

**STATE OF TENNESSEE  
DEPARTMENT OF HEALTH**

<b>IN THE MATTER OF:</b>	)	<b>BEFORE THE TENNESSEE BOARD</b>
	)	<b>OF MEDICAL EXAMINERS</b>
<b>AXEL FRANZ KURT GROTHEY, M.D.</b>	)	
<b>RESPONDENT</b>	)	<b>CASE NO: 2020016121</b>
	)	
<b>TENNESSEE LICENSE NO. 58339</b>	)	

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**CONSENT ORDER**

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The Division of Health Related Boards of the Tennessee Department of Health (hereinafter the "Division"), by and through the Office of General Counsel, and **Respondent, Axel Franz Kurt Grothey, M.D.** (hereinafter "Respondent"), by and through his counsel, respectfully move the Tennessee Board of Medical Examiners (hereinafter the "Board") for approval of this Consent Order affecting Respondent's medical license in the State of Tennessee.

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**I. AUTHORITY AND JURISDICTION**

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The Board is responsible for the regulation and supervision of medical doctors licensed to practice in the State of Tennessee. See Tennessee Medical Practice Act, Tennessee Code Annotated Section (hereinafter "TENN. CODE ANN. §") 63-6-101, *et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of medical care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Medical Practice Act in such a manner as to promote and protect the public health, safety and welfare in every practicable way, including disciplining medical doctors who violate the provisions of TENN. CODE ANN. § 63-6-101, *et seq.* or the Rules and Regulations

promulgated by the Board and recorded in the Official Compilation Rules and Regulations of the State of Tennessee (hereinafter "TENN. COMP. R. & REGS.").

Respondent, by signing this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent 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 Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. Respondent acknowledges that this is a formal disciplinary action and will be reported to the Healthcare Practitioner Data Bank and/or similar agency. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

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## II. STIPULATIONS OF FACT

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1. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor in the State of Tennessee, having been granted Tennessee medical license number 58339 by the Board on February 6, 2019. Respondent's license currently has an expiration date of September 30, 2020.

2. On or about March 14, 2020, the Minnesota Board of Medical Practice entered into an Order with Respondent which reprimanded the Respondent's license, required him to take courses in professional boundaries and ethics, and assessed a \$10,316.90 civil penalty.
3. The discipline against Respondent's medical license in Minnesota stemmed from Respondent engaging in sexual relationships with two colleague mentees. When one of the sexual relationships began, the mentee was a fellow at the hospital where the Respondent worked. After finding the "pattern of conduct demonstrated a failure on his part to establish and maintain appropriate professional boundaries with people who viewed him as a mentor," the employment committee recommended termination. The Respondent subsequently resigned.
4. Respondent submitted documentation demonstrating that on May 13-15, 2020, he attended, via Zoom, a three-day professional development course entitled *Maintaining Proper Boundaries* offered by the Center of Professional Health at Vanderbilt University Center.

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### III. GROUNDS FOR DISCIPLINE

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The Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent's medical license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Medical Practice Act, (TENN. CODE ANN. § 63-6-101, *et seq.*) for which disciplinary action before and by the Board is authorized:

5. The facts stipulated in paragraphs two (2) and three (3) constitute a violation of TENN. CODE ANN. § 63-6-214(b)(1):

Unprofessional, dishonorable or unethical conduct;

6. The facts stipulated in paragraphs two (2) and three (3) constitute a violation of TENN. CODE ANN. § 63-6-214(b)(20):

Disciplinary action against a person licensed to practice medicine by another state or territory of the United States for any acts or omissions that would constitute grounds for discipline of a person licensed in this state. A certified copy of the initial or final order or other equivalent document memorializing the disciplinary action from the disciplining state or territory shall constitute prima facie evidence of violation of this section and be sufficient grounds upon which to deny, restrict or condition licensure or renewal and/or discipline a person licensed in this state[.]

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#### IV. POLICY STATEMENT

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The Board takes this action in order to protect the health, safety and welfare of people in the State of Tennessee and ensure that the public confidence in the integrity of the medical profession is preserved.

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#### V. ORDER

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NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

7. The Tennessee medical license of **Axel Franz Kurt Grothey, M.D.**, license number 58339, is hereby **REPRIMANDED** effective the date of entry of this Consent Order.
8. Any Continuing Medical Education (hereinafter "CME") course hours earned from attendance and completion of the course referenced in paragraph four (4) supra shall be in addition to the CME hours required to maintain licensure.
9. Respondent shall pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-02-.12(1)(j) of the *Official Compilation Rules and Regulations of the State of Tennessee*, the

actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed by the Office of Investigations, Secretary of State, Administrative Procedures Division as well as the Office of General Counsel. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be two thousand dollars (\$2,000.00).

10. Respondent understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency.

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## VI. NOTICE

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11. Any and all costs shall be paid in full within sixty (60) days from the issuance of the Assessment of Costs by submitting a **certified check, cashier's check, or money order** payable to the **State of Tennessee**, which shall be mailed or delivered to: **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, 2<sup>nd</sup> Floor, Nashville, Tennessee 37243**. A notation shall be placed on said check that it is payable for the costs of **Axel Franz Kurt Grothey, M.D., COMPLAINT NO. 2020016121**.

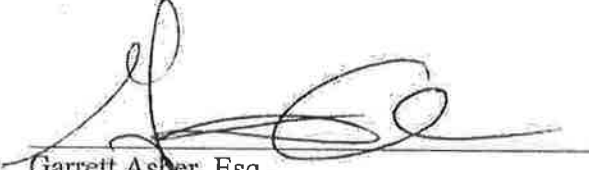
This **CONSENT ORDER** was approved by a majority of a quorum of the Tennessee Board of Medical Examiners at a public meeting of the Board and signed this 29<sup>th</sup> day of July, 2020.

  
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Chairperson  
Tennessee Board of Medical Examiners


**APPROVED FOR ENTRY:**

  
Axel Franz Kurt Grotzky, M.D.  
Respondent

18 June 2020  
DATE

  
Garrett Asher, Esq.  
*Attorney for Respondent*  
Surber, Asher, Surber & Moushon, PLLC  
Plaza I, Suite 480  
220 Athens Way  
Nashville, Tennessee 37228

6/19/2020  
DATE

  
Patricia P. Morgan, B.P.R. No. 031772  
Associate General Counsel  
Office of General Counsel  
Tennessee Department of Health  
665 Mainstream Drive, 2<sup>nd</sup> Floor  
Nashville, Tennessee 37243  
(615) 741-1611

July 29, 2020  
DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, Axel Franz Kurt Grothey, M.D., by and through his attorney Garrett Asher, Esq., Surber, Asher, Surber & Moushon, PLLC, Plaza I, Suite 480, 220 Athens Way, Nashville, Tennessee 37228 by delivering same in the United States Mail, Certified Number 7019 2970 0002 1304 4458 return receipt requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination.

This 17th day of August, 2020.



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Paetria P. Morgan  
Associate General Counsel