

GEORGIA COMPOSITE MEDICAL BOARD

March 2024 Public Board Actions List

The Board issued **three** public orders in **March 2024**. To view each Board order, click on the licensee's name below.

1. **Keri McFarlane, MD**

82502

Physician

Final Decision

2. **Jessica Nicole Perry**

Assistant Laser Practitioner

Public Consent Agreement for Licensure

3. **Emily Ding**

10976

Physician Assistant

Consent Agreement for Reinstatement

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:)

KERI MCFARLANE, MD,)
License No. 82502,)
Respondent.)

OSAH Docket No.: 24150517
2415017-OSAH-GCMB-PHY-222-Howells

BOARD DOCKET NO:

GEORGIA COMPOSITE
MEDICAL BOARD

MAR 01 2024

DOCKET NUMBER:

10240059

FINAL DECISION

An Initial Decision was issued by the Office of State Administrative Hearings in the above matter on January 29, 2024. The Initial Decision was sent via certified mail to Respondent's address of record and one other address associated with Respondent. The Initial Decision was also sent to Respondent's email address of record. The Executive Director was served with the Initial Decision on January 29, 2024. In the absence of an application to the agency for review of said Initial Decision, or an order by the Board to review said Initial Decision on its own motion, said Initial Decision becomes the Final Decision of the Board by operation of law, pursuant to O.C.G.A. § 50-13-17(a).

FINDINGS OF FACT

The Findings of Fact entered by the Administrative Law Judge in the Initial Decision are adopted and incorporated by reference herein.

CONCLUSIONS OF LAW

The Conclusions of Law entered by the Administrative Law Judge in the Initial Decision are adopted and incorporated by reference herein.

DECISION AND ORDER

The recommendation of the Administrative Law Judge that Respondent's license to practice medicine in the State of Georgia be **SUSPENDED indefinitely**, with the terms as set

forth in the Initial Decision, is adopted and incorporated by reference and having become final on February 29, 2024, is hereby made the Final Decision of the Board, effective February 29, 2024.

SO ORDERED, this 15th day of March, 2024.



(BOARD SEAL)

GEORGIA COMPOSITE MEDICAL BOARD

William K. Bostock DO

WILLIAM BOSTOCK, D.O.

Chairperson

A handwritten signature in black ink, appearing to read "Jason S. Jones", written over a horizontal line.

JASON S. JONES

Executive Director



01/29/2024

Devin Hamilton
Devin Hamilton, Legal Assistant

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

**GEORGIA COMPOSITE MEDICAL
BOARD,**

Petitioner,

v.

**KERI MCFARLANE, MD,
Respondent.**

**Docket No.: 2415017
2415017-OSAH-GCMB-PHY-222-
Howells**

Agency Reference No.: 82502

INITIAL DECISION

The Georgia Composite Medical Board (“Petitioner” or “Board”) initiated this matter for the purpose of sanctioning Respondent’s medical license. Specifically, the Board seeks the indefinite suspension of Respondent’s medical license. The hearing was conducted on January 19, 2024. The Board was represented by Senior Assistant Attorney Sandra Bailey. Respondent Keri McFarlane, M.D. (“Respondent”) did not appear for the hearing, despite notice of the hearing being sent to, and received by, her at her last known address.¹ For the reasons stated below, this administrative court finds that Respondent’s medical license should be **SUSPENDED indefinitely**.

Findings of Fact

1.

Respondent currently is licensed to practice as a physician in the State of Georgia and was so licensed at all times relevant to the matters stated herein. (Ex. P-2.)

2.

Respondent was issued license number 51945 to practice medicine in Kentucky. She was

¹ (Exs. P-1a, P-1b.) Pursuant to O.C.G.A. § 43-34-8(l), the Board was allowed to proceed with the hearing as if Respondent had been present.

also issued license number 45236 to practice medicine in the State of Tennessee. (Exs. P-4, P-5.)

3.

On or about March 4, 2021, Respondent was indicted on multiple felony charges in the United States District Court for the Eastern District of Kentucky, Southern Division. The charges involved the illegal prescribing and dispensing of controlled substances and included the following: conspiracy to dispense controlled substances, conspiracy to commit Medicaid and Medicare fraud, conspiracy to commit wire and health care fraud, money laundering, and engaging in monetary transactions with criminally derived property exceeding \$10,000. (Ex. P-6.)

4.

On or about March 24, 2023, the Kentucky Board of Medical Licensure issued an Emergency Order of Suspension of Respondent's license ("Kentucky Order"). The Kentucky Order was based on the March 4, 2021 Indictment (Indictment No. 6:21-CR-13-REW) and Respondent's failure to disclose the aforementioned indictment on two renewal applications. (Ex. P-4.)

5.

On April 26, 2023, the Tennessee Board of Medical Examiners issued an Order for Suspension based on the Kentucky Order. (Ex. P-5.)

6.

On or about, August 11, 2023, Respondent was found guilty of all counts in Indictment No. 6:21-CR-13-REW.² (Exs. P-6, P-7.)

² Respondent was convicted of violating 21 U.S.C. § 841(a)(1), 21 U.S.C. § 846, 18 U.S.C. § 1035(a)(2), 18 U.S.C. § 371, 18 U.S.C. § 1343, 18 U.S.C. § 1347(a)(1), 18 U.S.C. § 1349, 18 U.S.C. § 1956(a)(1), (a)(2), (h), and 18 U.S.C. § 1957. (Exs. P-6, P-7.)

Conclusions of Law

1.

The Board seeks the indefinite suspension of Respondent's medical license. Accordingly, the Board bears the burden of proof. Ga. Comp. R. & Regs. 616-1-2-.07. The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21.

2.

In its Matters Asserted and Statutes and Rules Involved, the Board asserted that Respondent violated Georgia Code Sections 43-34-8(a)(3), (4), (5), (7), and (10). The Board also asserted that Respondent's conduct violated Georgia Code Sections 43-1-19(a)(3), (5), (6), and (8).

Violations

3.

Georgia Code Section 43-34-8(a), which is the specific licensing and disciplinary statute for the medical profession, states, in pertinent part, that the Board has the authority to discipline a licensee, upon a finding that the licensee has:

(3) Been convicted of a felony in the courts of this state or any other state, territory, country, or of the United States. As used in this paragraph, the term "conviction of a felony" shall include a conviction of an offense which if committed in this state would be deemed a felony under either state or federal law, without regard to its designation elsewhere. As used in this paragraph, the term "conviction" shall include a finding or verdict of guilt, a plea of guilty resulting in first offender status, or a plea of nolo contendere in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon;

(4) Committed a crime involving moral turpitude, without regard to conviction; the conviction of a crime involving moral turpitude shall be evidence of the commission of such crime. As used in this paragraph, the term "conviction" shall have the meaning prescribed in paragraph (3) of this subsection. For the purpose of this chapter, a conviction or plea of guilty or of nolo contendere to a charge or indictment by either federal or state government for income tax evasion shall not be considered a crime involving moral turpitude;

(5) Had his or her license, certificate, or permit to practice pursuant to this chapter revoked, suspended, or annulled by any lawful licensing authority; had other disciplinary action taken against him or her by any lawful licensing authority; or been denied a license by any lawful licensing authority;

* * *

(7) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which need not have resulted in actual injury to any person. As used in this paragraph, the term 'unprofessional conduct' shall include any departure from, or failure to conform to, the minimum standards of acceptable and prevailing medical practice and shall also include, but not be limited to, the prescribing or use of drugs, treatment, or diagnostic procedures which are detrimental to the patient as determined by the minimum standards of acceptable and prevailing medical practice or by rule of the board ;

* * *

(10) Violated or attempted to violate a law, rule, or regulation of this state, any other state, the board, the United States, or any other lawful authority without regard to whether the violation is criminally punishable, when such law, rule, or regulation relates to or in part regulates the practice of medicine, when the licensee or applicant knows or should know that such action violates such law, rule, or regulation; or violated a lawful order of the board previously entered by the board in a disciplinary hearing;

O.C.G.A. § 43-34-8(a)(3), (4), (5), (7), (10), (11). See O.C.G.A. § 43-34-6(a) (providing that the Board is an independent state agency, not under the jurisdiction of the Secretary of State, but shall have all the powers, duties, and functions of professional licensing boards in Chapter 1 of Title 43); see also O.C.G.A. § 43-1-19(a)(3), (5), (6), (8) (providing substantially similar grounds for discipline in the general professional licensing board statute as provided in O.C.G.A. § 43-34-8(a)(3), (5), (7), (10)).

4.

The Board proved by a preponderance of the evidence that Respondent has been convicted of multiple federal statutes which impose more than one year of imprisonment, which makes those felony convictions. 18 U.S.C. § 3559(a). Additionally, a felony is considered a crime of moral

turpitude. See O'Neal v Kammin, 263 Ga. 218, 219 (1993); see also Lewis v. State, 243 Ga. 443, 444 (1979). Accordingly, the Board has proved violations of O.C.G.A. §§ 43-34-8(a)(3) (conviction of a felony) and 43-1-19(a)(3) (conviction of a felony or crime of moral turpitude). The Board also proved a violation of O.C.G.A. § 43-34-8(a)(4) (commission of a crime involving moral turpitude), as conviction of a crime involving moral turpitude is evidence of commission of a crime of moral turpitude. O.C.G.A. § 43-34-8(a)(4).

5.

The Board presented evidence that the Kentucky Board of Medical Licensure and the Tennessee Board of Medical Examiners suspended Respondent's medical licenses in those states. Therefore, the Board proved violations of §§ 43-34-8(a)(5) (license suspended by a lawful licensing authority) and 43-1-19(a)(5) (license suspended by a lawful licensing authority).

6.

The Board presented no evidence of Respondent's conduct. The Board may not rely on Respondent's convictions as evidence to establish the truth of the facts on which they were rendered. Williams v. Am. Reliable Ins. Co., No. 2:07-CV-0153-WCO, 2008 U.S. Dist. LEXIS 128233 at *2 (N.D. Ga. Apr. 2, 2008); Cobb v. Garner, 158 Ga. App. 110, 112 (1981). Stated differently, the Board cannot use Respondent's convictions to prove that she engaged in the underlying conduct. Accordingly, the Board failed to prove violations of Georgia Code Sections 43-34-8(a)(7) or 43-1-19(a)(6).

7.

Similarly, the Board failed to prove violations of Georgia Code Sections 43-34-8(a)(10) (violation of statute, law, or rule regulating the practice of medicine) or 43-1-19(a)(8) (violation

of a statute, law, or rule regulating the professional practice).³ As noted above, the Board presented no evidence of Respondent's conduct or actions. Nor did the Board present any evidence that Respondent knew or should have known any such action violated a statute, law or rule. Also as noted above, the Board cannot rely on Respondent's convictions as evidence that she engaged in the underlying conduct. Williams, 2008 U.S. Dist. LEXIS 128233 at *2.

Sanction

8.

Georgia Code section 43-34-8(b) authorizes the Board to discipline a licensee upon a finding that the licensee has engaged in unprofessional conduct or has violated the Boards rules. When the Board finds that a physician should be disciplined, it may suspend (for a definite or indefinite period), revoke, limit, or restrict a license; administer a public or private reprimand; make an adverse finding, but withhold imposition of judgment; or impose the judgment but suspend the enforcement of such judgment and place the physician on probation. Further, the Board may vacate any probation if the physician fails to comply with reasonable terms imposed by the Board. O.C.G.A. § 43-34-8(b)(1). Finally, the Board may impose a fine of up to \$3000.00 for each violation of law, rule, or regulation, and impose a fine of a reasonable amount to reimburse the Board for administrative costs. O.C.G.A. § 43-34-8(b)(1)(G), (H).

9.

Given the seriousness of the charges for which Respondent was convicted, the undersigned concludes that indefinite suspension of Respondent's medical license is the appropriate sanction.

³ Sections 43-34-8(a)(10) and 43-1-19(a)(8) differ from Section 43-34-8(a)(4) in that the latter code section contains specific language stating, as follows: "the conviction of a crime involving moral turpitude shall be evidence of the commission of such crime." O.C.G.A. § 43-34-8(a)(4).

ORDER

For the above and foregoing reasons, Respondent's medical license is hereby **SUSPENDED indefinitely.**

During the period of suspension, the Respondent shall not use the title, Physician, Doctor, or "M.D.;" or otherwise engage in the practice of medicine as defined in O.G.G.A. § 43-34-21(3), including, but not limited to, assisting, directing, consulting, advising, or teaching, regarding patient medical care.

Respondent is entitled to renew Respondent's license during the period of suspension. Failure to renew shall result in revocation of Respondent's license by operation of law.

Respondent may petition the Board to lift the suspension upon successful completion of her criminal case (Case No.: 6:21-CR-00013) including any period of incarceration and/or probation.

In considering whether to lift the suspension, the Board shall have the authority to review the entire investigative file(s) and all relevant evidence, including but not limited to, the status of Respondent's clinical skills. The Board shall also have the authority to order any additional investigation that may be required in order to determine whether Respondent is competent to practice with reasonable skill and safety. This may include, but is not necessarily limited to, a mental physical health examination.

The period of indefinite suspension shall last unless and until Respondent files a written petition and the Board, in its sole discretion, lifts the suspension in writing.

Should the Board lift the suspension, it may do so by consent order, which places Respondent's license to practice medicine under such terms and conditions as the Board deems necessary to ensure that Respondent can practice medicine safely and ethically. Additional conditions, may include but are not limited to, continuing competency/education. The Respondent may be required to meet with the Board, or a committee thereof, should the Board consider the lifting of the indefinite suspension.

Lifting of Respondent's suspension shall be within the sole discretion of the Board. If Respondent's petition should be denied, Respondent may submit another petition no sooner than one (1) year following the Board's denial of Respondent's prior petition. Respondent's petition shall not constitute a contested case.

SO ORDERED, this 29th day of January, 2024.



Stephanie M. Howells
Administrative Law Judge



**BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA**

IN THE MATTER OF:

JESSICA NICOLE PERRY,

Applicant.

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)
)
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)

DOCKET NO:

GEORGIA COMPOSITE
MEDICAL BOARD

MAR 01 2024

DOCKET NUMBER:

20240060

PUBLIC CONSENT AGREEMENT FOR LICENSURE

Pursuant to O.C.G.A. Title 43, Chapters 1 and 34, the Georgia Composite Medical Board ("Board"), in its discretion, has considered the application for licensure of Jessica Nicole Perry to practice as an Assistant Laser Practitioner in the State of Georgia. In conjunction therewith, the Board hereby enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

1.

On or about March 4, 2021, Applicant was issued a license to practice as an assistant laser practitioner by the Board, License No. 1507, which lapsed on or about November 30, 2022.

2.

On or about December 20, 2023, Applicant submitted a new application for a license to practice as an assistant laser practitioner. During the course of reviewing the application, it was discovered that Applicant had performed laser services after her license lapsed.

3.

Applicant waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

The unlicensed practice disclosed by Applicant is grounds for denial of licensure or licensure with discipline under O.C.G.A. Ch. 34, T. 43, as amended. Applicant hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

Beginning on the effective date of this Consent Agreement, Applicant's license to practice as an Assistant Laser Practitioner in the State of Georgia shall be issued, subject to the following terms:

1.

Within ninety (90) days of the effective date of this Consent Agreement, Applicant shall submit to the Board a fine of **five hundred dollars (\$500.00)** to be paid in full by cashier's check or money order made payable to the Georgia Composite Medical Board. Said fine shall be sent to Georgia Composite Medical Board, 2 MLK, Jr. Drive, SE, East Tower, 11th Floor, Atlanta, Georgia 30334, to the attention of the Executive Director. Failure to pay the entire amount by the ninetieth day shall be considered a violation of this Agreement and shall result in further sanctioning of Applicant's license, including revocation, upon substantiation thereof.

2.

This Consent Agreement and dissemination thereof shall be considered a **PUBLIC REPRIMAND** of Applicant by the Board.

3.

The effective date of this Consent Agreement is the date the Consent Agreement is docketed. Applicant should receive a docketed copy of the Consent Agreement from the Board at the Applicant's address and/or email address of record within ten (10) business days of the docket date. If Applicant has not received a docketed copy of the Consent Agreement, it is Applicant's responsibility to obtain a docketed copy of the Consent Agreement from the Board. Applicant must comply with the terms and conditions of the Consent Agreement beginning on the effective date.

4.

Approval of this Consent Agreement by the Board shall in no way be construed as condoning the Applicant's conduct and shall not be construed as a waiver of any of the lawful rights possessed by the Board.

5.

Applicant acknowledges that Applicant has read this Consent Agreement and understands its contents. Applicant understands that Applicant has the right to an appearance in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent Agreement. Applicant understands that this Consent Agreement will not become effective until approved and docketed by the Board. However, if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter. Applicant further understands and agrees that a representative of the Department of Law may be present during presentation of this Consent Agreement to the Board and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Agreement. Applicant hereby consents to the terms and sanctions contained herein.

Approved this 1st day of March, 2024

(Signatures on following page)



(BOARD SEAL)

GEORGIA COMPOSITE MEDICAL BOARD

BY: _____
WILLIAM BOSTOCK, D.O.
Chairperson

ATTEST: _____
~~DANIEL K. DORSEY~~ Jason S. Jones
Executive Director

CONSENTED TO: Jessica Perry
JESSICA NICOLE PERRY
Applicant

[AS TO THE SIGNATURE OF APPLICANT]
Sworn to and subscribed before me
this, 30 day of January, 2024

Monica E. Cornwell
NOTARY PUBLIC
My Commission Expires: 10/9/27



**BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA**

IN THE MATTER OF:)
)
EMILY DING,)
PA-C License No. 10976,)
)
Reinstatement Applicant.)

DOCKET NO:

GEORGIA COMPOSITE
MEDICAL BOARD

MAR 14 2024

DOCKET NUMBER:

20240062

CONSENT AGREEMENT FOR REINSTATEMENT

Pursuant to O.C.G.A. Title 43, Chapters 1 and 34, the Georgia Composite Medical Board (“Board”), in its discretion, has considered the reinstatement application for licensure of Emily Ding (“Applicant”) to practice as a physician assistant in the State of Georgia. In conjunction therewith, the Board hereby enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

1.

On or about April 7, 2022, Applicant was issued a license to practice as a physician assistant in the State of Georgia. On or about September 30, 2023, Applicant’s license lapsed.

2.

On or about February 7, 2024, Applicant submitted an application for reinstatement of Applicant’s license to practice as a physician assistant. While reviewing the application, it was discovered that Applicant had worked as a physician assistant in Georgia after her license lapsed.

3.

Applicant waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

The unlicensed practice disclosed by Applicant is grounds for denial of licensure or licensure with discipline under O.C.G.A. Ch. 34, T. 43, as amended. Reinstatement of Applicant's license is within the discretion of the Board. Applicant hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

Beginning on the effective date of this Consent Agreement, Applicant's license to practice as a physician assistant in the State of Georgia shall be reinstated, subject to the following terms:

1.

Applicant shall submit to the Board a fine of five hundred dollars (\$500.00) to be paid in full by cashier's check or money order made payable to the Georgia Composite Medical Board within sixty (60) days of the effective date of this Consent Agreement. Said fine shall be sent to Georgia Composite Medical Board, 2 MLK, Jr. Drive, SE, East Tower, 11th Floor, Atlanta, Georgia 30334, to the attention of the Executive Director. Failure to pay the entire amount by the 60th day shall be considered a violation of this Agreement and shall result in further sanctioning of Applicant's licensure, including revocation, upon substantiation thereof.

2.

This Consent Agreement and dissemination thereof shall be considered a **PUBLIC REPRIMAND** of Applicant by the Board.

3.

The effective date of this Consent Order is the date the Consent Order is docketed. Applicant should receive a docketed copy of the Consent Order from the Board at the

Applicant's address and/or email address of record within ten (10) business days of the docket date. If Applicant has not received a docketed copy of the Consent Order, it is Applicant's responsibility to obtain a docketed copy of the Consent Order from the Board. Applicant must comply with the terms and conditions of the Consent Order beginning on the effective date.

4.

Applicant acknowledges that Applicant has read this Consent Agreement and understands its contents. Applicant understands that Applicant has the right to an appearance in this matter and freely, knowingly and voluntarily waives that right by entering into this Consent Agreement. Applicant understands and agrees that a representative of the Department of Law may be present during the Board's consideration of this Consent Agreement and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Agreement. Applicant further understands that this Consent Agreement will not become effective until approved and docketed by the Georgia Composite Medical Board. However, if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Applicant hereby consents to the terms and sanctions contained herein.

(Signatures on following page)

Approved this ^{14th} ~~12~~ day of MARCH, 2024.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)



BY:

William K. Bostock DO

WILLIAM BOSTOCK, D.O.

Chairperson

J. S. Jones

ATTEST:

JASON S. JONES

Executive Director

CONSENTED TO:

Emily Ding

EMILY DING, PA-C

Applicant

[As to Emily Ding's signature:]
Sworn to and subscribed before me
This 12th day of march, 2024.

Mark Murray
NOTARY PUBLIC

My Commission Expires: 3/28/27

