IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
Assigned on Briefs July 7, 2015

WILLIAM WYTTENBACH v. BOARD OF TENNESSEE MEDICAL EXAMINERS, ET AL.

Appeal from the Chancery Court for Davidson County
No. 14436III Ellen H. Lyle, Chancellor

No. M2014-02024-COA-R3-CV- Filed March 15, 2016

This is an appeal under the Administrative Procedures Act. After the Tennessee Department of Health mailed notice to a physician of alleged violations of the Tennessee Medical Practice Act, the physician retired his Tennessee medical license. Unsatisfied, the Department of Health filed a notice of charges. After a hearing at which the physician did not appear, the Tennessee Board of Medical Examiners revoked the physician's medical license and placed conditions on any future application by the physician for a medical license in Tennessee. The physician appealed to the chancery court, which affirmed the decision of the Board of Medical Examiners. On appeal to this Court, the physician challenges whether the Board possessed personal jurisdiction over him and sufficiency of service of the notice of charges. The physician also argues that his due process rights were violated and that the Board of Medical Examiners lacked authority to revoke a retired medical license. We affirm.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Davidson County Chancery Court Affirmed

W. NEAL MCBRAYER, J., delivered the opinion of the Court, in which FRANK G. CLEMENT, JR., P.J., M.S., and ANDY D. BENNETT, J., joined.

William Wyttenbach, Fort Myers, Florida, pro se.

Herbert H. Slatery, III, Attorney General and Reporter, and Sue A. Sheldon, Senior Counsel, for the appellees, Tennessee Board of Medical Examiners and Tennessee Department of Health.

OPINION

I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

On November 1, 2013, an assistant general counsel with the Tennessee Department of Health mailed a letter to Dr. William H. Wyttenbach, advising him of a complaint against his Tennessee medical license and the results of a subsequent investigation. Based on the investigation, the Department of Health informed Dr. Wyttenbach of "facts and conduct warranting formal disciplinary charges" and gave him "an opportunity to show compliance with the law."[1] The Department of Health also offered Dr. Wyttenbach the option of signing a proposed consent order in lieu of formal disciplinary proceedings. Under the proposed consent order, Dr. Wyttenbach would be placed on probation[2] and required to take "specific continuing education classes in addition to the basic requirements." The consent order also provided for the imposition of civil and administrative penalties.

After receiving the notice, Dr. Wyttenbach retired his Tennessee medical license by executing an "Affidavit of Retirement from Practice in Tennessee." *See* Tenn. Code Ann. § 63-1-111(b) (2010). By letter dated November 8, 2013, the Tennessee Board of Medical Examiners acknowledged receipt of the affidavit and advised Dr. Wyttenbach that his license had been placed in retired status effective as of the date of the letter. The letter also indicated that, should Dr. Wyttenbach wish to return to practice in Tennessee, he must reinstate his license and remit the current year renewal fee.

Also, on November 10, 2013, Dr. Wyttenbach mailed counsel for the Department of Health a letter advising her of his retirement. The Department of Health responded, informing Dr. Wyttenbach that retirement of his license would not dispose of the charges against him. However, counsel for the Department proposed, again in lieu of formal disciplinary proceedings, "a revised Consent Order which details reduced disciplinary action as a result of the retirement of your license." Dr. Wyttenbach declined the offer.

On December 11, 2013, the Department of Health filed a Notice of Charges and

[1] Except in emergency situations, no proceeding to revoke, suspend or withdraw a medical license may be instituted unless the licensee is given "notice by mail . . . of facts or conduct that warrant the intended action" and "an opportunity to show compliance with all lawful requirements for the retention of the license." Tenn. Code Ann. § 4-5-320(c) (2015).

[2] Probation "is a formal disciplinary action which places a licensee on close scrutiny for a period of time." Tenn. Comp. R. & Regs. 0880-02-.12(1)(c) (2016).

Memorandum for Assessment of Civil Penalties. The Department of Health mailed the Notice of Charges both via regular and certified mail to Dr. Wyttenbach at the address shown on his last license renewal application, the address where he worked in Florida, and the address appearing on a "Legal Notice" he sent to the Department of Health. The Department of Health also sent the Notice of Charges via electronic mail to an address shown on his last license renewal application.

On December 20, 2013, Dr. Wyttenbach responded to the Notice of Charges by writing the Governor, the Attorney General and Reporter, members of the Board of Medical Examiners, and the Commissioner of the Department of Health. In his response, Dr. Wyttenbach objected to the Notice of Charges on the bases of lack of jurisdiction over the subject matter, lack of jurisdiction over the person, insufficiency of the notice, and insufficiency of service of the notice. *See* Tenn. Comp. R. & Regs. 1360-04-01-.05(1)(b)-(e) (2016). Dr. Wyttenbach also generally denied all charges. *See id.* 1360-04-01-.05(5)(1)(g).

Later, Dr. Wyttenbach filed a "Motion to Strike." In his motion, Dr. Wyttenbach argued that the Board of Medical Examiners "is only authorized to hold hearings upon licensed doctors in the state of Tennessee who are currently practicing in Tennessee." Dr. Wyttenbach also asserted that "he does not practice in the state of Tennessee, nor does he hold a TN medical license" and reasoned that "there must be a license for [the Board of Medical Examiners] to have jurisdiction."

On January 29, 2104, the Board of Medical Examiners and an administrative judge conducted a contested case[3] hearing. *See* Tenn. Code Ann. § 4-5-301(a)(1) (2015). Dr. Wyttenbach did not attend, and the Department of Health moved to hold him in default. *See id.* § 4-5-309(a); Tenn. Comp. R. & Regs. 1360-04-01-.15(1) (2016). Upon being advised by the administrative judge on the sufficiency of service of the Notice of Charges, the Board granted the default, and the case was heard as an uncontested proceeding. Dr. Wyttenbach's Motion to Strike was denied.

After hearing proof, the Board of Medical Examiners made findings of fact. The findings all related to Dr. Wyttenbach's time practicing medicine in Tennessee and included the following:

2. From on or about May 2012 to January 2013, [Dr. Wyttenbach] was the

[3] "Contested case" is a statutorily defined term. It is "a proceeding . . . in which the legal rights, duties or privileges of a party are required by any statute or constitutional provision to be determined by an agency after an opportunity for a hearing" and includes "suspensions of, revocations of, and refusals to renew licenses." Tenn. Code Ann. § 4-5-102(3) (2015).

Medical Director for Greater Knoxville Medical Center, an unlicensed pain clinic located in Knoxville, Tennessee . . . .

3. [Dr. Wyttenbach] was responsible for supervising one or more advanced practice nurses while acting as Medical Director for Greater Knoxville Medical Center. . . . .

4. Although [Dr. Wyttenbach] was responsible for the supervision of advance practice nurses, he was never available, nor did he make any arrangements for a substitute physician to be available, to any of the advanced practice nurses . . . .

5. [Advance practice nurses] prescribed controlled substances while working at the Greater Knoxville Medical Center, and [Dr. Wyttenbach] failed to personally review charts for patients receiving controlled substances within the required time period. . . . .

6. [Dr. Wyttenbach] failed to develop or implement practice protocols and clinical guidelines, leaving the nurse practitioners he was supervising no guidance on the standard of care and without limitations or direction in diagnosing and prescribing to patients.

7. [Dr. Wyttenbach's] name, medical license number, and D.E.A. number appear on prescription pads used by nurse practitioners at the Greater Knoxville Medical Center.

8. The Greater Knoxville Medical Center was a remote site for [Dr. Wyttenbach], and he failed to make on-site visits.

9. On or about January 18, 2013, [Dr. Wyttenbach] voluntarily surrendered two Drug Enforcement Administration Certificates of Registration. [Dr. Wyttenbach] agreed he failed to comply with the Federal requirements pertaining to controlled substances, and he subsequently is no longer authorized "to order, manufacture, distribute, possess, dispense, administer, prescribe, or engage in any other controlled substance activities whatsoever."

10. In lack of sound oversight and supervision, there occurred egregious prescribing habits, such as the continued prescribing of opiates and benzodiazepines after a positive urine drug screen for cocaine in patient R.H.

Based on the findings, the Board of Medical Examiners concluded that action against Dr. Wyttenbach's medical license was appropriate under Tennessee Code Annotated § 63-6-214(b)(1) & (14)[4] and that it had "authority over any Tennessee medical license whether it be retired or relinquished for whatever reason." The Board further concluded that Dr. Wyttenbach violated the rules governing the supervision of nurse practitioners.[5] In light of its findings of fact and conclusions of law, the Board revoked Dr. Wyttenbach's medical license and conditioned any application for a new license upon the fulfillment of certain conditions. *See* Tenn. Comp. R. & Regs. 0880-02-.12(1)(e) (2016). The Board also assessed a civil penalty of $4,500. *See id.* 0880-02-.12(1)(h).

Dr. Wyttenbach timely filed a petition for judicial review, and on September 24, 2014, the Chancery Court for Davidson County, Tennessee, affirmed the Board of Medical Examiners' final order.

II. ANALYSIS

When reviewing administrative decisions, trial courts and appellate courts use the same standard of review. *See, e.g.*, *Humana of Tenn. v. Tenn. Health Facilities Comm'n*, 551 S.W.2d 664, 668 (Tenn. 1977); *Miller v. Civil Serv.Comm'n*, 271 S.W.3d 659, 664 (Tenn. Ct. App. 2008). The scope of our review is set by the Administrative Procedure Act ("APA").

> The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if the rights of the petitioner have been prejudiced because the administrative findings, inferences, conclusions or decisions are:
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> (1) In violation of constitutional or statutory provisions;
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> (2) In excess of the statutory authority of the agency;
>
> (3) Made upon unlawful procedure;

[4] Under Tennessee Code Annotated § 63-6-214(b), among other reasons, the Board of Medical Examiners may deny an application for a medical license or take action against a license based upon "[u]nprofessional, dishonorable or unethical conduct" or "[d]ispensing, prescribing or otherwise distributing any controlled substance, controlled substance analogue or other drug to any person in violation of any law of the state or of the United States." Tenn. Code Ann. § 63-6-214(b)(1) & (14) (Supp. 2015).

[5] Specifically, the Board found that Dr. Wyttenbach violated Rules 0880-06-.02(2), (5), (7), (8), and (9).

(4) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or

(5) (A) Unsupported by evidence that is both substantial and material in light of the entire record.

(B) In determining the substantiality of evidence, the court shall take into account whatever in the record fairly detracts from its weight, but the court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.

Tenn. Code Ann. § 4-5-322(h) (2015).

Our review of the agency's decision is limited to the record. *Id.* § 4-5-322(g). We review the agency's findings of fact under the substantial and material evidence standard. *Gluck v. Civil Serv. Comm'n*, 15 S.W.3d 486, 490 (Tenn. Ct. App. 1999). Substantial and material evidence is "'such relevant evidence as a reasonable mind might accept to support a rational conclusion and such as to furnish a reasonably sound basis for the action under consideration.'" *Clay Cty. Manor, Inc. v. Tennessee Dep't of Health & Env't*, 849 S.W.2d 755, 759 (Tenn. 1993) (quoting *Southern Ry. Co. v. State Bd. of Equalization*, 682 S.W.2d 196, 199 (Tenn. 1984)). An agency's construction of a statute and the application of a statute to the facts of the case are questions of law, which we review de novo. *Jones v. Bureau of TennCare*, 94 S.W.3d 495, 501 (Tenn. Ct. App. 2002).

Although Dr. Wyttenbach states six separate issues, we perceive the issues as being four-fold. First, Dr. Wyttenbach argues that the Board of Medical Examiners lacked personal jurisdiction over him. Secondly, he argues that service of the notice of charges was insufficient. Thirdly, he argues violation of his due process rights, and finally, he argues that the Board lacked authority to act upon his retired medical license.

A. PERSONAL JURISDICTION

When the issue is an administrative agency's authority over an out-of-state party, courts apply the same personal jurisdiction principles applicable to judicial authority. *See Cavers v. Houston McLane Co., Inc.*, 958 A.2d 905, 909 (Me. 2008). There are two types or varieties of personal jurisdiction: specific and general. *Gordon v. Greenview Hosp., Inc.*, 300 S.W.3d 635, 647 (Tenn. 2009). While a specific jurisdiction inquiry "focuses on the cause of action, the defendant and the forum, a general jurisdiction inquiry is dispute blind, the sole focus being on whether there are continuous and systematic contacts between the defendant and the forum." *Dickson Marine Inc. v. Panalpina, Inc.*, 179 F.3d 331, 339 (5th Cir. 1999).

Based on facts in the record, we have no difficulty in concluding that the Board of Medical Examiners has specific jurisdiction over Dr. Wyttenbach. Specific jurisdiction is present "when the plaintiff's cause of action arises from or is related to the nonresident defendant's activities in or contacts with the forum state." *Gordon*, 300 S.W.3d at 647. "To invoke specific jurisdiction, a plaintiff must show (1) that the nonresident defendant has purposely established significant contact with the forum state and (2) that the plaintiff's cause of action arises out of or is related to these activities or contacts." *Id.* Dr. Wyttenbach established significant contact with Tennessee by applying for a medical license and practicing medicine in this state. The Department of Health's charges related directly to those contacts with Tennessee.

B. SERVICE

Licensees are entitled to a hearing "after reasonable notice." Tenn. Code Ann. § 4-5-307 (2015). Service of the notice in contested cases before the Board of Medical Examiners is governed by the Rules of Procedure for Contested Cases of the Rules of the Secretary of State. Tenn. Comp. R. & Regs. 0880-01-.02 (2016). Under those rules, in actions against a licensee, several methods of service are permitted. Specifically, the rule provides as follows:

> (2) In any case in which an agency is initiating proceedings against a party by bringing charges, by attempting to take action against a license, or by other similar action, a copy of the notice of hearing shall be served upon the party to be affected no later than 30 days prior to the hearing date. Except as provided in paragraph (3) below, service in such a case shall be by personal service, return receipt mail or equivalent carrier with a return receipt; a person making personal service on a party shall return a statement indicating the time and place of service, and a return receipt must be signed by the party to be affected. However, if the party to be affected evades or attempts to evade service, service may be made by leaving the notice or a copy thereof at the party's dwelling house or usual place of abode with some person of suitable age and discretion residing therein, whose name shall appear on the proof of service or return receipt card. Service may also be made by delivering the notice or copy to an agent authorized by appointment or by law to receive service on behalf of the individual served, or by any other method allowed by law in judicial proceedings.
>
> (3) Where the law governing an agency includes a statute allowing for service of the notice by mail, without specifying the necessity for a return receipt, and a statute requiring a person to keep the agency informed of his or her current

> address, service of notice shall be complete upon placing the notice in the mail in the manner specified in the statute, to the last known address of such person.

Id. 1360-04-01-.06.

Presumably relying on paragraph (2) of Rule 1360-04-01-.06, Dr. Wyttenbach argues that service by mail was insufficient and that, even if service by mail was sufficient, to be effective he had to sign a return receipt for the mailings. Here, the return receipt for the Notice of Charges sent via certified mail to Dr. Wyttenbach's work address in Florida contained an illegible signature, and the return receipt for the Notice of Charges sent via certified mail to the address on his "Legal Notice" was signed by "Jay Nelson." The Notice of Charges sent via certified mail to the address listed on his last license renewal application was returned "unclaimed."

The Department of Health argues the receipt returned "unclaimed" was "deemed" sufficient by virtue of Tennessee Rule of Civil Procedure 4.05(5). Subpart (5) of Rule 4.05 addresses service by registered or certified mail and the refusal of the addressee to accept delivery and provides as follows:

> (5) When service of summons, process, or notice is provided for or permitted by registered or certified mail, under the laws of Tennessee, and the addressee, or the addressee's agent, refuses to accept delivery, and it is so stated in the return receipt of the United States Postal Service, the written return receipt, if returned and filed in the action, shall be deemed an actual and valid service of the summons, process, or notice. Service by mail is complete upon mailing. For purposes of this paragraph, the United States Postal Service notation that a properly addressed registered or certified letter is "unclaimed," or other similar notation, is sufficient evidence of the defendant's refusal to accept delivery.

Tenn. R. Civ. P. 4.05(5).[6] Because the Notice of Charges was properly addressed to the address shown on Dr. Wyttenbach's last license renewal application and the return receipt showing the notation "unclaimed" was filed with the Board of Medical Examiners, the Department claims "actual and valid service" on Dr. Wyttenbach.

We find the Department's reliance on Tennessee Rule of Civil Procedure 4.05(5)

[6] The General Assembly has approved changes to Tennessee Rule of Civil Procedure 4.05 effective July 1, 2016, that would remove the last sentence of subpart (5) dealing with the effect of the notation "unclaimed" or similar notations. H.Res. 143, 109th Gen. Assemb., 2nd Sess. (Tenn. 2016); S. Res. 81, 109th Gen. Assemb., 2nd Sess. (Tenn. 2016).

misplaced. The Tennessee Rules of Civil Procedure may only be relied upon for guidance where the contested case rules do not specifically address the procedural issue in question and only then "where appropriate and to whatever extent will best serve the interests of justice and the speedy and inexpensive determination of the matter at hand." Tenn. Comp. R. & Regs. 1360-04-01-.01(3) (2016). We see no need for guidance from the Tennessee Rules of Civil Procedure. The contested case rules provide specific guidance on service by certified mail, requiring that "a return receipt must be signed by the party to be affected." *Id.* 1360-04-01-.06(2). An exception to the signature requirement applies, however, where the statutes governing the agency allow service by mail "without specifying the necessity for a return receipt" and require the recipient's address information to be kept current. *Id.* 1360-04-01-.06(3).

We conclude service by certified mail was sufficient despite the Department of Health's failure to obtain a return receipt signed by Dr. Wyttenbach. In a case before any health related board involving a licensee, service may be made by certified mail. Tenn. Code Ann. § 63-1-108(d) (2010).[7] However, the statutes specifically governing the Board of Medical Examiners provide that the address shown on a physician's "certificate of registration shall be the address of the licensee where all correspondence and renewal forms from the board shall be sent . . . and shall be the address deemed sufficient for purposes of service of process." *Id.* § 63-6-209(c). The statute does specify the necessity for a return receipt. Additionally, licensees are required to notify the Board of any change of address within thirty days. *Id.* § 63-6-209(d). As such, the Department properly obtained service by mail under Rule 1360-04-01-.06(3).

C. DUE PROCESS

The Due Process Clause of the Fourteenth Amendment of the United States Constitution and article 1, section 8 of the Tennessee Constitution "provide procedural protections for property and liberty interests against arbitrary governmental interference." *Martin v. Sizemore*, 78 S.W.3d 249, 262 (Tenn. Ct. App. 2001). We have previously recognized that the practice of medicine is an interest in property entitled to due process protection. *Id.* at 263; *see also State Bd. of Med. Examiners v. Friedman*, 263 S.W. 75, 79 (Tenn. 1924) ("We think the right to practice medicine is, undoubtedly, a property right."). It is also clear that contested case hearings before the Board of Medical Examiners are subject to the procedural due process requirements imposed by the Tennessee and United States

[7] Tennessee Code Annotated § 63-1-108(d) provides that, "[f]or the purpose of effecting service of process upon a licensee, the division may notify the licensee by certified mail, return receipt requested, at the address on file with the division." We have previously interpreted this provision as not "specifying the necessity for a return receipt." *See Johnson v. Tenn. Bd. of Nursing*, No. M2005-02129-COA-R3-CV, 2007 WL 624353, at *4 (Tenn. Ct. App. Feb. 28, 2007).

constitutions. *See Richardson v. Tenn. Bd. of Dentistry*, 913 S.W.2d 446, 455 (Tenn. 1995).

Dr. Wyttenbach argues that service of the Notice of Charges by mail violated his due process rights. Due process requires "in any proceeding which is to be accorded finality . . . notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). However, "due process does not require that a party *receive* actual notice; it requires only that the government choose a method of notification that is reasonably calculated to *provide* notice." *Wilson v. Blount Cty.*, 207 S.W.3d 741, 749 (Tenn. 2006) (emphasis added). As such, "[p]ersonal service has not in all circumstances been regarded as indispensable to the process due to residents, and it has more often been held unnecessary as to nonresidents." *Mullane*, 339 U.S. at 314.

We conclude that the Department of Health satisfied the requirements of due process. The steps taken by the Department were reasonably calculated to apprise Dr. Wyttenbach both of the charges against him and of the hearing at which his Tennessee medical license was revoked. As required by statute, prior to filing any disciplinary action, the Department advised Dr. Wyttenbach of the alleged conduct that warranted action against his license and provided him with an opportunity to show compliance. Tenn. Code Ann. § 4-5-320(c) (2015). The Department mailed the notice of the alleged conduct to Dr. Wyttenbach at the address shown on his last license renewal application, which was the address specified by statute for all correspondence to licensees. *Id.* § 63-6-209(c). The Department also sent the notice to an electronic mail address shown on the last license renewal application and to an address where Dr. Wyttenbach was believed to be working in Florida. The Department sent the Notice of Charges to the same addresses plus an address shown on a document Dr. Wyttenbach submitted in response to the earlier notice of alleged conduct.

D. AUTHORITY OF THE BOARD

The ultimate source of authority for an administrative agency is the General Assembly. *Wayne Cty. v. Tenn. Solid Waste Disposal Control Bd.*, 756 S.W.2d 274, 282 (Tenn. Ct. App. 1988). Consequently, any agency action "must be as the result of an express grant of authority by statute or arise by necessary implication from the expressed statutory grant of power." *Tenn. Pub. Serv. Comm'n v. S. Ry. Co.*, 554 S.W.2d 612, 613 (Tenn. 1977).

Dr. Wyttenbach argues that the Board of Medical Examiners had no authority to revoke his medical license because he retired his license prior to the filing of the Notice of Charges. In places in his brief, Dr. Wyttenbach goes so far as to claim that "he held no medical license in the state of Tennessee when the charges were made" and that his license "did not even exist."

The General Assembly has granted the Board authority over applicants for medical licenses, licensees, and the license itself. Among other powers, the Board may:

> (3) Suspend, or limit or restrict a previously issued license for such time and in such manner as the board may determine;
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> (4) Reprimand or take such action in relation to disciplining an applicant or licensee, including, but not limited to, informal settlements, private censures and warnings, as the board in its discretion may deem proper; or
>
> (5) Permanently revoke a license.

Tenn. Code Ann. § 63-6-214(a)(3)-(5) (Supp. 2015). The Board's regulations broadly define a "licensee" as "[a]ny person who has been lawfully issued a license to practice medicine in Tennessee by the Board." Tenn. Comp. R. & Regs. 0880-02-.01(10) (2016). Based on the statute and the regulation, we consider the Board's authority over both Dr. Wyttenbach and his retired medical license.

The Board had authority over Dr. Wyttenbach even though he retired his license prior to the filing of the Notice of Charges. Despite his claims to the contrary, Dr. Wyttenbach still possessed a Tennessee medical license and remained a licensee when the Notice of Charges was filed. Retirement of a medical license does not amount to a relinquishment or surrender of the license. Instead, retirement of a license places it in a status from which biennial renewal is no longer required but reactivation is still a possibility. *See id.* § 63-6-210(d) (2010); Tenn. Comp. R. & Regs. 0880-02-.10(3) (2016). The Board's own regulations describe a retired medical license as a license "retain[ed]" by the licensee. Tenn. Comp. R. & Regs. 0880-02-.10(2) (2016).

The Board also had authority to revoke a retired medical license. The statute granting the Board authority to suspend or revoke licenses does not limit that authority based on the current status of a license. The statute specifies that the Board may "[s]uspend, limit or restrict *a previously issued license*." Tenn. Code Ann. § 63-6-214(a)(3) (Supp. 2015) (emphasis added). The Board may also "revoke a license." *Id.* § 63-6-214(a)(5). Dr. Wyttenbach's argument would have us read into the statute granting the Board authority over medical licenses the word "active" before the word "license."[8] We decline to do so.

[8] The statutes governing the Board of Medical Examiners and the Division of Health Related Boards do not define the term "license," but the term is defined in the APA without reference to its status as active or inactive. "License" is defined broadly to include "the whole or part of any agency, permit, certificate,

III. CONCLUSION

The Board of Medical Examiners had personal jurisdiction over Dr. Wyttenbach despite the fact that he had moved his medical practice to Florida. The conduct of which the Department of Health complained all took place in Tennessee. Service of process satisfied both statutory requirements and constitutional due process, and the Board possessed authority to revoke a retired medical license. Accordingly, we do not disturb the decision of the Board, and we affirm the decision of the chancery court.

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W. NEAL MCBRAYER, JUDGE

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approval, registration, charter or similar form of permission required by law." Tenn. Code Ann. § 4-5-102 (2015).