

October 2022 Public Board Actions List

Georgia Composite Medical Board
Attn: **Ms. Latisha Bias**, Public Records Unit
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Atlanta, Georgia 30303-3465
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The Board issued **Seven** public orders in **October 2022**. To view each Board order, click on the licensee's name below.

1. **Richard Kessler, PA**
6364
Physician Assistant
Order Upon Remand from Superior Court

2. **Susan Kolb, MD**
31272
Physician
Final Decision

3. **Catherine Lewis, MD**
73752
Physician
Public Consent Order

4. **Viralkumar Patel, MD**
62073
Physician
Public Consent Order

5. **Prakash Reddy, MD**
50329
Physician
Voluntary Cease and Desist Order

6. **Mariah Van Horn**
276
Acupuncturist
Consent Agreement for Reinstatement

7. Brent Harris, MD

67226

Physician

Public Consent Order

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

GEORGIA COMPOSITE MEDICAL BOARD,)

Petitioner,)

v.)

RICHARD KESSLER, P.A.)

Respondent.)

OSAH Docket No. 2107052

2107052-OSAH-GCMB-PA-60-Malihi

Board Docket No.:

**GEORGIA COMPOSITE
MEDICAL BOARD**

OCT 11 2022

DOCKET NUMBER:

ORDER UPON REMAND FROM SUPERIOR COURT

— 20230022

The Georgia Composite Medical Board (“Board”) hereby enters its Order Upon Remand from the Fulton County Superior Court in the above-referenced matter, which pertains to the license of Richard Kessler (the “Respondent”) to practice as a physician assistant in the State of Georgia.

After administrative proceedings before the Office of State Administrative Hearings, on March 2, 2021, the administrative law judge issued an Initial Decision, upholding the Board’s prior suspension order and indefinitely suspending Respondent Kessler’s license to practice as a physician assistant, based on concerns that Respondent was unsafe to practice. After a review hearing before the Board on May 20, 2021, the Board docketed the Final Decision in this matter, in which the Board adopted the Initial Decision of the administrative law judge. Respondent, through the provisions of O.C.G.A § 50-13-19, petitioned for judicial review of the Board’s Final Decision in Fulton County Superior Court, challenging the evidentiary basis for the Board’s decision, on hearsay and reliability grounds. After briefing and a final hearing, on September 7, 2022, the superior court issued its order, noting:

The Court finds that these reports compound the issue of hearsay with direct statements contained within that misstate findings within the WDS that call into question the level of scrutiny that went into the creation of these reports. The

Court therefore finds that both the Talbott Report and Ridgeview Evaluation are inadmissible to prove that Petitioner was unsafe to practice.

The superior court concluded that “[b]ecause there is no conflicting evidence in the record that could sustain the Initial Decision, the Court finds that the ALJ’s evidentiary rulings were ‘clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record’” and granted the petition for judicial review, remanding the matter to the Board for further proceedings in line with its September 7, 2022 order.

Having reviewed the decision of the superior court, IT IS THEREFORE ORDERED that the previous Final Decision of the Board in this matter, is hereby VACATED and that Respondent Kessler’s license be returned to Active Status. This Order Upon Remand from Superior Court, along with the order from the superior court (attached as an exhibit to this Order) shall be placed in Respondent Kessler’s profile.

This 11 day of October, 2022.



GEORGIA COMPOSITE MEDICAL BOARD

A handwritten signature in black ink, appearing to read "Matthew W. Norman".

MATTHEW W. NORMAN
Chairperson

A handwritten signature in blue ink, appearing to read "Daniel R. Dorsey".

DANIEL R. DORSEY
Executive Director

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

RICHARD BLAKE KESSLER, P.A.,
Petitioner,

v.

Case No. 2021-CV-350870

**GEORGIA COMPOSITE MEDICAL
BOARD,**
Respondent.

ORDER

Before the Court is the Petitioner's Application for Judicial Review (the "Application") raised pursuant to O.C.G.A. § 50-13-19. The Court received briefs and held an appeal hearing held on August 26, 2022. The Application is GRANTED, as set forth below.

Petitioner's Application was raised pursuant to O.C.G.A. § 50-13-19(h), subsections (1), (3) and (5), which provide:

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 substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are: (1) In violation of constitutional or statutory provisions; ... (3) Made upon unlawful procedure; ...or (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record[.]

Petitioner argues all three subsections were violated when the ALJ admitted several pieces of evidence over Petitioner's hearsay and relevance objections.

Findings of Fact/Background

Richard Kessler was a licensed physician assistant at all times relevant to this matter. R. at 31.¹ In August 2016, while employed at a surgery center in Atlanta, Petitioner was given a

¹ All references to "R" are references to the record.

workplace drug screen (the "Workplace Drug Screen" or "WDS"). R. at 130. The WDS was clearly marked "For medical purposes only. Chain of custody not maintained." *Id.*

In October 2016, Petitioner entered into a contract (the "Agreement") with the Georgia Professional Health Program (the "PHP") for an evaluation. R. at 32. According to the Agreement, Petitioner would accept any recommended treatment, or else be reported to the Georgia Composite Medical Board (the "Respondent" or "Board"). The PHP directed the Petitioner to participate in an evaluation at the Talbott Recovery Center, which Petitioner did. R. at 33 *et seq.* In October 2016, Talbott released a report (the "Talbott Report"), which diagnosed Petitioner with an "opioid use disorder, moderate." R. at 38. Petitioner has argued that he did not have an opioid abuse problem and naturally refused to seek treatment for a condition contends he did not have. Moreover, Petitioner argued that he had cancer and no money to spend on extra, unnecessary medical treatments. R. at 41.

Subsequently, the PHP reported this breach of the Agreement to the Board, that ordered a second evaluation at a different facility. R. at 75-79. Petitioner obtained the second evaluation from Ridgeview Institute (which produced the "Ridgeview Report"). R. at 80-110. Petitioner argued that the results of all Ridgeview's own tests were favorable to him, specifically arguing that every drug test was negative for drugs, and every interview conducted gave positive feedback. R. at 104-108. Petitioner also identified numerous inconsistencies within the Ridgeview Report, raising questions about its reliability.

Ridgeview diagnosed Petitioner with a "history of opiate abuse disorder, moderate." R. at 84. On September 13, 2017, the Board suspended the Petitioner's license. R. at 111 (the "OSS").

On July 7, 2020, the Board produced a copy of the WDS upon which the evaluations are based, more than three years after the suspension. The WDS contains three parts. R. at 130-132.

There was an initial drug screen on August 11, 2016, which was positive for benzodiazepine and an opiate. *Id.* Then, the employer decided to break the chain of custody, a fact that the WDS plainly discloses: "For medical purposes only. Chain of custody not maintained." *Id.* Five days later, on August 16, 2016, the sample was retested at an external lab, which was positive for oxazepam (a benzodiazepine for which Petitioner has a prescription). *Id.* The next day, a third test was performed which came back positive for Fentanyl. *Id.*

Petitioner argued that the WDS contradicted the allegations in the Talbott and Ridgeview Reports, as well as the allegations found in the OSS. *See generally* WDS, R. at 130-132. Petitioner has argued this evidence is unreliable on the basis of these inconsistencies.

On September 21, 2020, Petitioner sought a hearing, which was held before the Office of State Administrative Hearings on January 26, 2021 (the "OSAH Hearing" or the "ALJ"). *See GCMB v. Kessler*, OSAH Case No. 2107052-OSAH-GCMB-PA-60-Malihi. At the OSAH Hearing, the Board presented the testimony of its employee, Jonathan McGehee (the so-called "Investigator"). Through the Investigator, the Board presented the following evidence against Kessler:

- (a) Testimony of the Board's Investigator as to the Employer's allegations;
- (b) Talbott Evaluation Report;
- (c) Ridgeview Evaluation Report; and a
- (d) "breach" of the Agreement Not to Practice.

See R. at 153.²

² The Petitioner objected to these pieces of "evidence" in a timely manner both before the ALJ and the Board. R. at 192 (Transcript of May 6, 2021 hearing) (these objections are the same ones discussed in arguments below). Petitioner also objected at the OSAH Hearing. R. at 130 (the Initial Decision describes objections made as "arguing inconsistencies").

On March 2, 2021, the ALJ issued a Initial Decision indefinitely suspending Kessler practicing as a licensed Physician's assistant and identified the basis of its decision as follows:

Despite Respondent's attempts at the hearing to argue certain inconsistencies in the various tests and assessments, these facts remain: over the course of several months in 2016 and 2017, the Board received a concerning report from Respondent's employer, a report that Respondent had failed to follow through with his PHP agreement and that the PHP was unable to contact him, confirmation that Respondent was working as a physician assistant without evidence that he had ever undergone the recommended treatment, and, significantly, two evaluations indicating that Respondent was not safe to practice.

R. at 153.

Petitioner appealed the Initial Decision to the Board. On May 7, 2021, as part of a regular Board meeting, the Board reviewed the Initial Decision. On May 20, 2021, the Board upheld the Initial Decision (the "Final Decision"). R. at 197. Petitioner filed this appeal in June 2021.

A few months later, minutes of the May Board meeting were publicly released:

Richard Blake, PA, requested a review hearing. Max Changus, Assistant Attorney General, appeared on behalf of the Board. Mr. Blake was represented by Attorney Matt Bass... Dr. Retterbush made a motion, seconded by Dr. Harbin, to uphold the Initial Decision of the Administrative Law Judge. Dr. Reisman and Dr. DeLoach both abstained.

Ruling on Application Raised Under O.C.G.A. §50-13-19(h)(5)

O.C.G.A. § 50-13-19 (h) clearly authorizes appellate review of the sufficiency of the evidence to support the ALJ's decision on questions of law. *Stevens v. Board of Regents*, 129 Ga. App. 347 (1973). Moreover, the Court is empowered to decide whether the administrative court relied on admissible evidence. *See McEver v. Worrell Enterprises*, 223 Ga. App. 627 (1996).

Accordingly, the Court is empowered to consider whether the ALJ relied on admissible or inadmissible evidence in rendering the Initial Decision. Respondent argued and Petitioner does not contest that the Initial Decision was based on the following evidence: (a) the testimony of an

investigator as to the employer's allegations; (b) Talbott Evaluation Report; (c) Ridgeview Evaluation Report; and (d) Breach of the Agreement Not to Practice. *See* Respondent's Reply, dated November 2021.

Petitioner argues that the testimony of the Investigator as to the employer's allegations was inadmissible because it was hearsay within hearsay within hearsay ((i) board's investigator read the allegations in the report, (ii) the report was authored by people who heard the allegations from the Employer representative, (iii) the Employer representative repeated what yet another employee supposedly saw)). The Court finds that this objection was raised before the administrative law judge. The Court finds that the testimony of the Investigator as to the employer's allegations is inadmissible because it is hearsay. The testimony is hearsay because it was offered into the record for the truth of the matter asserted by someone other than the declarant. There being no hearsay exception applicable based upon the evidence presented, this evidence should not have been admitted into the record by the ALJ.

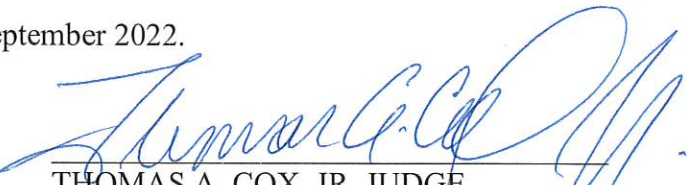
Petitioner argues that the Talbott and Ridgeview Evaluation Reports are also inadmissible because they are *hearsay within hearsay within hearsay* ((i) board investigator reported the allegations in the report as true, (ii) statement in report were authored by people who heard the allegations from the employer representative, (iii) the employer representative repeated statements supposedly made by some other, unidentified employee). Petitioner further argues that the Ridgeview Evaluation compounds the problem by adding yet another layer of hearsay because it reiterates the allegations of the Talbott Report, and is not based on independent information. Petitioner repeatedly argues that both reports had no indicia of reliability because they both misstate the contents of the drug screen they supposedly rely upon for diagnosis. The Court finds that these reports compound the issue of hearsay with direct statements contained within that

misstate findings within the WDS that call into question the level of scrutiny that went into the creation of these reports. The Court therefore finds that both the Talbott Report and Ridgeview Evaluation are inadmissible to prove that Petitioner was unsafe to practice.

As noted above, the ALJ relied only on this evidence as the basis of his decision. Respondent failed to produce any other evidence at the hearing. Accordingly, there is only the breach of the PHP in the record that supports the Respondent's case. The standard of review for issues raised under the "clearly erroneous" language in O.C.G.A. § 50-13-19(h)(5) is "any evidence." Under O.C.G.A. § 50-13-19(h)(5), the "any evidence" standard is the applicable touchstone and the presence of conflicting evidence is sufficient to satisfy that test. *Bowman v. Palmour*, 209 Ga. App. 270 (1993). As stated during an evidentiary hearing, however, the breach of the PHP did not create, in and of itself, any negative consequences besides the Petitioner being reported to the Board that they are not following through with the PHP. As such, this fact, by itself, cannot support a finding that the Petitioner was unsafe to practice, based on the record established below.

Because there is no conflicting evidence in the record that could sustain the Initial Decision, the Court finds that the ALJ's evidentiary rulings were "clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record." The Court therefore GRANTS the Petitioner's request for relief under O.C.G.A. §50-13-19(h)(5) and REMANDS FOR FURTHER PROCEEDINGS IN LINE WITH THIS ORDER.

SO ORDERED, this the 7th day of September 2022.


THOMAS A. COX, JR, JUDGE
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

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

GEORGIA COMPOSITE MEDICAL BOARD,)

Petitioner,)

Malihi)

v.)

RICHARD KESSLER,)

Respondent.)

**OSAH Docket No. 2107052
2107052-OSAH-GCMB-PA-60-**

Board Docket No.:

**GEORGIA COMPOSITE
MEDICAL BOARD**

MAY 20 2021

DOCKET NUMBER:

10210070

FINAL DECISION

An Initial Decision was issued by the Office of State Administrative Hearings in the above matter on March 2, 2021. The Respondent requested a review of the Initial Decision, and a review hearing was held before the Georgia Composite Medical Board ("Board") on May 6, 2021. Allen Meadors was the appointed hearing officer. At the review hearing, the Board was represented by Maximillian Changus, Assistant Attorney General, and the Respondent, Richard Kessler, was present and represented by James Matthew Bass, Esq. After hearing argument and testimony of the Appellant/Respondent, the Board, after deliberation, finds as follows and enters this Order in the above-styled case.

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

Based on the foregoing Findings of Fact and Conclusions of Law, the Board upholds the Initial Decision of the Administrative Law Judge, Michael Malihi, and ORDERS that Respondent's license to practice as a physician assistant be INDEFINITELY SUSPENDED and that the Respondent shall be allowed to petition the Board for the lifting of such suspension of his license at any time following the effective date of this decision. Such petition shall include documentation of the results of a mental/physical examination in compliance with any requirements of the Board and documentation that he has been deemed safe to practice by a Board-certified physician.

SO ORDERED, this 20th day of May, 2021.



(BOARD SEAL)

GEORGIA COMPOSITE MEDICAL BOARD

BARBY J. SIMMONS, DO
Chairperson

LASHARN HUGHES, MBA
Executive Director

Prepared and Submitted By:

Allen Meadors, Hearing Officer

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

SUSAN KOLB, MD,

License No. 31272,
Respondent.

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OSAH Docket No.: 2221950

2221950-OSAH-GCMB-PHY-60-Barnes

BOARD DOCKET NO:

GEORGIA COMPOSITE
MEDICAL BOARD

OCT 11 2022

DOCKET NUMBER:
16230020

FINAL DECISION

An Initial Decision was issued by the Office of State Administrative Hearings in the above matter on August 1, 2022. The Executive Director was hand-served with the Initial Decision on August 31, 2022, after unsuccessful attempts to serve the Respondent. 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 **REVOKED**, with the terms as set forth in the

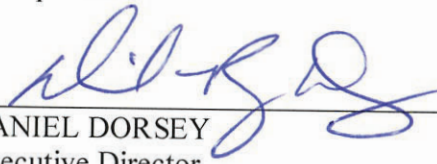
Initial Decision, is adopted and incorporated by reference and, having become final on October 1, 2022, is hereby made the Final Decision of the Board, effective October 1, 2022.

SO ORDERED, this 11th day of October, 2022.

GEORGIA COMPOSITE MEDICAL BOARD



MATTHEW W. NORMAN, M.D.
Chairperson



DANIEL DORSEY
Executive Director



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA

IN THE MATTER OF:

CATHERINE LEWIS, M.D.,
License No. 73752,

Respondent.

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DOCKET NO.:

GEORGIA COMPOSITE
MEDICAL BOARD

OCT 18 2022

DOCKET NUMBER:
20230023

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Board") and CATHERINE LEWIS, M.D. ("Respondent"), the following disposition of this disciplinary matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A § 50-13-13 as amended.

FINDINGS OF FACT

1.

Respondent is licensed to practice medicine in the State of Georgia and was so licensed at all times relevant to the facts stated herein.

2.

On or about May 28, 2021, the New Mexico Medical Board issued an Amended Decision and Order Denying License, Case No. 2020-035. The New Mexico Medical Board denied Respondent's application for a license to practice as a medical doctor based in part on "Respondent's lack of competence."

3.

On or about May 6, 2022, the Missouri State Board of Registration for the Healing Arts denied Respondent's application for a physician and surgeon's license based on the New Mexico Medical Board's action set forth in paragraph 2.

4.

Pursuant to O.C.G.A. §§ 43-1-19(a)(5) and 43-34-8(a)(5), the Georgia Board may discipline a licensee who was denied a license by any such lawful licensing authority other than the board.

5.

Respondent waives any further findings of facts with respect to this matter.

CONCLUSIONS OF LAW

Respondent's conduct constitutes sufficient grounds for the Board to exercise its disciplinary authority under O.C.G.A. Chs. 1 and 34, T. 43, as amended, and the Rules of the Georgia Composite Medical Board. Respondent waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Board, having considered the particular facts and circumstances of this case, hereby orders, and Respondent hereby agrees, that the following sanctions shall be imposed upon Respondent's license to practice as a physician in the State of Georgia:

1.

Beginning on the effective date of this Order, and until further order of the Board, Respondent shall not perform any surgical procedures in the State of Georgia. For purposes of this Order, "surgical procedure" shall be defined as any type of outpatient, inpatient, laparoscopic and/or open surgical/operative procedures that require general or regional anesthesia. If Respondent performs any type of surgical procedure, Respondent's license shall be subject to further discipline up to and including revocation, upon substantiation thereof.

2.

Respondent may petition the Board to lift the surgical restriction of this Consent Order. Upon submission of such petition to the Board, the Board or a subcommittee thereof may conduct a review of Respondent's current clinical/surgical competency. As part of such review the Board may require Respondent to provide any such information the Board deems necessary and relevant in considering Respondent's petition. The Board may also request that Respondent appear before the Board or a committee thereof concerning the Respondent's petition.

In considering Respondent's petition, the Board shall have sole discretion to deny the petition without a hearing, lift the restriction, and/or impose such additional conditions and/or limitations as the Board deems appropriate. Such additional conditions may include, but are not limited to, proctoring, reporting requirements, and additional training.

Should the Board determine that reasonable cause exists for imposing additional conditions and/or limitations on Respondent's medical license and right practice medicine in the State of Georgia, the Board shall notify Respondent in writing of its decision, including the reasons for its decision. Respondent may respond to such notification in writing or request an appearance before the Board or its representative. However, should Respondent request an appearance before the Board or its representative said appearance shall not be deemed a proceeding in contested case, nor shall Respondent be entitled to any hearing as in a "contested case," as term is defined in Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." or as defined in O.C.G.A 43-34-9.

3.

This Consent Order and the dissemination thereof shall constitute a public reprimand to the Respondent for her conduct.

4.

Respondent understands that pursuant to O.C.G.A. Title 43, Chapter 34A, the contents of this Consent Order shall be placed on Respondent's Physician Profile. Furthermore, by executing this Consent Order, Respondent hereby agrees to permit the Board to update the Physician's Profile reflecting this Consent Order.

5.

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

6.

Approval of this Order by the Board shall in no way be construed as condoning Respondent's conduct and, except as provided herein, shall not be construed as a waiver of any of the lawful rights of the Board.

7.

Respondent acknowledges that she has read and understands the contents of this Consent Order. Respondent understands that she has the right to a hearing in this matter, and Respondent freely, knowingly and voluntarily waives such right by entering into this Consent Order.


Respondent further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent further understands that this Consent Order, once approved and docketed, shall constitute a public record and may be disseminated as such. However, if the Consent Order is not approved, it shall not constitute an admission against interest in the proceeding, or prejudice the right of the Board to adjudicate the matter. Respondent understands that this Consent Order will not become effective until approved and docketed by the Georgia Composite Medical Board. Respondent consents to the terms contained herein.

Approved, this 18th day of October, 2022.



GEORGIA COMPOSITE MEDICAL BOARD

BY: 
MATTHEW W. NORMAN, M.D.
Chairperson

ATTEST: 
DANIEL R. DORSEY
Executive Director

CONSENTED TO: 
CATHERINE LEWIS, M.D.
Respondent

AS TO THE SIGNATURE OF
CATHERINE LEWIS, M.D.:

Sworn to and subscribed before me
this 18th day of October, 2022.


NOTARY PUBLIC

My Commission Expires



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA

IN THE MATTER OF:

VIRALKUMAR PATEL, M.D.,
License No. 62073,

Respondent.

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DOCKET NO.:

GEORGIA COMPOSITE
MEDICAL BOARD

OCT 18 2022

DOCKET NUMBER:
20230025

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Board") and VIRALKUMAR PATEL, M.D. ("Respondent"), the following disposition of this disciplinary matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A § 50-13-13 as amended.

FINDINGS OF FACT

1.

Respondent is licensed to practice medicine in the State of Georgia and was so licensed at all times relevant to the facts stated herein.

2.

In the summer of 2018, the hospital where Respondent was employed as a physician initiated an investigation into a complaint that Respondent's login credentials were being used to inappropriately access electronic medical records.

3.

During the course of the aforementioned investigation Respondent admitted to sharing his login credentials with office staff. An audit of Respondent's credentials revealed numerous electronic medical records of patients were inappropriately accessed.

4.

Respondent denies inappropriately accessing any electronic medical record personally, nor did he authorize any staff to inappropriately access any electronic medical record.

5.

Respondent neither admits nor denies the above findings of fact, but waives further findings and agrees to the entry of this Order in order to resolve the pending allegations.

CONCLUSIONS OF LAW

Respondent's conduct constitutes sufficient grounds for the Board to exercise disciplinary authority under O.C.G.A. Chs. 1 and 34, T. 43, as amended, and the Rules of the Georgia Composite Medical Board. Respondent waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Board, having considered the particular facts and circumstances of this case, hereby ordered, and Respondent hereby agrees to the following:

1.

Within six months of the effective (docket) date of this Order, Respondent shall complete the Medical Ethics and Professionalism course offered by PBI or another equivalent course, as approved by the Board. These hours shall be in addition to CME requirements for license renewal and may not be used to fulfill any continuing education hours for license renewal. Respondent shall provide written evidence of successful completion of the fifteen (15) hours of CME to the Board within six (6) months of the effective date of this Order. Failure to complete the fifteen (15) hours of CME and provide evidence of completion to the Board shall constitute a violation of this Consent Order and may result in further disciplinary action.

2.

Within thirty (30) days of the effective date of this Consent Order, Respondent shall submit to the Board a fine in the amount of five thousand dollars (\$5,000.00) to be paid in full by cashier's check or money order payable to the Board. Said fine shall be submitted to the attention of the Executive Director, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 6th Floor, Atlanta, Georgia, 30303. Failure to pay the entire amount of the fine by the 30th day shall be considered a violation of this Consent Order and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation thereof.

3.

This Consent Order and the dissemination thereof shall constitute a public reprimand to the Respondent for his conduct.

4.

Respondent understands that pursuant to O.C.G.A. Title 43, Chapter 34A, the contents of this Consent Order shall be placed on Respondent's Physician Profile. Furthermore, by executing this Consent Order, Respondent hereby agrees to permit the Board to update the Physician's Profile reflecting this Consent Order.

5.

Approval of this Order by the Board shall in no way be construed as condoning Respondent's conduct and, except as provided herein, shall not be construed as a waiver of any of the lawful rights of the Board.

6.

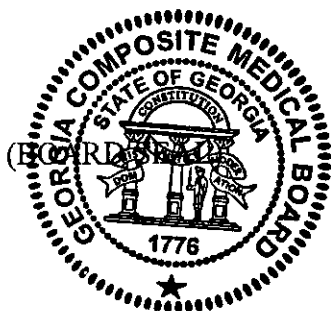
Respondent acknowledges that he has read and understands the contents of this Consent Order. Respondent understands that he has the right to a hearing in this matter, and Respondent

freely, knowingly and voluntarily waives such right by entering into this Consent Order.

Respondent further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent further understands that this Consent Order, once approved and docketed, shall constitute a public record and may be disseminated as such. However, if the Consent Order is not approved, it shall not constitute an admission against interest in the proceeding, or prejudice the right of the Board to adjudicate the matter. Respondent understands that this Consent Order will not become effective until approved and docketed by the Georgia Composite Medical Board. Respondent consents to the terms contained herein.

Approved, this 18th day of October, 2022.

GEORGIA COMPOSITE MEDICAL BOARD



BY:

Matthew W. Norman
MATTHEW W. NORMAN, M.D.
Chairperson

ATTEST:

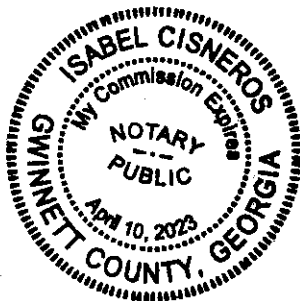
Daniel R. Dorsey
DANIEL R. DORSEY
Executive Director

— CONSENTED TO: *Viralkumar Patel* —

VIRALKUMAR PATEL, M.D.
Respondent

AS TO THE SIGNATURE OF
VIRALKUMAR PATEL, M.D.:
Sworn to and subscribed before me
this, 3rd day of October, 2022.

Isabel Cisneros
NOTARY PUBLIC
My Commission Expires: 4/10/23



IN THE MATTER OF:	STATE OF GEORGIA	
	*	
	*	
PRAKASH REDDY, M.D.,	*	DOCKET NO.
	*	
	*	
Respondent.	*	

GEORGIA COMPOSITE
MEDICAL BOARD
OCT 18 2022
DOCKET NUMBER:
20230024

FINDINGS OF FACT

Prakash Reddy, M.D. ("Respondent") does not possess a license to practice as medicine as a physician in the State of Georgia, pursuant to O.C.G.A. Ch. 34, T. 43, as amended.

On or about February 17, 2021, The Georgia Composite Medical Board (“Board”) received information that Respondent is practicing medicine in Georgia without a license. Specifically, Respondent is reading and diagnosing in-home sleep studies for Georgia patients as set forth in Paragraph 3.

- On or about August 31, 2020, Respondent read and diagnosed a sleep study for Patient DS.
- On or about February 18, 2021, Respondent read and diagnosed a sleep study for Patient BA.
- On or about February 21, 2021, Respondent read and diagnosed a sleep study for Patient NG.
- On or about February 24, 2021, Respondent read and diagnosed a sleep study for Patient SM.
- On or about February 27, 2021, Respondent read and diagnosed a sleep study for Patient KB.
- On or about February 26, 2021, Respondent read and diagnosed a sleep study for Patient CT.
- On or about February 26, 2021, Respondent read and diagnosed a sleep study for Patient AD.

- On or about February 26, 2021, Respondent read and diagnosed a sleep study for Patient ET.
- On or about February 26, 2021, Respondent read and diagnosed a sleep study for Patient PC.
- On or about February 26, 2021, Respondent read and diagnosed a sleep study for Patient RB.
- On or about March 2, 2021, Respondent read and diagnosed a sleep study for Patient GW.
- On or about March 4, 2021, Respondent read and diagnosed a sleep study for Patient DM.
- On or about March 8, 2021, Respondent read and diagnosed a sleep study for Patient LB.
- On or about March 18, 2021, Respondent read and diagnosed a sleep study for Patient LW.

4.

Respondent maintains that he interpreted at home sleep study data submitted to him by his employer, had no direct contact with patients, and was unaware of the patients' physical location. He further maintains that he has never evaluated or treated any patient while he was physically in the State of Georgia. Respondent submits a letter in mitigation/explanation as to the aforementioned conduct. It is attached as exhibit "R-1" and hereby incorporated by reference and made part of this order as if fully set forth herein.

5.

Pursuant to O.C.G.A. § 43-34-22 (a), If any person shall hold himself or herself out to the public as being engaged in the diagnosis or treatment of disease or injuries of human beings, or shall suggest, recommend, or prescribe any form of treatment for the palliation, relief, or cure of any physical or mental ailment of any person, with the intention of receiving therefor, either directly or indirectly, any fee, gift, or compensation whatsoever, or shall maintain an office for the reception, examination, or treatment of diseased or injured human beings, or shall attach the title "M.D.," "Oph.," "D.," "Dop.," "Surgeon," "Doctor," "D.O.," "Doctor of Osteopathy," "Osteopathic Physician," or "Physician," either alone or in connection with other words, or any

other word or abbreviation to his or her name indicative that he or she is engaged in the treatment of diseased, defective, or injured human beings, and shall not in any of these cases then possess a valid license to practice medicine under the laws of this state, he or she shall be deemed to be practicing medicine without complying with this article and shall be deemed in violation of this article.

CONCLUSIONS OF LAW

Respondent's conduct outlined above constitutes sufficient grounds to issue an order prohibiting Respondent from violating O.C.G.A. § 43-34-22 and issue other sanctions as set out below in this Order. Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

1.

Respondent hereby agrees to voluntarily cease and desist from any practice that would require Respondent to possess a license to practice medicine as a physician as required under O.C.G.A. Ch. 34, T. 43, as amended, until such time as Respondent is licensed by the Board.

2.

Respondent understands that Respondent has a right to a hearing in this matter, and hereby freely, knowingly, and voluntarily waives such right. Respondent also understands that should Respondent apply for licensure with the Board, the board shall have access to this Order and to the entire investigative file in this matter.

3.

This Order shall become effective immediately upon approval thereof by the Board and shall remain in effect until such time as Respondent becomes licensed with the Board or until

further order. Respondent understands that this document will be considered to be a public record entered as the final disposition of any proceedings presently pending or which could be brought against Respondent by the Board and that this action shall be considered to be and may be recorded as a final order of the Board.

4.

This order shall not be considered formal discipline under Georgia law.

5.

Any violation of this Order shall subject Respondent to a fine not to exceed \$500.00 for each transaction constituting a violation thereof, pursuant to O.C.G.A. § 43-1-20.1, and any remedy contained herein shall NOT preclude the Board from seeking remedies otherwise available by statute, including criminal prosecution or injunctive relief.

This 15th day of October, 2022.




GEORGIA COMPOSITE MEDICAL
BOARD

BY:


MATTHEW W. NORMAN, M.D.
Chairperson

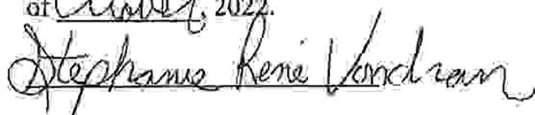
ATTEST:



DANIEL R. DORSEY
Executive Director



CONSENTED TO:

Sworn to and Subscribed this 14th day
of October, 2022.




PRAKASH REDDY, M.D.
Respondent

October 17, 2022

Sent Via Electronic Mail sbailey@law.ga.gov

Georgia Composite Medical Board
c/o Sandra J. Bailey, Asst. Atty. General
Office of the Attorney General Chris Carr
Regulated Industries & Professions
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

Re: Prakash Reddy, M.D.
Our File No. 00057438.00001

Greetings:

This law firm represents Prakash Reddy, M.D. Dr. Reddy has entered into a Voluntary Cease and Desist Order ("Order") presented by the Georgia Composite Medical Board ("Board"). The Order is to resolve an allegation that Dr. Reddy practiced medicine in the State of Georgia without a license by reading and diagnosing in-home sleep studies for Georgia patients. Dr. Reddy would like the Board to be aware of the following mitigating circumstances.

Dr. Reddy has never evaluated or treated any patient while he was physically in the State of Georgia. Dr. Reddy was employed to interpret in-home sleep studies. His employer would provide the data from these studies for his interpretation via a remote computer connection. The information provided to Dr. Reddy regarding these studies contained no demographic information regarding the patients and specifically did not contain any address information regarding the patients. Dr. Reddy would interpret the study data and provide a report to his employer, which he believes was then transmitted to the patient's referring physician and/or the patient. Dr. Reddy never had any direct contact with any of the patients. It is Dr. Reddy's understanding that his employer now assigns the interpretation of sleep studies to physicians who are licensed in the jurisdiction in which the patient resides.

Dr. Reddy never had any intention to violate any Georgia statute or rule. Nevertheless, Dr. Reddy is willing to agree to the Voluntary Cease and Desist Agreement as he has no intention to evaluate or treat any Georgia patients until and unless he is properly licensed in the State of Georgia. We have requested that this correspondence be made an attachment to the Voluntary Cease and Desist Order so that the circumstances are made a part of the record of the disposition of this matter.

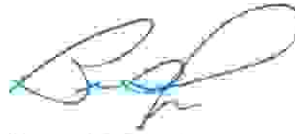
EXHIBIT

R-1

Page 2

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Lamb', with a blue horizontal line drawn through the middle of the signature.

Bruce D. Lamb

BDL/keb

cc: Prakash Reddy, M.D.

ACTIVE 16220014 3

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

IN THE MATTER OF:

MARIAH VAN HORN,

Previous Acupuncturist License No. 276

Applicant.

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DOCKET NO:

GEORGIA COMPOSITE
MEDICAL BOARD

OCT 20 2022

DOCKET NUMBER:
20230026

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 application for reinstatement of Mariah Van Horn ("Applicant") to practice as an acupuncturist 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.

Applicant was previously licensed as an acupuncturist by the Board. Applicant's license lapsed on or around February 28, 2020. On or about September 6, 2022, Applicant submitted an application for reinstatement of Applicant's license to practice as an acupuncturist in the State of Georgia.

2.

On Applicant's application for reinstatement, she disclosed she "practiced briefly" after her license expired.

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 her reinstatement application or reinstatement 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 Acupuncturist in the State of Georgia shall be reinstated, subject to the following terms:

1.

Applicant shall submit to the Board a fine of one thousand dollars (\$1,000.00) to be paid in full by cashier's check or money order made payable to the Georgia Composite Medical Board within ninety (90) days of the effective date of this Consent Agreement. Said fine shall be sent to Georgia Composite Medical Board, 2 Peachtree Street, NW, 6th Floor, Atlanta, Georgia 30303, to the attention of the Executive Director. Failure to pay the entire amount by the 90th 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.

In addition to, and in conjunction with any other sanction contained herein, this Consent Agreement and dissemination thereof, shall serve as a **public reprimand** of Applicant by the Board.

3.

The effective date of this Consent Agreement is the date the Consent Agreement is

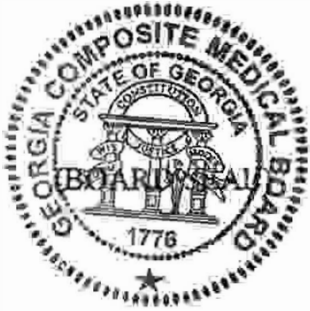
docketed. Applicant should receive a docketed copy of the Consent Agreement from the Board at Applicant's address of record within 10 business days of the docket date. If Applicant has not received a docketed copy of the Consent Agreement, it is Applicant's responsibility to obtain a docketed copy of the Consent Agreement from the Board. Applicant must comply with the terms of the Consent Agreement 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 a hearing 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. 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 further understands that this Consent Agreement, once approved, shall constitute a public record that may be disseminated as a disciplinary action of the Board and will be reportable to the National Practitioner Data Bank. However, if the 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 consents to the terms and conditions contained herein.

(signatures on following page)

Approved this 20 day of October, 2022.



GEORGIA COMPOSITE MEDICAL BOARD

BY: _____

Matthew W. Norman

MATTHEW W. NORMAN, M.D.
Chairperson

ATTEST: _____

Daniel R. Dorsey

DANIEL R. DORSEY
Executive Director

CONSENTED TO: _____

Mariah Van Horn

MARIAH VAN HORN
Applicant

[As to Applicant's signature:]

Sworn to and subscribed before me:

This 20th day of October, 2022.

Alexis Graham

NOTARY PUBLIC

My Commission Expires: 3/22/26



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

GEORGIA COMPOSITE
MEDICAL BOARD

IN THE MATTER OF:

BRENT ARTHUR HARRIS, M.D.,
License No. 67226,
Respondent.

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*
*

DOCKET NO.:

OCT 25 2022

DOCKET NUMBER:
20230028

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Board") and Brent Arthur Harris, M.D., Respondent, the following disposition of this matter is entered pursuant to the following provisions of the Georgia Administrative Procedure Act, codified as O.C.G.A. § 50-13-13(a)(4).

FINDINGS OF FACT

1.

Respondent is licensed to practice as a physician in Georgia and was so licensed at all times relevant to this matter.

2.

On or about April 14, 2021, Respondent, in violation of O.C.G.A. 16-13-64(b), being an individual authorized to access Prescription Drug Monitoring Program prescription information, negligently disclosed such prescription information of Patient A.H.

3.

Respondent's entering into the Consent Order agrees that the Board may sanction Respondent's license based on factual findings set forth above. Respondent hereby waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

Respondent's conduct, constitutes sufficient grounds for the imposition of sanctions upon Respondent's license to practice as a physician in the State of Georgia under O.C.G.A. Chs. 1 and 34, T. 43, as amended. Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Georgia Composite Medical Board, having considered the particular facts and circumstances of this case, hereby orders, and Respondent hereby agrees, that the following sanctions shall be imposed on Respondent's license to practice as a physician in the State of Georgia.

1.

Within six (6) months of the effective date of this Consent Order, Respondent shall enroll in, complete, and provide evidence to the Board of completion of ten (10) hours of continuing education approved by the Board in the area of professionalism. Such coursework and hours shall be in addition to, and shall NOT be used to satisfy, continuing education hours for license renewal purposes. Respondent's failure to complete the courses and hours and/or provide evidence of completion of the courses and hours shall be considered a violation of this Order and grounds for further disciplinary action, including revocation.

2.

Within six (6) months of the effective date of this Consent Order, Respondent shall enroll in, complete, and provide evidence to the Board of completion of a course on prescribing, addressing the requirements of the Prescription Drug Monitoring Program. Such coursework and hours shall be in addition to, and shall NOT be used to satisfy, continuing education hours for license renewal purposes. Respondent's failure to complete the courses and hours and/or provide evidence of completion of the courses and hours shall be considered a violation of this Order and grounds for further disciplinary action, including revocation.

3.

Respondent understands that pursuant to O.C.G.A. Title 43, Chapter 34A, the contents of this order shall be placed on Respondent's Physician Profile. Furthermore, by executing this Consent Order, Respondent hereby agrees to permit the Board to update the Physician's Profile reflecting this Consent Order.

4.

The effective date of this Consent Order is the date the Consent Order is docketed. Respondent should receive a docketed copy of the Consent Order from the Board at Respondent's address of record within 10 business days of the docket date. If Respondent has not received a docketed copy of the Consent Order, it is Respondent's responsibility to obtain a docketed copy of the Consent Order from the Board. Respondent must comply with the terms of the Consent Order beginning on the effective date.

5.

Respondent shall abide by all state and federal laws regulating the practice of medicine and relating to drugs, the Rules and Regulations of the Board, and the terms and conditions of this Consent Order. If Respondent shall fail to abide by such laws, rules, terms or conditions, Respondent's license shall be subject to further discipline, including revocation, upon substantiation thereof after notice and hearing. Respondent further agrees that any violation of this Consent Order shall be deemed to be sufficient to authorize the Board to initiate further disciplinary action or to order summary suspension of Respondent's license, pending further proceedings, pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), or any other statute authorizing emergency action, but Respondent understands that Respondent shall be entitled to an expedited hearing to substantiate such violation, if the Board exercises such right.

6.

Respondent acknowledges that Respondent has read this Consent Order and understands its contents. Respondent understands that Respondent has the right to a hearing in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent Order. Respondent understands that this Consent Order will not become effective until approved and docketed by the Board. Respondent further understands and agrees that a representative of the Department of Law may be present during presentation of this Consent Order to the Board and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent further understands that this Consent Order, once approved, shall constitute a public record that may be disseminated as a disciplinary action of the Board and will be reportable to the National Practitioner Data Bank. However, if the Consent Order 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. Respondent consents to the terms and conditions contained herein.

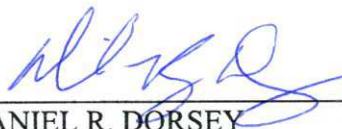
(signatures on following page)

Approved, this 25th day of October, 2022.

GEORGIA COMPOSITE MEDICAL BOARD



BY: _____
MATTHEW W. NORMAN, M.D.
Chairperson

Attest: 
DANIEL R. DORSEY
Executive Director

Consented to: 
BRENT ARTHUR HARRIS, M.D.
Respondent

Witness of Signature:

Swore to and subscribed

before me this 7th day
of September, 2022.


NOTARY PUBLIC

My commission expires: 6/2/26

