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[Blogs](#)

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10 Ways to Avoid Losing your Medical License: Part II

To go back and view part 1 of this series, click this link: [How to Avoid Losing your Medical License: Part I.](#)

While many of the statutes referenced below are specific to Tennessee, the general principles are applicable across state lines.

4. Be cautious about your use of alcohol, prescription medicine, and other drugs or stimulants that would affect your ability to practice medicine.

Most health care providers are cognizant of the fact that personal misuse of alcohol and other drugs or stimulants can be grounds for licensure discipline by the state regulatory board that governs a health care provider's practice. Of note, health care providers should be particularly aware of the fact that they can be impaired based on use of a drug legally prescribed to them. As such, health care providers should be aware of how a substance affects them prior to going to work or providing patient care while under the influence of a drug, even if legally prescribed.

Interestingly, one 10-year study from the 1990s indicated that the top three criminal offenses for physicians who received concurrent discipline from their regulatory boards fell into the three following categories: (1) sexual abuse (2) murder (3) alcohol abuse. As previously discussed, physician burnout is a well-known phenomenon, which can easily snowball into substance abuse if stress is not properly managed.

State medical boards take substance and alcohol abuse very seriously, so a physician who realizes he or she may have a substance or alcohol addiction should proactively seek help, rather than waiting until having their license disciplined, or even worse—a patient is injured. Organizations such as the Tennessee Medical Foundation exist for the purpose of providing professional and confidential assistance to physicians, and most states have similar physician health programs.

5. Be cautious about the prescribing of controlled substances.

Tennessee Code prohibits the prescribing of a controlled substance “not in good faith to relieve pain and suffering...or in amounts and/or durations not medically necessary, advisable, or justified for a diagnosed condition.” T.C.A. § 63-6-214(b)(12). Physicians should be cautious when patients request specific controlled substances, and use discernment to determine whether a patient is requesting pain medication in good faith. Additionally, health care providers and patients alike benefit from providers and practices having protocols in place to ensure the prescribing of controlled substances is carefully monitored and safely managed for each individual patient. Such protocols include requiring patients to sign controlled-substance agreement forms indicating their awareness of the addictive nature of the prescribed substances, and using urine drug screens to ensure patients are utilizing medications for personal use and not concurrently self-medicating with other substances, legal or illegal, that could adversely interact with their current medication regime.

6. Cultivate self-awareness about your own mental and physical health.

It is a violation of Tennessee law to “engag[e] in the practice of medicine when mentally or physically unable to safely do so.” T.C.A. § 63-6-214(b)(18). For many health care providers, lapses in judgment or errors in documentation occur when the provider is going through intense personal stress—a divorce, the death of a loved one, or an adverse diagnosis for the provider or a family member. Most health care providers do not intentionally set out to “engage in the practice of medicine when mentally or physically unable,” but personal, emotional traumas can cause this to happen all too easily.

Health care providers must cultivate self-awareness about their own mental and physical health in order to serve their patients. It may seem impossible, but stepping away from practice—whether for a day or a week or several weeks—in order to handle one’s own mental and physical health is preferable to the risk of harming a patient, or making an error in judgment that may result in licensure discipline. Additionally, a physician should cultivate self-awareness regarding personal physical and mental limitations, and realize that

there may come a day when the scope of the medical practice may need to be limited based on his or her own health.

If you have any questions related to physician discipline or state Boards of Medical Examiners, feel free to reach out to any member of the Frost Brown Todd [Health Care Industry Team](#), or you can reach me directly at afisher@fbtlaw.com or (615) 251-5594.

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