with the genetics residency program, she was a member of the Program Evaluation Committee. In this capacity she reviewed the cancer genetics curriculum to insure adherence to competencies required by the Accreditation Council for Graduate Medical Education. In her most recent CME-approved grand round presentation, she addressed the audience about genomic approach for hereditary cancer predisposition syndromes

(<http://mediasite.ouhsc.edu/Mediasite/Catalog/Full/2c516c8c9a5b4f788870211f1197a17021>).

Dr. Kesserwan's desire for professional growth and interest in research have prompted her to seek appointment at St. Jude. As she was interviewing at St. Jude, she was offered a job at the division of genomic medicine at NIH, where she interviewed and presented a seminar. Yet despite the fact that NIH is very dear to her heart, she had to decline this position given her interest in the position at St. Jude, even before she was offered the position. She believed that St. Jude would be the perfect niche for her where she could serve as an expert clinician and at the same time, she could pursue clinical research to further advance the field of cancer genetics and genomics.

Dr. Kesserwan will formally start at St Jude on August 31 as an assistant member, which is equivalent to an assistant professor as a physician scientist in a traditional medical

school/university system. However, she is not licensed in Tennessee at this time, and she can only serve in an academic capacity while she is not eligible to see patients. She applied for a Tennessee medical license about 2 months ago and she will appear before the board on September 15, 2015, as Dr. Kesserwan's completion of the USMLE in 2003 took a few months more than seven (7) years. However, it appears that this requirement does not apply to Dr. Kesserwan, for reasons addressed in more detail separately. In Oklahoma and Maryland where Dr. Kesserwan completed her residencies, all steps of the USMLE were to be completed in ten years. Dr. Kesserwan passed the first USMLE step on 3/5/1996, and passed Step 3 in 2/26/2004. According to Oklahoma rules, Dr Kesserwan was not allowed to sit for step 3 until after she has completed one year of post graduate training in the US. Dr. Kesserwan entered the USA in 2001. She enrolled in a residency training in 7/2002. There was no seven year requirement in Tennessee at that time. She completed first year of residency training in 6/2003, She became eligible to sit for step 3 in 7/2003 (already 7 years and 4 months from first successful step). She sat for step 3 on 2/26/04. Therefore, practically she was not eligible to sit for the step 3 until after July of 2004 which puts her past the 7 year limit. Therefore she passed all steps of the USMLE within eight years, but not within the seven years outlined in Rule 0880-02-08(4)(a)(b)(c)(d).

It has been held by the Attorney General in Virginia that this requirement should not apply to those like Dr. Kesserwan who had already begun the testing process when the Rule was adopted by statute.

Dr. Kesserwan files this Petition seeking a license pursuant to Tenn. Code Ann. § 63-6-207(b), which states the Board has the authority to create "exceptions that will extend the seven (7) year time frame" for the completion of the USMLE. Dr. Kesserwan is an exceptionally highly trained physician with an exceedingly rare and unique skillset that meets a great clinical need in Tennessee, and it would be in the best interest of the children of Tennessee and their families for Dr. Kesserwan to begin practicing and treating patients as soon as possible.

5. Provide a summary of the relief you are requesting including the specific nature of the requested order and the conclusions you would like the agency to reach at the conclusion of the declaratory order process:

Dr. Kesserwan believes that she qualifies for a license based upon the language of Tenn.Code Ann. 63-6-207 without the necessity of a Declaratory Order, for reasons discussed in more detail separately. A review of the statutory changes shows that the law permits those licensed in other states with an extension or exception to the rule are deemed to have met the rule. In addition, the statute was not in effect when she began the USLME process, rendering it inapplicable to her. (See Virginia ruling).

Tenn. Code Ann. § 63-6-207(b) grants the Tennessee Board of Medical Examiners authority

to create exceptions to the seven (7) year rule for the completion of the USMLE. Dr. Kesserwan has received a confirmed offer for an appointment at St. Jude and is currently working in an academic capacity awaiting a licensure decision.

If the Board disagrees, Dr. Kesserwan seeks relief from the Board in the form of an Order, which grants her a full, unrestricted license to practice medicine in the State of Tennessee. Dr. Kesserwan's ten years of postgraduate training in prestigious institute and centers in the US and seven years of postgraduate training at the AUBMC in Lebanon, her unique skillsets and impressive references, experience and contribution to science warrant an exception to the seven (7) year rule pursuant to Tenn. Code Ann. § 63-6-207(b).

6. Citation to the statute, rule or order which is the subject of the petition:

Tenn. Code Ann. § 63-6-207(b) and Rule 0880-02-.08(4)(a)(b)(c)(d).

7. State how the statute, rule and/or order cited above specifically and directly produces an effect or result upon you:

Tenn. Code Ann. § 63-6-207(b) grants the Tennessee Board of Medical Examiners authority to create exceptions to the seven (7) year rule for the completion of the USMLE. The statute does not outline the specific exceptions that the Board can make, but instead it refers to the Rules and Regulations.

Dr. Kesserwan meets all other criteria for licensure in the state of Tennessee, and she is scheduled to appear for an interview before the Board on September 15, 2015. She asks the Board to review her education, training and credentials under the authority of Tenn. Code Ann. § 63-6-207(b) and grant her license to practice in the state of Tennessee. Based on her qualifications and her exceedingly rare and unique skill set, which she will utilize to care for children with predisposition to cancer, Dr. Kesserwan petitions the Board to expediently grant her an unrestricted license, pursuant to Tenn. Code Ann. § 63-6-207(b). For these reasons, Dr. Kesserwan respectfully requests that the Tennessee Board of Medical Examiners affords her the relief requested herein and grant her license.

- 1- Board certification
- 2- Letter of offer
- 3- Career development
- 4- Biosketch, CV
- 5- Exit letter Hopkins
- 6- Letters of recommendation

Respectfully Submitted,

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Counsel for Chimene Kesserwan, M.D.

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