

November 2021 Public Board Actions List

Georgia Composite Medical Board
Attn: **Ms. Latisha Bias**, Public Records Unit
2 Peachtree Street, N.W., 6th Floor
Atlanta, Georgia 30303-3465
PH: (404) 657-3194
FX: (404) 463-2539
Email: latisha.bias@dch.ga.gov

The Board issued **10** public orders in **November 2021**. To view each Board order, click on the licensee's name below.

1. William Burnett, MD

20413
Physician
Final Decision

2. Karen Butler, MD

53841
Physician
Public Consent Order

3. Angela H. Coleman, MD

61717
Physician
Public Consent Order

4. Carl J. Cooper, MD

40352
Physician
Order Terminating Consent Order and Amendments

5. Sondralyn Fackler, MD

44211
Physician
Public Consent Order

6. Richard Grant, MD

44472
Physician
Public Consent Order

7. Marian A. Patterson, MD

42035

Physician

Order Terminating Consent Order

8. James Rogan, MD

37662

Physician

Public Consent Order

9. Richard Wolff, MD

43307

Physician

Public Consent Order

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

GEORGIA COMPOSITE MEDICAL BOARD,)	
)	
Petitioner,)	OSAH Docket No.2109138
)	2109138-OSAH-GCMB-PHY-67-
v.)	Malihi
)	
WILLIAM E. BURNETT, D.O.,)	Board Docket No.:
License No. 020413,)	
)	
Respondent.)	

**GEORGIA COMPOSITE
MEDICAL BOARD**

OCT 05 2021

**DOCKET NUMBER:
10220032**

TO: William E. Burnett, D.O.
2720 Mall of Georgia Boulevard
Suite 207
Buford, Georgia

FINAL DECISION

An Initial Decision was issued by the Office of State Administrative Hearings in the above matter on May 5, 2021. The Respondent petitioned for a review of the Initial Decision, and a review hearing was held before the Georgia Composite Medical Board ("Board") on September 2, 2021. Allen Meadors was the appointed hearing officer and the Respondent, appeared *pro se*. 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.

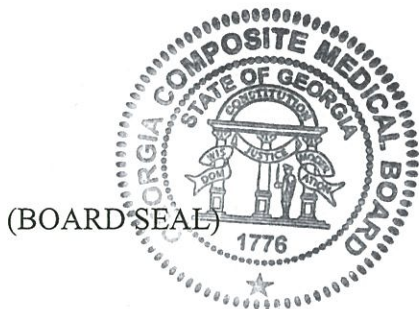
CONCLUSIONS OF LAW

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 medicine as a physician be REVOKED. The Respondent pay a fine of fifteen thousand - nine hundred fifty dollars and 78/100 (\$15,950.78) to reimburse the board for the administrative and legal costs in conducting the disciplinary proceeding.

SO ORDERED, this 5th day of October, 2021.



GEORGIA COMPOSITE MEDICAL BOARD


DESPINA DALTON, M.D.

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:

KAREN BUTLER, M.D.,
License No. 53841,
Respondent.

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*
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DOCKET NO.:

GEORGIA COMPOSITE
MEDICAL BOARD

OCT 13 2021

DOCKET NUMBER:
20220036

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Board") and Karen Butler, 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 and between January 2017 and March 2019, Respondent, along with others both known and unknown to Respondent, was part of a telemedicine scheme. Respondent's participation in the unlawful plan included signing false medical records describing consultations and examinations of Medicare patients that never occurred. In exchange for Respondent's participation in the scheme, she received compensation. On or about September 19, 2019, Respondent entered into an agreement to plead guilty to one count of Conspiracy in violation of 18 U.S.C. § 371.

3.

On or about July 16, 2020, Respondent was convicted of one count of Conspiracy in violation of 18 U.S.C. § 371, in the United States District Court, for the Southern District of

Georgia, Savannah Division, Criminal Case No.: 4:19CR00166-1. Respondent was sentenced to, *inter alia*, 1 year of probation and \$459,362.00 in restitution.

4.

Respondent waives any further findings of fact with respect to the above matter.

CONCLUSIONS OF LAW

Respondent's guilty plea entered into with the United States District Court, for the Southern District of Georgia, Savannah Division, 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 ethics. 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 twelve (12) months of the effective date of this Order, Respondent shall pay a fine in the amount of five thousand dollars (\$5,000.00) for unprofessional conduct. The fine shall

be paid in full by cashier's check or money order made payable to the Georgia Composite Medical Board. Said fines shall be sent to Georgia Composite Medical Board, 2 Peachtree Street, NW, 6th Floor, Atlanta, GA 30303, to the attention of the Executive Director. Failure to pay the entire amount by the 30th day shall be considered a violation of this Order and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation thereof.

3.

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

4.

Respondent understands that pursuant to O.C.G.A. Title 43, Chapter 34A, the contents of this order shall be placed on her 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 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.

6.

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, and if revoked, the Board in its discretion may determine that the license should be permanently revoked and not subject to reinstatement. 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.

7.

Respondent acknowledges that she has read this Consent Order and understands its contents. Respondent understands that she has the right to appear before the Board 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. 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.

Approved, this 12th day of October, 2021.



GEORGIA COMPOSITE MEDICAL BOARD

BY: _____

Barby J. Simmons, D.O.

Chairperson

Despina Dalton, MD

Attest: _____

Lasharn Hughes, MBA

Executive Director

Consented to: _____

Karen Butler, M.D.

Respondent

Witness of Signature:

Swore to and subscribed

before me this 15th day

of Sept, 2021.

Mark Kraemer

NOTARY PUBLIC

My commission expires:

8/24/2025

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

ANGELA HORNE COLEMAN, M.D.,
License No. 61717,
Respondent.

DOCKET NO.:

GEORGIA COMPOSITE
MEDICAL BOARD

OCT 22 2021

DOCKET NUMBER:

20220037

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Board") and Angela Horne Coleman, 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 and between March 2018 and May 2019, Respondent, along with others both known and unknown to Respondent, was part of a telemedicine scheme. Respondent's participation in the unlawful plan included signing false medical records describing consultations and examinations of Medicare patients that never occurred. In exchange for Respondent's participation in the scheme, she received compensation. On or about September 10, 2020, Respondent entered into an agreement to plead guilty to one count of Conspiracy in violation of 18 U.S.C. § 371.

3.

On or about February 25, 2021, Respondent was convicted of one count of Conspiracy in violation of 18 U.S.C § 371, in the United States District Court, for the Southern District of Georgia, Savannah Division, Criminal Case No.: 4:20CR00089-1. Respondent was sentenced to, *inter alia*, 3 years' probation, 40 hours of community service, and \$41,500.00 in restitution.

4.

Respondent failed to disclose her felony conviction to the Board within 10 days of the conviction date.

5.

Respondent waives any further findings of fact with respect to the above matter.

CONCLUSIONS OF LAW

Respondent's guilty plea entered into with the United States District Court, for the Southern District of Georgia, Savannah Division, 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 ethics. 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 ninety (90) days of the effective date of this Order, Respondent shall pay a fine in the amount of five thousand dollars (\$5,000.00) for unprofessional conduct the fine shall 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 Peachtree Street, NW, 6th Floor, Atlanta, GA 30303, to the attention of the Executive Director. Failure to pay the entire amount by the 30th day shall be considered a violation of this Order and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation thereof.

3.

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

4.

Respondent understands that pursuant to O.C.G.A. Title 43, Chapter 34A, the contents of this order shall be placed on her 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 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.

6.

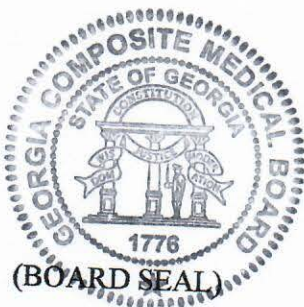
Respondent shall abide by all state and federal laws regulating the practice of medicine and relating to drugs, the Rules and Regulations of the Board, and the terms and conditions of this Consent Order. If Respondent shall fail to abide by such laws, rules, terms or conditions, Respondent's license shall be subject to further discipline, including revocation, upon substantiation thereof after notice and hearing, and if revoked, the Board in its discretion may determine that the license should be permanently revoked and not subject to reinstatement. 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.

7.

Respondent acknowledges that she has read this Consent Order and understands its contents. Respondent understands that she has the right to appear before the Board 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. 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.

Approved, this 22nd day of October, 2021.



GEORGIA COMPOSITE MEDICAL BOARD

BY:

[Signature]
Despina Dalton, M.D.
Chairperson

Attest:

[Signature]
LASHARN HUGHES, MBA
Executive Director

Consented to:

[Signature]
ANGELA HORNE COLEMAN, M.D.
Respondent

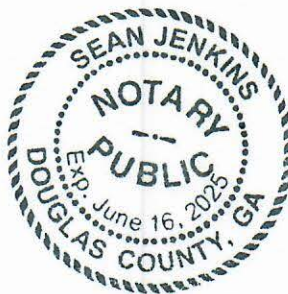
Witness of Signature:

Swore to and subscribed
before me this 9 day
of August, 2021.

[Signature]

NOTARY PUBLIC

My commission expires: 6/16/25



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

IN THE MATTER OF:

CARL JEROME COOPER, M.D.,
License No. 40352,

Respondent.

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DOCKET NO.:

GEORGIA COMPOSITE
MEDICAL BOARD

OCT 25 2021

DOCKET NUMBER:
20220039

ORDER TERMINATING CONSENT ORDER AND AMENDMENTS

WHEREAS, on or about December 20, 2017, the Georgia Composite Medical Board (hereinafter "Board") and Carl Jerome Cooper (hereinafter "Respondent") entered into a Consent Order, imposing various requirements related to treatment for substance abuse. The order was amended on or about November 2, 2018, with a second amendment entered on March 7, 2019, and a third amendment entered on February 17, 2020.

WHEREAS, on or about October 5, 2021, the Board considered Respondent's petition for the termination of the Consent Order and the amended provisions.

WHEREAS, upon review, the Board has determined that Respondent has complied with the terms of the Consent Order and the amendments to the satisfaction of the Board.

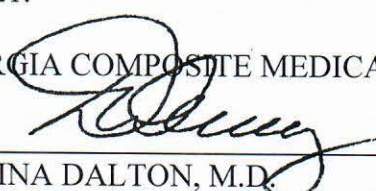
THEREFORE, the Board hereby terminates all of the requirements imposed in the December 20, 2017, Consent Order and the subsequent amendments and the enforcement of said Consent Order and amendments.

This 25th day of October, 2021.



BY:

GEORGIA COMPOSITE MEDICAL BOARD


DESPINA DALTON, M.D.
Chairperson

ATTEST:


LASHARN HUGHES
Executive Director

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

**GEORGIA COMPOSITE
MEDICAL BOARD**

IN THE MATTER OF:

**CARL JEROME COOPER, M.D.
License No.: 40352
Respondent.**

DOCKET NO.: FEB 17 2020

**DOCKET NUMBER:
20200116**

THIRD AMENDMENT TO PUBLIC CONSENT ORDER

WHEREAS, on or about December 20, 2017, CARL JEROME COOPER, M.D. ("Respondent") entered into a Public Consent Order for ("Order") with the Georgia Composite Medical Board ("Board"), Docket Number 10160026, which subjected Respondent's license to practice medicine to various terms and conditions, including, but not limited to "designating an acceptable supervising physician, who may practice medicine outside of Respondent's medical practice, who will review 25% of Respondent's medical charts on a monthly basis."

WHEREAS, on November 2, 2018, the Board granted an amendment request to eliminate the requirement of direct supervision by an on-site physician contained in the Order docketed on December 20, 2017. On March 7, 2019, the Board granted a second amendment request to lift the twenty (20) hour work week restriction contained in the Order docketed on December 20, 2017.

WHEREAS, on January 24, 2020, Respondent submitted a petition to lift the restriction designating an acceptable supervising physician, who may practice medicine outside of Respondent's medical practice, who will review 25% of Respondent's medical charts on a monthly basis, as referenced in Paragraph 1 (b) of the Order docketed on December 20, 2017.

WHEREAS, the Board having considered Respondent's request to lift the designation of an acceptable supervising physician, who may practice medicine outside of Respondent's medical practice, who will review 25% of Respondent's medical charts on a monthly basis, NOW THEREFORE, amends the Order as follows:

1.

The requirement for designating an acceptable supervising physician, who may practice medicine outside of Respondent's medical practice, who will review 25% of Respondent's medical charts on a monthly basis imposed in Paragraph 1 (b) of the Consent Order docketed on December 20, 2017 is hereby lifted.

2.

Except as provided herein, Respondent's license shall remain subject to all of the remaining terms and conditions as set forth in the Public Consent Order docketed on December 20, 2017. A violation of this Order shall be considered a violation of a lawful order of the Board as if it were a violation of the December 20, 2017 Public Consent Order.

3.

This Third Amendment to Public Consent Order shall become effective upon its acceptance by the Georgia Composite Medical Board and its docketing by the Executive Director of the Georgia Composite Medical Board.

This the 17th day of February, 2020.

GEORGIA COMPOSITE MEDICAL BOARD

BY: Gretchen Collins MD
GRETCHEN COLLINS, M.D.
Chairperson



ATTEST:

Lashawn Hughes
LASHAWN HUGHES
Executive Director

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

MAR 07 2019

STATE OF GEORGIA

DOCKET NUMBER:
10160026

IN THE MATTER OF:

CARL JEROME COOPER, M.D.,
License No. 40352,
Respondent.

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DOCKET NO.

SECOND AMENDMENT TO PUBLIC CONSENT ORDER

On or about December 20, 2017, CARL JEROME COOPER, M.D. ("Respondent") entered into a Public Consent Order for ("Order") with the Georgia Composite Medical Board ("Board"), Docket Number 10160026, which subjected Respondent's license to practice medicine to various terms and conditions, including, but not limited to, aftercare, supervision and a work hour restriction. In an Amendment to Public Consent Order, in Docket Number 10160026, docketed on November 2, 2018, the Board granted a request to eliminate the requirement of direct supervision by an on-site physician.

On or about October 11, 2018, Respondent requested that the Board lift the requirement set forth in the initial Order, which limited Respondent from practicing medicine for more than twenty (20) hours per calendar week, including call, as provided for in Paragraph 1 (e) of the Order. Respondent provided the Board with a letter from Robin F. McCown, Executive Director, Georgia PHP, Inc. in support of lifting the 20 hours per week restriction on the basis that Respondent has been compliant with all requirements of his monitoring agreement as identified in the Order.

WHEREAS, the Board having considered Respondent's request to lift the restriction which limited Respondent from practicing medicine for more than twenty (20) hours per calendar week, including call, NOW THEREFORE, amends the Order as follows:

1.

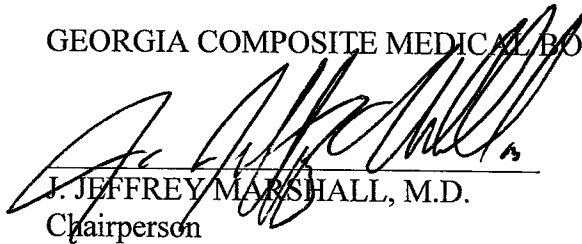
The work hour restriction that limited Respondent's practice to no more than twenty (20) hours per calendar week, including call, is hereby lifted. All other requirements, set forth in the Order, that were not amended in the Amendment to Public Consent Order, Docket Number 10160026, docketed on November 2, 2018, shall remain in full force and effect.

2.

Except as provided herein, Respondent's license shall remain subject to all of the remaining terms and conditions as set forth in Order entered into on December 20, 2017. A violation of this Second Amendment to the Public Consent Order shall be considered a violation of a lawful order of the Board as if it were a violation of the December 20, 2017 Order.

GEORGIA COMPOSITE MEDICAL BOARD

BY:


J. JEFFREY MARSHALL, M.D.
Chairperson

ATTEST:


LASHARN HUGHES
Interim Executive Director

NOV 02 2018

DOCKET NUMBER:

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

10160026

STATE OF GEORGIA

IN THE MATTER OF:

CARL JEROME COOPER, M.D.,
License No. 40352,
Respondent.

DOCKET NO.

AMENDMENT TO PUBLIC CONSENT ORDER

WHEREAS, on or about December 20, 2017, CARL JEROME COOPER, M.D. ("Respondent") entered into a Public Consent Order for ("Order") with the Georgia Composite Medical Board ("Board"), Docket Number 10160026, which subjected Respondent's license to practice medicine to various terms and conditions, including, but not limited to, direct supervision by an on-site supervising physician.

WHEREAS, on or about September 4, 2018, Respondent requested that the Board lift the requirement for direct supervision by an on-site supervising physician and to allow for a supervising physician who may practice outside of Respondent's practice as provided for in Paragraph 1 (b) of the Public Consent Order. Respondent provided the Board with a letter from Respondent's on-site supervising physician in support of lifting the requirement for direct supervision.

WHEREAS, the Board considered Respondent's request to lift the requirement for direct supervision by an on-site supervising physician.

NOW THEREFORE, the Board hereby amends the Public Consent Order for as follows:

1.

The requirement for direct supervision by an on-site physician imposed in Paragraph 1 (b) of the Order is hereby lifted. Only the requirement relating to direct supervision by an on-site physician is lifted. All other requirements contained in Paragraph 1 (b), including but not limited to

an acceptable supervising physician who may practice outside of Respondent's practice, shall remain in full force and effect.

2.

Except as provided herein, Respondent's license shall remain subject to all of the remaining terms and conditions as set forth in the Public Consent Order entered into on December 20, 2017. A violation of this Order shall be considered a violation of a lawful order of the Board as if it were a violation of the December 20, 2017 Public Consent Order.

3.

This Amendment to Public Consent Order shall become effective upon its acceptance by the Georgia Composite Medical Board and its docketing by the Executive Director of the Georgia Composite Medical Board.

4.


Respondent acknowledges that Respondent has read this Amendment to Public Consent Order and understands its contents. Respondent consents to the terms and conditions contained herein.

Accepted this 2nd day of November, 2018.



BY:

GEORGIA COMPOSITE MEDICAL BOARD


J. JEFFREY MARSHALL, M.D.
Chairperson

ATTEST:


LASHARN HUGHES
Interim Executive Director

As to the Signature of Respondent,
Sworn to and subscribed
before me this 12 day
of October, 2018.

Claradean Cooper
NOTARY PUBLIC

My commission expires:
Claradean Cooper
NOTARY PUBLIC

Chatham County, GEORGIA
My Comm. Expires 07/10/2021



CARL JEROME COOPER, M.D.
Respondent

#1057283

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

GEORGIA COMPOSITE
MEDICAL BOARD

STATE OF GEORGIA

DEC 20 2017

IN THE MATTER OF:

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CARL JEROME COOPER, M.D.,
License No. 40352,
Respondent

DOCKET NO.: 10160026

DOCKET NUMBER:

10160026

PUBLIC CONSENT ORDER LIFTING SUSPENSION WITH CONDITIONS

By agreement of the Georgia Composite Medical Board ("Board") and CARL JEROME COOPER, M.D. ("Respondent"), the following disposition of this matter is entered pursuant to the provisions of O.C.G.A. § 50-13-13(a)(4).

FINDINGS OF FACT

1.

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

2.

On March 10, 2016, a Public Consent Order was docketed, suspending Respondent's license based on a finding that Respondent was unable to practice medicine with reasonable skill and safety to patients.

3.

On or about June 22, 2017, Respondent petitioned the Board to lift the suspension. Respondent provided evidence of his successful completion of a drug and alcohol treatment program and provided evidence that he had enrolled and continues to participate in a Board approved monitoring program, the Georgia PHP. Respondent further indicated his intention to

remain in the monitoring program for the remainder of his life's practice. In support of his petition, Respondent provided the Board with a letter of advocacy from the monitoring program and a clinical competency evaluation report, dated May 7, 2017. Since the filing of his petition, Respondent has completed a live, three-day continuing education course entitled "MedStudy Internal Medicine Accelerated Review Course" which included topics in pharmacotherapeutics.

4.

Respondent admits the above findings of fact and waives any further findings of fact with respect to the above matter.

CONCLUSIONS OF LAW

Respondent does not contest the Board's authority to enter the following order pursuant to the authority found in 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 suspension of Respondent's license to practice medicine in the State of Georgia is hereby lifted and that Respondent's license shall be placed on probation, subject to the following terms and conditions:

1.

Commencing on the effective date of this Consent Order, the suspension of Respondent's license shall be lifted and Respondent's license shall be placed on probation for a minimum of five years, subject to the following terms and conditions:

(a) Participate in Monitoring/Aftercare Program. Respondent shall continue to participate in an approved monitoring program, such as the Georgia PHP. Said monitoring

program shall require that Respondent submit to random urine drug and alcohol screens at Respondent's own expense at a frequency of not less than once every month. Respondent agrees that all alcohol/drug screens reports received by the monitoring program pursuant to this paragraph shall be admissible in any administrative hearing concerning the Respondent without the necessity of establishing chain of custody or any evidence as to authentication. Respondent shall abide by all terms of his monitoring contract. Respondent agrees to participate in a Board approved monitoring program for as long as he maintains an active medical license. This requirement shall be considered a condition precedent to all other terms and conditions contained herein. Should the Board receive evidence that Respondent has discontinued his participation or has become noncompliant with his monitoring contract, Respondent shall be deemed in violation of this Order and the Board may seek further disciplinary action. Respondent shall obtain prior Board approval through the Executive Director for any change in his monitoring program.

(b) Supervising Physician and Quarterly Reports. Respondent shall designate an on-site supervising physician who is approved by the Board and who will provide direct supervision of Respondent's work. After three months of direct, on-site supervision, Respondent may petition the Board for lifting this restriction. Such petition shall include a statement from Respondent's supervising physician supporting lifting this restriction. At such time the Board shall have the discretion to modify or lift the restriction or to deny the petition without a hearing. This restriction shall remain in place until the Board issues a written order lifting this restriction.

In the event that the Board lifts this restriction, Respondent shall designate an acceptable supervising physician, who may practice medicine outside of Respondent's practice, who will review 25% of Respondent's medical charts at Respondent's office on a monthly basis. Said review shall consist of reviewing the charts to determine the adequacy of Respondent's

medical record keeping and to determine whether the diagnosis and treatment provided by Respondent are within the minimum standards of care. Respondent shall provide a docketed copy of this Consent Order to his supervising physicians. Such physicians shall sign a statement to be submitted within 10 days of the effective date of this Order or within in 10 days of the date Respondent commences practicing medicine, as evidence of having read and understood the Consent Order and having agreed to serve as Respondent's supervising physicians. Respondent shall obtain prior Board approval through the Executive Director for any change in his supervising physician.

Furthermore, Respondent shall submit or cause to be submitted to the Board quarterly reports from his supervising physicians regarding his performance by March 31, June 30, September 30, and December 31. Failure to submit or have such reports submitted in a timely manner shall be considered a violation of this Consent Order. It is expected that said supervising physicians shall immediately report to the Board any circumstances which may render Respondent unable to practice with reasonable skill and safety to patients.

After two years of working under this restriction, Respondent may petition the Board for lifting this restriction. Such petition shall include a statement from Respondent's supervising physician supporting lifting this restriction. At such time the Board shall have the discretion to modify or lift the restriction or to deny the petition without a hearing. This restriction shall remain in place until the Board issues a written order lifting this restriction.

(c) Abstain from Mood Altering Substances. Respondent shall completely abstain from the consumption of mood altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a legitimate medical purpose. Respondent shall report any such

treatment to his monitoring program and to the Board in writing within five days of such prescribed treatment.

(d) Personal Reports. Respondent shall submit personal reports to the Board regarding Respondent's employment and compliance with the monitoring program, by March 31, June 30, September 30 and December 31 of each year, beginning with the first reporting period following the effective date of this Order. Such reports shall include any change of personal address or employment location.

(e) Work Hour Restriction. Respondent shall not practice medicine for more than twenty (20) hours per calendar week, including call. After three (3) months of practicing medicine under this restriction, Respondent may petition the Board to modify or lift this restriction. Such petition shall include a statement from Respondent's monitoring program supporting the increased work hours. At such time, the Board shall have the discretion to modify or lift the restriction or to deny the petition without a hearing. This restriction shall remain in place until the Board issues a written order lifting this restriction.

(f) Further Evaluation. At any time during the period of probation, the Board may direct Respondent to submit to a physical or mental evaluation by physicians designated by the Board. Respondent shall execute such releases as may be required for the Board to obtain the results of such evaluations.

(g) Abide by Laws, Rules and Terms. Respondent shall abide by all State and Federal laws regulating the practice of medicine, the Rules and Regulations of the Georgia Composite Medical Board, and the terms of this Consent Order. If Respondent shall fail to abide by such laws, rules or terms, or if it should appear from information received by the Board that

Respondent is otherwise unable to practice as a physician with reasonable skill and safety to patients, Respondent's license shall be subject to further discipline.

(h) Disclosure. In addition to other disclosures required by this Consent Order, Respondent shall supply a copy of this Consent Order, once approved and docketed by the Board, and within ten (10) days from the receipt of the docketed copy by Respondent, to each hospital or other institution in Georgia where Respondent maintains staff privileges of any kind, and to any person with whom Respondent is associated in practice, including other physicians or physician's assistants or to any person or entity for whom Respondent is employed as a physician in the State of Georgia. Respondent shall also be required to disclose the existence of and provide a copy of this Consent Order to such individuals or entities in connection with any future application for institutional appointment, associated practice, utilization of a physician's assistant, or employment as a physician in the State of Georgia while this Consent Order is in effect. By executing this Consent Order, Respondent specifically consents to any such individuals or entities reporting to the Board information which would affect Respondent's ability to practice medicine with reasonable skill and safety to patients, notwithstanding any privilege provided by state or federal law.

(i) Residency Outside Georgia. In the event Respondent should leave Georgia to reside or practice outside Georgia for periods longer than thirty (30) consecutive days, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside Georgia as well as periods when Respondent is not actively engaged in the practice of medicine will not apply to the reduction of Respondent's probation, except as authorized by the Board. Respondent shall advise the Board of any change in address of record or employment status.

(j) Termination of Probation. Respondent shall not be eligible to petition for termination of probation until Respondent has practiced medicine continuously for a period of five (5) years under the terms, restrictions, and conditions applicable. At such time, Respondent may petition for termination by certifying under oath before a notary public that he has complied with all conditions of probation and by providing documentation supporting discharge from probation, including letters from his supervising physician, if applicable, and his monitoring program. The Georgia Composite Medical Board shall review and evaluate the practice of Respondent prior to terminating probation. Should the Board determine that reasonable cause exists for maintaining Respondent's license on a probationary status, the Board shall notify Respondent of its intent to continue the probationary period, and Respondent may respond to such notification in writing or request an appearance before the Board or its representative as in a non-contested case. In any event, this Consent Order shall remain in effect pending a final determination by the Board and written notification that the probationary period has terminated.

2.

This Consent Order shall constitute a public order of the Board and may be disseminated by the Board as such.

3.

Nothing in this Consent Order shall be construed as approval by the Board of Respondent's conduct or as a waiver of the lawful rights possessed by the Board.

4.

Respondent acknowledges that he has read this Consent Order and understands its contents. He understands that he has the right to an appearance before the Board in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent Order. He

understands that this Consent Order will not become effective until approved and docketed by the Georgia Composite Medical Board. He 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 such. 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, restrictions, and conditions contained herein.

Approved, this 20th day of December, 2017.

**GEORGIA COMPOSITE MEDICAL
BOARD**

BY:

E.D. DeLoach, MD
E. DANIEL DELOACH, M.D.
Chairperson

ATTEST:

Lasharn Hughes
LASHARN HUGHES
Interim Executive Director

CONSENTED TO:

Carl Jerome Cooper, M.D.
CARL JEROME COOPER, M.D.
Respondent

[As to Respondent's signature:]

Sworn to and subscribed before me

This 19 day of November, 2017

Claradean Cooper
NOTARY PUBLIC

My commission expires:

Claradean Cooper
NOTARY PUBLIC
Chatham County, GEORGIA
My Comm. Expires 07/10/2021



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

**CARL JEROME COOPER, M.D.,
License No. 40352,
Respondent.**

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**GEORGIA COMPOSITE
MEDICAL BOARD**

MAR 10 2016

**DOCKET NUMBER:
10160026**

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Board") and CARL JEROME COOPER, M.D. ("Respondent") the following disposition of this matter is entered pursuant to the provisions of O.C.G.A. § 50-13-13(a)(4).

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 matters asserted herein.

2.

On or about January 28, 2016, the Board required Respondent to obtain a Mental/Physical Examination with a Board approved provider within seven (7) days. Respondent was examined by a Board approved provider; the results of the examination indicate that Respondent is unable to practice medicine with reasonable skill and safety to patients due to his use of multiple addictive substances.

3.

Respondent admits the above findings of fact and waives any further findings of fact with respect to the above-styled matter.

CONCLUSIONS OF LAW

Respondent's conduct and/or condition constitutes sufficient grounds for the Board to exercise its disciplinary authority and to impose sanctions on Respondent's license to practice medicine under O.C.G.A. Ch. 34, T. 43, as amended, O.C.G.A. § 43-1-19(a) and the Rules of the Georgia Composite Medical Board. Respondent waives any further conclusions of law with respect to this matter.

ORDER

The Board, having considered the particular facts and circumstances of this case, hereby orders and the Respondent hereby agrees as follows:

1.

Respondent agrees that his license to practice medicine shall be suspended indefinitely and that he shall not practice medicine in Georgia until further order of the Board. If Respondent practices medicine in the State of Georgia without prior express written permission of the Board, Respondent's license shall be subject to revocation, upon substantiation thereof.

2.

During the period of suspension, Respondent shall inform the Board in writing of any change in his address of record within ten (10) days of the change.

3.

Respondent may not petition to have the suspension of his license to practice medicine in the State of Georgia lifted until he has received professional advocacy to return to the practice of medicine from an advocate acceptable to the Board. Prior to the Board considering Respondent's petition to have the suspension lifted, the Board shall review and evaluate the Respondent's current condition and his compliance with any recommended

treatment program and/or monitoring program. The Board may require Respondent to submit the results of a mental/physical examination at a Board approved facility. The Board may require Respondent to meet personally with the Board or any committee thereof. The Board may require the Respondent to demonstrate to the satisfaction of the Board that he has maintained current knowledge, skill and proficiency in the practice of medicine. The Board may require the Respondent to submit proof of continuing education and/or the passage of an examination such as SPEX or other competency assessments. Respondent acknowledges that when considering his petition the Board has the authority to review any investigative file relating to the Respondent. The Board shall have the discretion to lift the suspension of Respondent's license to practice medicine in the State of Georgia, to place upon Respondent's license any conditions that the Board may deem appropriate, or to deny the petition to have the suspension lifted. In no case, however, will a denial of such petition or request, or the placing of conditions upon the license, be considered a contested case as defined by O.C.G.A. Title 50, the Georgia Administrative Procedure Act.

4.

This Consent Order shall constitute a public order and may be disseminated by the Board as a public disciplinary action.

5.

During the period of suspension, the Respondent shall continue to pay the license renewal fee by and before each expiration date, as established by the Board. Failure to pay the license renewal fee shall be grounds for the administrative revocation of Respondent's license without a hearing, as provided by O.C.G.A. 43-1-19(1), with reinstatement within the discretion of the Board. Respondent acknowledges that when considering the reinstatement

of an administratively revoked license, the Board has the authority to review any investigative file relating to the Respondent.

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 understands that this Consent Order will not become effective until approved by the Georgia Composite Medical Board and docketed by the Executive Director of the Board. 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, shall constitute a public record which may be disseminated as a disciplinary action of the Board. If this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the ability of the Board to adjudicate this matter. Respondent consents to the terms and sanctions contained herein.

Approved, this 10th day of March, 2016.

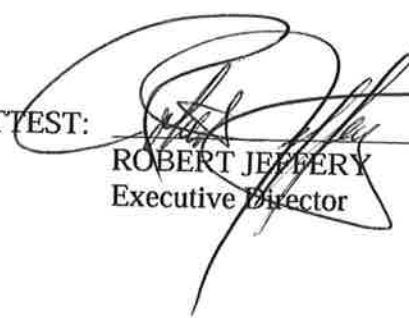
GEORGIA COMPOSITE MEDICAL BOARD

BY:



ALICE HOUSE, M.D.
Chairperson

ATTEST:


ROBERT JEFFERY
Executive Director

(BOARD SEAL)

CONSENTED TO:

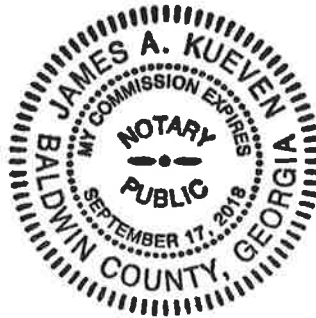
Carl J. Cooper MD
CARL JEROME COOPER, M.D.
Respondent

[As to Respondent's signature:]

Sworn to and subscribed before me

This 7 day of March, 2016

9/1 2018
NOTARY PUBLIC
My commission expires:



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

SONDRALYN FACKLER, M.D.,
License Number 44211,

Respondent.

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DOCKET NO. _____

GEORGIA COMPOSITE
MEDICAL BOARD

OCT 05 2021

DOCKET NUMBER:

20220031

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Georgia Board") and SONDRALYN FACKLER, 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(a)(4), as amended.

FINDINGS OF FACT

1.

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

2.

On or about August 17, 2016, Respondent referred a patient to another physician in order to pursue a non-professional and personal relationship with said patient. Respondent noted in said patient's chart that she verbally informed said patient she would no longer be his treating physician. Sometime after the above-mentioned chart entry, Respondent engaged in a personal relationship with said patient, which lasted until sometime in October or November of 2016. Prior to the start of her personal involvement with said patient, Respondent did not terminate her doctor-patient relationship in writing as required by the Board's rules.

3.

Respondent's aforementioned conduct departed from and failed to conform to the minimum standards of acceptable and prevailing medical practice and was a violation of Georgia's laws and the Board's rules. *See* Ga. Comp. R. & Regs. 360-3-.02 (Unprofessional Conduct).

4.

In mitigation, the following finding of facts exist:

- Respondent has fully cooperated with the Georgia Board's inquiry into this matter;
- Respondent voluntarily completed a boundaries course;
- The Board is not aware of any evidence that Respondent has ever engaged in any other boundary violation in her career as a physician;
- The Board's inquiry finds Respondent is genuinely remorseful and has taken steps voluntarily, at her time and expense, to address the violation set forth herein.

5.

Respondent agrees to the above findings of facts and waives any further findings of fact with respect to the above-styled matter.

CONCLUSIONS OF LAW

Respondent's conduct constitutes sufficient grounds for the imposition of discipline upon Respondent's license to practice as a physician in the State of Georgia under O.C.G.A. Title 43,

Chapters 1 and 34, as amended. Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Georgia Board, having considered all the 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.

Within **thirty (30) days** of the effective date of this Consent Order, Respondent shall submit to the Georgia Board a fine of three thousand dollars (\$3,000.00) 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 the Georgia Composite Medical Board, located at 2 Peachtree Street, NW, 6th Floor, Atlanta, GA 30303, to the attention of the Executive Director. Failure to pay the entire amount within (30) days of the effective date of this Consent Order shall be considered a violation of this Consent Order and shall result in further sanctioning of Respondent's license, upon substantiation thereof.

2.

Within **six (6) months** of the effective date of this Consent Order, Respondent shall successfully complete a continuing medical education ("CME") course focusing on Sexual Boundaries. Said CME may be completed online and shall be in addition to the CME required of all Georgia physicians. Respondent shall provide written evidence of successful completion of the CME to the Georgia Board within six (6) months of the effective date of this Order. Proof of successful completion of the CME shall be sent to the attention of the Executive Director, Georgia Composite Medical Board, 6th Floor, 2 Peachtree Street, NW, Atlanta, Georgia, 30303.

3.

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

4.

Respondent also 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 and reported as required by state and federal agencies, including but not limited to the National Practitioner Data Bank. Furthermore, by executing this Consent Order, Respondent hereby agrees to permit the Georgia Board to update the Physician's Profile reflecting this Consent Order.

5.

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 that right by entering into this Consent Order. Respondent understands and agrees that a representative of the Department of Law may be present during the Georgia Board's consideration of this Consent Order and that the Georgia 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 will not become effective until approved and docketed by the Georgia Board. Respondent understands that this Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Georgia Board that may be disseminated as such. However, if this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Georgia Board to adjudicate this matter. Respondent

hereby consents to the terms and sanctions contained herein.

Approved this 5th ~~20~~ day of October ~~July~~, 2021.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)



BY:

Despina Dalton
DESPINA DALTON, M.D. Chairperson

ATTEST:

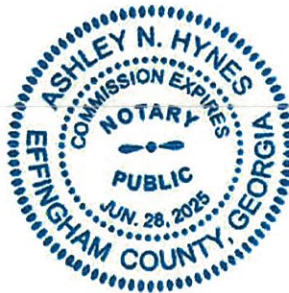
Lasharn Hughes
LASHARN HUGHES, M.B.A.
Executive Director

CONSENTED TO:

Sondralyn Fackler
SONDRALYN FACKLER, M.D.
Respondent

AS TO THE SIGNATURE OF
SONDRALYN FACKLER, M.D.:
Sworn to and subscribed before me
This 20 day of July, 2021.

Ashley N. Hynes
NOTARY PUBLIC
My Commission Expires:



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

GEORGIA COMPOSITE
MEDICAL BOARD

IN THE MATTER OF:

RICHARD GRANT, M.D.,
License Number 44472,

Respondent.

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DOCKET NO. _____

SEP 30 2021

DOCKET NUMBER:
20220030

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Georgia Board") and RICHARD GRANT, 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(a)(4), as amended.

FINDINGS OF FACT

1.

Respondent is licensed to practice medicine in the State of Georgia and was licensed at all times relevant to the matters stated herein. The Respondent's license was issued on October 2, 1997, and is set to expire on January 31, 2023.

2.

On or about November 23, 2020, the Alabama State Board of Medical Examiners (hereinafter "Alabama Board") issued a Consent Order (Case No. 2020-05) (hereinafter "the Alabama Order") pursuant to a joint settlement agreement entered into by the Alabama Board and Respondent imposing disciplinary action against Respondent related to the excessive prescription of controlled substances in violation of Ala. § Code 20-2-54.

3.

Based on the joint settlement and Alabama Order, Respondent and the Alabama Board agreed that Respondent's ability to prescribe controlled substances in Alabama would be restricted/limited for an indefinite period of time, effective upon the filing of the Agreed Order, and that his privileges to prescribe controlled substances would be subject to the following terms and conditions of restriction/limitations until further order of Alabama Board:

- a. The Alabama Board permanently restricted Respondent's authority to order, manufacture, distribute, possess, dispense, administer, or prescribe controlled substances under ACSC.2228;
 - i. Respondent shall be restricted from providing pain management services as described in Ala. Code § 34-24-600, et seq., and Ala. Admin Code R. 540-X-19;
 - ii. Respondent is restricted from ordering, manufacturing, distributing, possessing, dispensing, administering, or prescribing narcotics, opioids, synthetic opioids, carisoprodol, and codeine-containing cough syrups; provided, however, that Respondent may prescribe buprenorphine/naloxone for the treatment of opioid use disorder in a transmucosal delivery dosing not to exceed 16mg per day;
 - iii. Respondent shall not prescribe central nervous system depressing medication, including codeine-containing cough syrups, sedative hypnotics, carisoprodol, opiates, gabapentinoids, and anti-emetics with sedative properties to any patient who is prescribed, whether by Respondent or any other person, a narcotic regiment of more than 45 MME per day for the treatment of chronic pain;
 - iv. Respondent is prohibited from prescribing benzodiazepines to any patient who is taking opioids;
 - v. One hundred and twenty days (120) days after the effective date of the Alabama order, Respondent is prohibited from prescribing

benzodiazepines in dosing amounts greater than seven (7) lorazepam milligram equivalents ("LME") per day;

- vi. Respondent shall have one hundred and twenty (120) days from the effective date of the Alabama order to refer his chronic pain patients to a physician who is Board Certified with a subspecialty in pain medicine by an American Board of Medical Specialties ("ABSM") member board for treatment and may continue the medically necessary medications of existing patients for the limited purpose of assisting these patients with the finding of another physician during this timeframe;
- vii. Respondent shall report to the [Alabama] Board any and all adverse health events occurring in a patient arising from the patient's use of controlled substances, including, but not limited to, deaths, overdoses, and hospitalizations within fourteen (14) days of learning of such events;
- viii. Respondent's medical charts are to reasonably show compliance with these terms and Alabama Board rules related to the prescribing of controlled substances;
- ix. Respondent agrees to cooperate with the [Alabama] Board to ensure compliance with the agreement, including by providing the Board with a copy of any requested medical records within ten (10) days of receiving such a request;
- x. Respondent shall take prompt, medically-appropriate action to amend any deficiency in his compliance with the terms of his restrictions within seven (7) business days of discovering or being notified of said deficiency;

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 has had disciplinary action against him or her by any such lawful licensing authority other than the board.

5.

Respondent agrees to the above findings of facts and waives any further findings of fact with respect to the above-styled matter.

CONCLUSIONS OF LAW

The actions taken by the licensing board in Alabama constitute sufficient grounds for the imposition of discipline upon Respondent's license to practice as a physician in the State of Georgia under O.C.G.A. Title 43, Chapters 1 and 34, 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.

The Respondent's license to practice as a physician in the State of Georgia shall be subject to the following terms and conditions:

- a. The Georgia Board restricts Respondent's authority to order, manufacture, distribute, possess, dispense, administer, or prescribe controlled substances as follows;
 - i. Respondent shall be restricted from providing pain management services as described in O.C.G.A. § 43-34-280, et seq., and Ga. Comp. R. & Regs. r. 360-8-.01;
 - ii. Respondent is restricted from ordering, manufacturing, distributing, possessing, dispensing, administering, or prescribing narcotics, opioids, synthetic opioids, carisoprodol, and codeine-containing cough syrups; provided, however, that Respondent may prescribe buprenorphine and/or buprenorphine/naloxone for the treatment of

opioid use disorder in a transmucosal delivery dosing not to exceed 16mg per day;

- iii. Unless changed by further Order of the Board, for a period of three years from the date of this Order, Respondent shall not prescribe central nervous system depressing medication, including codeine-containing cough syrups, sedative hypnotics, carisoprodol, opiates, gabapentinoids, and anti-emetics with sedative properties to any patient who is prescribed, whether by Respondent or any other person, a narcotic regiment of more than 45 MME per day for the treatment of chronic pain;
- iv. One hundred and twenty days (120) days after the effective date of the Alabama order, and for a period of three years thereafter, Respondent is prohibited from prescribing benzodiazepines in dosing amounts greater than fourteen (14) lorazepam milligram equivalents ("LME") per day, unless a further order of this Board changes that period;
- v. Respondent shall have one hundred and twenty (120) days from the effective date of the Alabama order to refer his chronic pain patients to a physician who is Board Certified with a subspecialty in pain medicine by an American Board of Medical Specialties ("ABSM") member board for treatment and may continue the medically necessary medications of existing patients for the limited purpose of assisting these patients with the finding of another physician during this timeframe;
- vi. Respondent shall report to the Georgia Board any and all adverse health events occurring in a patient arising from the patient's use of controlled substances, including, but not limited to, deaths, overdoses, and hospitalizations within fourteen (14) days of learning of such events;

- vii. Respondent's medical charts are to reasonably show compliance with these terms and Georgia Board rules related to the prescribing of controlled substances;
- viii. Respondent agrees to cooperate with the Georgia Board to ensure compliance with the agreement, including by providing the Board with a copy of any requested medical records within ten (10) days of receiving such a request;
- ix. Respondent shall take prompt, medically-appropriate action to amend any deficiency in his compliance with the terms of his restrictions within seven (7) business days of discovering or being notified of said deficiency;

2.

Respondent shall not be eligible to petition for lifting of the sanctions of his license in Georgia until such time as all sanctions have been lifted by the Alabama Board. At such time, Respondent may petition to lift the sanctions on his license by certifying under oath, before a notary public, that he has complied with all conditions of the Alabama Agreed Order and conditions of probation, and by providing documentation from the Alabama Board, that he has complied with all terms of the Alabama order, all of the conditions of his probation, that his probation has been terminated, and that all relevant sanctions on his Alabama license have been lifted. Respondent may be required to appear before the Board, or a committee thereof, in its consideration of termination of the sanctions on his Georgia license. The Board shall be authorized to review and evaluate the practice of Respondent prior to lifting the sanctions on Respondent's license and permits. At such time, the Board shall be authorized to restore all rights and privileges incident to Respondent's license and permits, unless it extends, maintains, or imposes such restrictions or conditions as the Board deems appropriate, based upon the

information presented to it pursuant to this Public Consent Order or otherwise available to the Board. The Board shall notify Respondent in writing of its intent to extend, maintain, or impose such restrictions or conditions beyond the designated probationary period, and Respondent may respond to such notification in writing or request an appearance before the Board or its representatives as in a non-contested case. **This Public Consent Order shall remain in effect pending a final determination by the Board and written notification that the probationary period has terminated.**

3.

If Respondent shall fail to abide by all State and Federal laws relating to the practice of medicine, the Rules and Regulations of the Georgia Composite Medical Board, or the terms of this Public Consent Order, the Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration. Summary suspension of the Respondent's license, pending any such proceeding, may be ordered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), or any other statute authorizing such emergency action.

4.

This Public Consent Order shall act as a **PUBLIC REPRIMAND** and will be disseminated as such. Approval of this Public Consent Order by the Board shall in no way be construed as condoning Respondent's alleged conduct and shall not be construed as a waiver of any of the lawful rights possessed by the Board, including future disciplinary action arising from any other grounds or complaints. This Public Consent Order shall not become effective until approved by the Board and docketed as provided by law.

5.

Respondent acknowledges that he has read this Public Consent Order and understands its contents. 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 Public Consent Order. Respondent further understands and agrees that a representative of the State Department of Law may be present during the presentation of this Public Consent Order and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Public Consent Order. Respondent understands that this Public Consent Order will not become effective until accepted by and docketed with the Board. Respondent further understands that this Public Consent Order, once approved, shall constitute a public record, that may be disseminated as such, including to the National Practitioner Data Bank. If this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the ability of the Board to adjudicate this matter. Respondent consents to the terms and sanctions contained herein.

Approved, this 30 day of September, 2021.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)



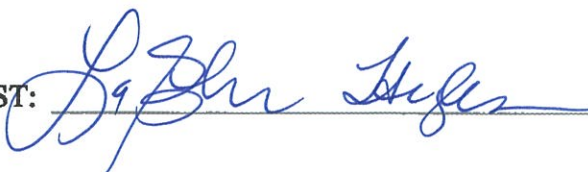
BY:


BARBY J. SIMMONS, D.O.

Chairperson

Despina Dalton, M.D.

ATTEST:

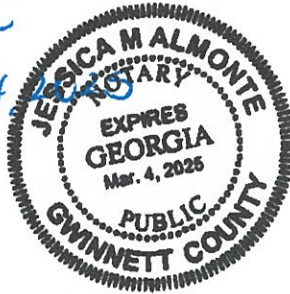


LASHARN HUGHES, MBA
Executive Director

CONSENTED TO: 
RICHARD GRANT, M.D.
Respondent

AS TO THE SIGNATURE OF
RICHARD GRANT, M.D.
Sworn to and subscribed before me
This, 30th day of June 2021.


NOTARY PUBLIC
My Commission Expires: Mar. 4, 2025



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

IN THE MATTER OF:

MARIAN ANTOINETTE PATTERSON, M.D.,
License No. 042035,

Respondent.

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DOCKET NO.:

GEORGIA COMPOSITE
MEDICAL BOARD

OCT 25 2021

DOCKET NUMBER:
20220038

ORDER TERMINATING CONSENT ORDER

WHEREAS, on or about October 5, 2018, the Georgia Composite Medical Board (hereinafter "Board") and Marian A. Patterson, M.D. (hereinafter "Respondent") entered into a Consent Order, imposing various requirements related to treatment and conduct regarding substance abuse following the entry of a Final Decision on or about October 1, 2018.

WHEREAS, on or about October 5, 2021, the Board considered Respondent's petition for the termination of the Consent Order.

WHEREAS, upon review, the Board has determined that Respondent has complied with the terms of the Consent Order to the satisfaction of the Board.

THEREFORE, the Board hereby terminates all of the requirements imposed in the October 1, 2018, Consent Order and the enforcement of said Consent Order.

This 25th day of October, 2021.

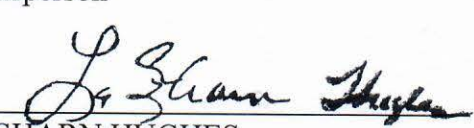


BY:

GEORGIA COMPOSITE MEDICAL BOARD


DESPINA DALTON, M.D.
Chairperson

ATTEST:


LASHARN HUGHES
Executive Director

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

GEORGIA COMPOSITE
MEDICAL BOARD

STATE OF GEORGIA

OCT 05 2018

DOCKET NUMBER
20180036

GEORGIA COMPOSITE MEDICAL BOARD,)

Petitioner,)

v.)

MARIAN ANTOINETTE PATTERSON, M.D.,)

License No. 042035,)

Respondent.)

BOARD DOCKET NO: 20180036

OSAH Docket No.: 1837913

1837913-OSAH-GCMB- PHY-

92-Schroer

ORDER LIFTING SUSPENSION

WHEREAS, on September 13, 2018, the Georgia Composite Medical Board ("Board") issued a Final Decision ("Decision") in the above matter, in which MARION ANTOINETTE PATTERSON, MD's, ("Respondent") license to practice medicine was SUSPENDED INDEFINITELY. Pursuant to the Decision, Respondent is eligible to petition for lifting of the suspension when Respondent complies with certain terms and conditions listed in the Decision.

WHEREAS, on or about October 4, 2018, in compliance with the Decision, Respondent submitted advocacy letters from the Georgia Professional Health Program ("PHP"), Respondent's treating psychiatrist, and the Florida Recovery Center to the Board.

WHEREAS, having reviewed the documents submitted and having considered all the facts and circumstances of this case, the Board hereby ORDERS that the SUSPENSION placed on Respondent's license to practice as a physician in the State of Georgia be LIFTED, and that the following sanctions shall be imposed upon Respondent's license:

1.

Beginning on the effective date of this Order, Respondent's license shall be placed on PROBATION for a period of three (3) years, subject to the following terms and conditions:

- (a) ADMINISTRATIVE COSTS. Respondent shall submit to the Board the administrative costs related to the hearing held at the Office of Administrative Hearings as outlined in the Decision. Said administrative cost shall be sent 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 administrative costs shall be considered a violation of this Order and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation thereof.
- (b) GEORGIA PHP. Respondent shall abide by the terms and conditions of Respondent's contract with the PHP. Respondent specially consents to and authorizes the release of any and all records concerning Respondent participation with the PHP to the Board. The receipt of notification that Respondent has failed to comply with the requirements of the program or that the Respondent is otherwise unable to function as a physician with reasonable skill and safety to patients, shall be grounds for disciplinary action, in the discretion of the Board.
- (c) INDIVIDUAL THERAPY. Respondent shall continue to participate in individual therapy and treatment with the Board-approved providers, who have been previously disclosed to the Board. Respondent specially consents to and authorizes the release of any and all records concerning Respondent's treatment by these providers to the Board. Respondent specially consents to and authorizes these providers to notify the Board if Respondent becomes unable to function as a physician with reasonable skill and safety to patients. The receipt of notification that Respondent has become unable to function as a physician with reasonable skill and safety to patients, shall be grounds for disciplinary

action, in the discretion of the Board. Any change in providers shall be pre-approved by the Board.

- (d) EMPLOYMENT/ RESIDENCY CHANGE. Respondent shall notify the Board in writing of Respondent's practice location within ten (10) days of beginning practice. Respondent shall advise the Board of any change in Respondent's personal address and employment status within ten (10) days of such change.
- (e) TERMINATION. Respondent shall be bound by the terms and conditions of this Order until the Board issues a notification of termination. After three (3) years, Respondent may petition for termination of the probation by certifying under oath before a notary public that Respondent has complied with all the conditions of this Order, by providing documentation supporting discharge, and by providing an advocacy letter from the PHP supporting discharge. The Board shall review and evaluate the practice of Respondent and the Board, in its sole discretion, shall be authorized to restore all rights and privileges incident to the license of Respondent. Upon notification by the Board of the their intention to maintain or extend the duration of the probation, Respondent may respond to the Board in writing or request an appearance before the Board or its representative as in a non-contested case. This Order shall remain in effect pending a final determination by the Board and notification that the probation period has terminated.

2.

If Respondent shall fail to abide by all state and federal laws relating to and regulating the practice of medicine in the State of Georgia, the Rules and Regulations of the Board, and the terms of this Order, or if it should appear from reports submitted to the Board that the Respondent is unable to practice medicine with reasonable skill and safety, Respondent's license

may be further sanctioned or revoked, upon substantiation thereof. Respondent understands that any violation of this Order shall be deemed to be sufficient to authorize the Board 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.


Furthermore, this Order shall be considered a Public Reprimand of Respondent by the Board, and may be disseminated as such. The effective date shall be the docketing date of this Order.

IT IS SO ORDERED this 5TH day of October, 2018.

GEORGIA COMPOSITE MEDICAL BOARD




J. JEFFEREY MARSHALL, M.D.
Chairperson


LASHARN HUGHES
Executive Director

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

OCT 01 2018

STATE OF GEORGIA

DOCKET NUMBER:

20180036

GEORGIA COMPOSITE MEDICAL BOARD,)

Petitioner,)

v.)

MARIAN ANTOINETTE PATTERSON, M.D.,)

License No. 042035,)

Respondent.)

BOARD DOCKET NO: 20180036

OSAH Docket No.: 1837913

1837913-OSAH-GCMB- PHY-

92-Schroer

FINAL DECISION AND ORDER

An Initial Decision was docketed by the Office of State Administrative Hearings in the above matter on July 17, 2018. On or about July 26, 2018, Respondent filed an Application for Agency Review. On August 14, 2018, the Georgia Composite Medical Board ("Board") issued an order extending the time for scheduling a review. A review hearing was held before the Board on September 20, 2018. Allen Meadors was the appointed hearing officer. At the review hearing, the Board was represented by D. Williams-McNeely, Senior Assistant Attorney General, and the Respondent, Marian Antoinette Patterson, M.D., was represented by Anthony L. Cochran, Esq.

After hearing additional testimony, argument, and considering additional exhibits, the Board finds as follows:

FINDINGS OF FACT

The Findings of Fact entered by the Administrative Law Judge in the Initial Decision are adopted and incorporated by reference herein. After hearing testimony from Dr. Scott A. Teitelbaum and Respondent, the Board makes additional Finding of Facts as following:

Dr. Teitelbaum is the Medical Director for Florida Recovery Center (“FRC”), which is one of the approved treatment facilities for the Georgia Physicians Health Program (“PHP”). (Agency Review Transcript (“Review Tr.”), at 18, 20). Respondent is receiving treatment from FRC and has been diagnosed with a severe alcohol abuse disorder, severe post-traumatic stress disorder, unspecified stress disorder, and depression. (Review Tr., at 21, 25-26). Respondent has accepted responsibility for her behavior and Respondent is neurocognitively and psychiatrically intact. (Review Tr., at 21-22). It is Dr. Teitelbaum’s opinion that Respondent is capable of practicing medicine with reasonable skill and safety. (Review Tr., at 23)

Respondent entered guilty pleas in the Superior Court of Lowndes County to four counts of misdemeanor disorderly conduct under the First Offender Act, and Respondent was sentenced to four years of probation, and ordered to undergo substance abuse counseling. (Review Tr., at 28, 32). Respondent has not practiced medicine since February 21, 2018. (Review Tr., at 30). Respondent closed her practice on May 3, 2018, after she could no longer afford to pay a locum tenens to run the practice. *Id.* Respondent is having financial difficulty and Respondent had to liquidate her retirement account and put her house up for sale. (Review Tr., at 30-31). Respondent has voluntarily surrendered her DEA number and has signed an agreement with the PHP to refrain from the practice of medicine. (Review Tr., at 31).

The Board admitted Respondent’s additional exhibits into evidence: Exhibit 1- Psychiatric Discharge Summary, Exhibit 2 – Progress Notes, and Exhibit 3 – Florida Recovery Center Evaluation and History and Physical.

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, Kimberly W. Schroer, and ORDERS that the Respondent's license to practice medicine in the State of Georgia be SUSPENDED INDEFINITELY. Respondent shall be eligible to petition for lifting of the suspension when she complies with the following terms and conditions:

- (a) Respondent shall submit to a mental or physical examination by physicians designated by the board. O.C.G.A. § 43-34-8(a)(13); see also Ga. Comp. R. & Regs. 360-.04(1). The expense of such examination shall be borne by Respondent. O.C.G.A. § 43-34-8(a)(13)(B).
- (b) Respondent shall give consent and Respondent shall submit to the Board to obtain any records relating to her substance abuse treatment or mental or physical condition, including psychiatric records of the PHP, and shall waive any objections to admissibility of such records in any hearing before the Board, as provided in O.C.G.A. § 43-34-8(a)(13)(C) and (D).
- (c) Respondent shall pay the Board a fine to reimburse the Board's administrative costs, including, but not limited to, costs for the hearing at the Office of State Administrative Hearings, the court reporter, and the transcript.

Additionally, after considering the additional testimony provided by Respondent and Dr. Teitelbaum at the Review Hearing concerning Respondent's recovery, the Board modifies the Initial Decision and ORDERS the following:

- (a) Respondent shall submit the records relating to Respondent's treatment of substance abuse, Respondent's psychiatric records, and Respondent's records from the PHP to the Board.
- (b) Respondent shall cause advocacy letters to be submitted to the Board from Dr. Paul Early, Medical Director for the PHP, and any other physicians that are currently treating Respondent.
- (c) Respondent shall cause Respondent's PHP treatment plan and re-entry proposal to be submitted to the Board.


Should the Board decide to lift the indefinite suspension, it shall place Respondent's license on probation for a period of three years and impose such conditions upon Respondent's license to practice medicine as it deems necessary and appropriate for the protection of the public, in light of the recommendations and results of the mental/physical evaluation and advocacy letters.

Furthermore, this Order shall be considered a Public Reprimand of Respondent by the Board, and may be disseminated as such. The effective date shall be the docketing date of this Order.

IT IS SO ORDERED this 1st day of October, 2018.

GEORGIA COMPOSITE MEDICAL BOARD


J. JEFFREY MARSHALL, M.D.
Chairperson


LASHARN HUGHES
Executive Director



IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

FILED
OSAH
JUL 17 2018

GEORGIA COMPOSITE MEDICAL
BOARD,

Petitioner,

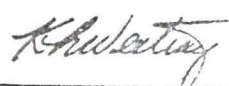
v.

MARIAN ANTOINETTE PATTERSON,
M.D.,

Respondent.

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Docket No.: 1837913
1837913-OSAH-GCMB-PHY-92-Schroer
Agency Ref. No.: 20181415


Kevin Westray, Legal Assistant

INITIAL DECISION

I. INTRODUCTION

On March 5, 2018, the Georgia Composite Medical Board (hereinafter “Petitioner” or “Board”) issued an Order of Summary Suspension, suspending Marian Antoinette Patterson’s (hereinafter “Respondent”) license to practice medicine in the State of Georgia. On or about April 18, 2018, the Board issued a Statement of Matters Asserted, seeking final disciplinary action against Respondent’s license to practice medicine. An evidentiary hearing took place on May 30, 2018, before the undersigned Administrative Law Judge. D. Williams-McNeely, Senior Assistant Attorney General, represented the Board. Respondent was represented by Emily C. Ward, Esq. and Anthony Cochran, Esq. On June 15, 2018, the Office of State Administrative Hearings (“OSAH”) received the transcript, at which time the record closed. See Ga. Comp. R. & Regs. 616-1-2-.26.

After consideration of the evidence presented and for the reasons stated below, the undersigned **RECOMMENDS** that Respondent’s license to practice medicine in Georgia be **INDEFINITELY SUSPENDED** under the conditions set forth in Section IV of this Initial Decision.

II. FINDINGS OF FACT

A. General Background

1.

Respondent holds a license to practice as a physician in the State of Georgia, and held such license at all times relevant to the issues presented for hearing. Respondent's license was originally issued on August 7, 1996, and is scheduled to expire on February 28, 2019. Her license currently is suspended. (Statement of Matters Asserted, at ¶ 1; Exhibits P-1, P-2).

2.

Until February 2018, Respondent was a family medicine physician in Valdosta, Georgia. She ran a small private practice in Valdosta, Georgia, and worked on the weekends as a hospitalist at Colquitt Regional Medical Center in Moultrie, Georgia. In her private practice, Respondent employed a front office manager and a medical assistant. (Transcript (hereinafter "Tr."), at 169-70).

3.

Respondent has experienced a number of personal traumas in her life, although the details of such traumas are not in evidence at this hearing.¹ Respondent also has an alcohol abuse disorder. Following an incident in February 2018, she entered into an alcohol-detox facility and

¹ During opening argument, Respondent's counsel stated that Respondent "saw her stepfather murder her mother when she was 12 years old and had to testify at a criminal trial for that; she was beaten by her spouse and has been diagnosed . . . with PTSD and battered-women's syndrome. She's now gone through a divorce to that abusive spouse, she had to deal with one of her kids being abused by that spouse and now she is going on a continuing child-support battle." (Tr. 12). However, statements made by attorneys during opening argument are not evidence. Polite v. State, 273 Ga. App. 235, 238 (2005) (citation omitted). Respondent failed to produce evidence to prove the details of Respondent's "emotional traumas," with the exception of Respondent's ongoing dispute over child support with her ex-husband, which Respondent has found upsetting, and, through the general testimony by Paul H. Earley, M.D., the medical director of the Georgia Professionals Health Program. Dr. Earley testified that Respondent has "been through tremendous life traumas that probably – that are, in some ways, unimaginable to some of us and needs ongoing psychotherapeutic assistance for the best possible, long-term prognosis as well." Dr. Earley also testified that Respondent has been diagnosed with PTSD and an unspecified mood disorder, although he did not provide any details about these diagnoses. (Tr. 12, 140, 151, 169, 172; Deposition of Paul Earley, M.D. (hereinafter "Earley Depo. Tr."), at 23, 30).

then a long-term treatment program in Florida. (Tr. 173-74).

B. February 2018 Incident

4.

Respondent traveled to Las Vegas the week of February 12, 2018 to celebrate her birthday. She did not come into the office the entire week. Although Respondent testified that she had notified her office staff in advance of her trip and that she had not scheduled any patients for that week, the preponderance of the credible evidence proved that the office staff did not know that Respondent would be away the entire week and that patients came into the office almost every day that week for scheduled appointments. This was not the first time in the past year that Respondent had missed work at the last minute due to illness, fatigue, or other reasons, which required her staff to reschedule appointments for unhappy patients. (Tr 62-63, 71-72, 83-84, 115, 170-71).

5.

On Monday, February 19, 2018, Respondent returned to her medical practice. On Tuesday, February 20, 2018, Respondent attended a mediation with her ex-husband regarding child support. The mediation was not successful, and Respondent was angry and overwhelmed at the prospect of a possible jury trial. She returned home distraught and drank heavily. On Wednesday, February 21, 2018, Respondent was scheduled to see patients in her office beginning around 9:00 a.m. (Tr. 44, 84, 99, 171-72).

6.

On Wednesday, February 21, 2018, patients began arriving in Respondent's office for their morning appointments. Janet Olliff, Respondent's front office manager, checked the patients in, and Jennifer Raleigh, Respondent's medical assistant, began escorting patients to

examination rooms. By the time Respondent arrived in the office about 10:30 a.m., there were approximately fifteen patients in either the waiting area or an examination room. (Tr. 20, 43-44, 68).

7.

When Respondent arrived, she was disheveled and extremely angry. She confronted Ms. Olliff and Ms. Raleigh, telling them that agents from the Drug Enforcement Administration ("DEA") had come to her home early that morning to investigate allegations that Ms. Raleigh had improperly written prescriptions for Respondent's patients during Respondent's absence the prior week. Respondent was also angry that someone in the office had allegedly threatened to report Respondent to either "the medical board" or the "department of labor." Respondent screamed profanities at her two employees² and threw water and a water bottle at them. She ordered them to get all the patients out of the office and threatened to "slit their throats." (Tr. 21, 44-45, 46-49, 68-70, 72-73, 76).

8.

Respondent's profanity-laced tirade was overheard by a number of the patients who were in the examination rooms. Donald Richards, a patient who arrived around 9:30 a.m., testified that he heard Respondent yelling and threatening to hurt someone, including her patients. Specifically, Mr. Richards heard Respondent yell at Ms. Raleigh to get all the patients out of the office and threaten to take the "F-ing mirror or damn mirror . . . off the wall and break it and cut someone." Vickie Rickerson, who had accompanied her sister to Respondent's office, testified that she heard a commotion and then heard Respondent tell Ms. Raleigh to "get these F-ing

² Many of the witnesses were uncomfortable repeating the profanities used by Respondent in the office that morning, although they all testified that Respondent freely and frequently used the word "fuck" as she yelled and threatened her staff, calling them "fat ass bitches" and "fat cunts." (Tr. 21, 35-36, 47, 71, 120-22.)

people out of my office or I'm going to slit your F-ing throat." Ms. Rickerson also saw Respondent throwing things around the office, including pill bottles and papers. Ms. Rickerson and Mr. Richards testified that Ms. Raleigh, who was crying and upset, urged them to leave the office due to an "emergency." (Tr. 21-24, 46, 119-22).

9.

Witnessing this incident was upsetting and frightening for these patients. Mr. Richards testified that he was worried for his safety and the staff's safety, especially when he heard Respondent screaming at Ms. Raleigh in the back office. He felt compelled to go check on Ms. Raleigh, who was shaking when he entered the office, but she encouraged him to just leave the office.³ Ms. Rickerson testified that she "could tell that she [Respondent] wasn't right." In fact, Ms. Rickerson grew so concerned when she heard Respondent tell Ms. Raleigh and Ms. Olliff that they could not leave the office, that she went out into the parking lot and called 911. (Tr. 23, 26-27, 122).

10.

As the patients were leaving, Respondent continued to rant at her staff and her behavior became more overwrought and violent. Both Ms. Raleigh and Ms. Olliff testified that Respondent bent down and "screamed at the top of her lungs" and then laughed or cackled. They described her conduct as "psychotic." She threw a rubber hammer into the wall, where it stuck, repeatedly kicked the wall, threw a large potted plant at Ms. Olliff, and took a framed diploma off the wall and stamped on it. Respondent continued to scream that she was going to "slit their throats." (Tr. 47-50, 64, 70, 73-75, 78-79; Exhibits P-7, P-8, P-9, P-10).

³ Ms. Raleigh testified that while alone in the back office with Respondent, Respondent grabbed her wrists, made violent threats, and did not release her until Mr. Richardson entered the office. (Tr. 73). The Court did not find Ms. Raleigh's uncorroborated testimony on this point to be wholly credible.

C. Respondent's Treatment and the Professional Health Program

11.

Eventually, Respondent's friend came to the office and took Respondent home. Respondent testified that she went home and drank more alcohol, but then realized that she "had a serious problem" and "needed to get help." She entered an alcohol-detox facility on Thursday, February 22, 2018, where she remained for eleven days. Thereafter, she was admitted to a long-term treatment facility at the Florida Recovery Center in Jacksonville, Florida, where she had been for almost 100 days at the time of the administrative hearing. (Tr. 173-75).

12.

As she began to explore her treatment options, Respondent learned about the Professionals Health Program or "PHP." A PHP is defined under Georgia law as "a program established for the purposes of monitoring and rehabilitation of impaired health care professionals." O.C.G.A. § 43-34-5.1. The Board is authorized, although not mandated, by statute to contract with a PHP to provide substance abuse monitoring and rehabilitation services to health care professionals, including physicians licensed by the Board. *Id.* According to Dr. Earley, the medical director of the Georgia PHP, the PHP enters into voluntary agreements with physicians to coordinate and monitor their treatment and recovery for substance abuse disorders. The program includes an evaluation, treatment, and long-term monitoring, usually lasting five years. (Tr. 139-144, 150, 173).

13.

Although the agreement between a physician and a PHP is not binding on the physician, the PHP, through its relationship with the Board and under the terms of the agreements, can notify the Board that a physician is not complying with the PHP and is not safe to practice

medicine. According to Dr. Earley, after reviewing Respondent's file with the PHP, he believed the PHP was close to finalizing its recommendations regarding when Respondent could return to work and under what conditions. The conditions would include the assignment of a case manager, who would monitor the results of Respondent's drug screens, attendance at support group meetings, and compliance with other requirements for psychotherapy or ongoing treatment. (Earley Depo. Tr. at 25, 27, 28, 32-34).

14.

At the time of the hearing, Respondent had signed an agreement with the PHP, agreeing not to practice medicine without the approval of the PHP. She had completed an anger management course while at the Florida Recovery Center and had agreed to comply with the yet-to-be determined PHP monitoring plan. She testified that she expected the plan to include seeing a psychiatrist and addictionologist, attending AA meetings, and random drug screens. (Tr. 174-75, 179-81).

D. Criminal Charges and Board's Summary Suspension

15.

On March 1, 2018, the Magistrate Court of Lowdes County issued four warrants, charging Respondent with making terroristic threats (misdemeanors) and with false imprisonment (felony). On March 5, 2018, the Board issued an Order of Summary Suspension, finding that Respondent's continued practice of medicine posed a threat to the public health and safety, and ordered her license summarily suspended. (Exhibits P-1, P- 2, P-3, P-4, and P-5).

16.

The Board now seeks an indefinite suspension of Respondent's license to practice medicine. The Board proposes that the suspension be lifted only after the Board receives and

reviews an evaluation regarding Respondent's mental and physical health. The evaluation would be conducted by a Board-approved physician specializing in addiction and include information about Respondent's diagnoses, treatment, and medications. The evaluator must be available to present evidence before the Board and offer an opinion about Respondent's ability to safely return to the practice of medicine. On the other hand, Respondent requests that the Board lift the summary suspension of Respondent's license and allow the PHP to oversee and monitor her return to the practice of medicine without further Board involvement. (Tr. 182-84).

III. CONCLUSIONS OF LAW

1.

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

2.

Georgia Code section 43-1-19 is the general licensing and disciplinary statute that pertains to professional licensing boards.⁴ It states, in pertinent part, that the Board has the authority to discipline a licensee, upon a finding that the licensee has:

* * *

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public that materially affects the fitness of the licensee or applicant to practice a business or profession licensed under this title or is of a nature likely to jeopardize the interest of the public; such conduct or practice need not have resulted in actual injury to any person or be directly related

⁴ Although the Board is an independent agency and not under the jurisdiction of the Secretary of State, Georgia Code section 43-34-6(a) grants the Board the powers, duties and functions of state licensing boards. O.C.G.A. § 43-34-6(a). Accordingly, the provisions of section 43-1-19 are also applicable to the Board's licensees.

to the practice of the licensed business or profession but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness. Such conduct or practice shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of the business or profession licensed under this title;

* * *

(8) Violated a statute, law, or any rule or regulation of this state, . . ., the professional licensing board regulating the business or profession licensed under this title, . . ., when such statute, law, or rule or regulation relates to or in part regulates the practice of a business or profession licensed under this title and when the licensee . . . knows or should know that such action violates such statute, law, or rule;

* * *

(10) Displayed an inability to practice a business or profession licensed under this title with reasonable skill and safety to the public or has become unable to practice the licensed business or profession with reasonable skill and safety to the public by reason of illness or the use of alcohol, drugs, narcotics, chemicals, or any other type of material

O.C.G.A. § 43-1-19(a)(6), (8), (10).

3.

Similarly, Georgia Code section 43-34-8, 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:

* * *

(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;

* * *

(7) Engaged in any unprofessional, unethical . . . , or deleterious conduct or practice harmful to the public, which conduct or practice 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 include but not be limited to, the prescribing of or use of drugs, treatment, or diagnostic procedures which are detrimental to the patient as determined 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 . . . knows or should know that such action violates such law, rule, or regulation; . . . ;

* * *

(13) Become unable to practice pursuant to this chapter with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition;

* * *

(17) Entered into conduct which discredits the profession.

O.C.G.A. § 43-34-8(a) (4), (7), (10), (13), (17).

A. Respondent is Subject to Discipline by the Board.

4.

Based on the Findings of Fact above, the Court concludes that Respondent engaged in unprofessional conduct that was harmful to her patients and materially affected her fitness to practice medicine or any profession requiring a license in Georgia. See O.C.G.A. §§ 43-1-19(a) (6); 43-34-8(a) (4). The Court further concludes that Respondent displayed an inability to practice medicine with reasonable skill and safety to the public by reason of her abuse of alcohol

and underlying mental health conditions. See O.C.G.A. §§ 43-1-19(a) (10); 43-34-8(a) (13). In addition, Respondent's conduct on February 21, 2018 discredited the medical profession and constituted a violation of the laws of this state governing regulated professions generally and the practice of medicine specifically. See O.C.G.A. §§ 43-1-19(a) (8); 43-34-8(a) (10), (13). Finally, the preponderance of the evidence proved that Respondent's repeated statements that she would "slit their throats" constituted a terroristic threat, a criminal offense under O.C.G.A. § 16-11-37(b)(1)(A). See O.C.G.A. § 43-34-8(a) (4).⁵

5.

Accordingly, the Board is authorized to discipline Respondent. O.C.G.A. § 43-34-8(a). Among other disciplinary options, the Board may suspend a physician's license (for a definite or indefinite period), revoke, limit, or restrict the 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. Finally, the Board may impose a fine of up to \$3000.00 for each violation of law, rule or regulation, or in a reasonable amount to reimburse the Board for administrative costs. O.C.G.A. § 43-34-8(b)(1); Board Rule 360-3-.02(8).

5 Although Georgia courts have not addressed this issue, federal courts have held that conviction under a "terrorist threat" statute constitutes a crime involving moral turpitude. See Latter-Singh v. Holder, 668 F.3d 1156 (9th Cir. 2012), citing Chanmouny v. Ashcroft, 376 F.3d 810, 814-15 (8th Cir. 2004) (Eighth Circuit reasoned that making a threat with the intent to cause extreme fear "falls within the category of offenses requiring a vicious motive or evil intent"). Thus, although the Board did not present sufficient credible evidence in this case that Respondent committed the crime of false imprisonment, a felony, it did present sufficient evidence to prove that Respondent committed a crime of moral turpitude by making terroristic threats, whether the threats constituted a misdemeanor or a felony under Georgia's terroristic threat statute. See Hall v. Hall, 261 Ga. 188 (1991) (term "moral turpitude" encompasses all felonies); O.C.G.A. § 16-1-37(d)(1) (if terroristic threat suggests the death of the person threatened, it is a felony; otherwise, it is a misdemeanor).

B. The Board's Proposed Sanction is Proper.

6.

Having weighed the evidence in this matter, the Court concludes that the Board's proposed sanction is proper, and that Respondent's license should be indefinitely suspended. Respondent's alcohol addiction and mental health conditions led to a serious and sustained violent outburst while she was supposed to be providing care to her patients. Although the outburst may have been triggered by significant stressors in Respondent's personal life and exacerbated by traumas in her past, the resulting conduct was so aggressive and uncontrolled that it put both her patients and her staff in reasonable fear for their safety. The Board properly determined that Respondent should not be permitted to practice medicine until she can show that she has received sufficient treatment for substance abuse and mental health conditions that she no longer presents a safety risk to her patients or the public.

7.

Moreover, nothing in the statute requires or even contemplates that the Board cede its authority to the PHP in all cases involving health care professionals with substance abuse or mental health impairments. O.C.G.A. § 43-34-5.1. Rather, in cases such as this where the impairments have resulted in significant violations of the laws governing professional conduct, it is appropriate for the Board to make the final determination regarding when and under what circumstances an impaired health care professional may resume the practice of medicine with reasonable skill and safety to patients. O.C.G.A. § 43-34-8(a)(13)(B) (a licensee who is prohibited from practicing because of substance abuse or mental health conditions shall be afforded an opportunity to demonstrate to the Board that the licensee can resume the practice with reasonable skill and safety to patients). Although it is clearly appropriate for Respondent to

seek the services of the PHP and for the Board to contract with the PHP to monitor Respondent's treatment and rehabilitation, the Board, not the PHP, is ultimately the entity that must regulate the profession and determine Respondent's suitability to resume her practice.

IV. DECISION

Based on the foregoing, the Court recommends to the Board that Respondent's license to practice medicine in the State of Georgia be **SUSPENDED indefinitely**. Respondent shall be eligible to petition for lifting of the suspension when she complies with the following terms and conditions:

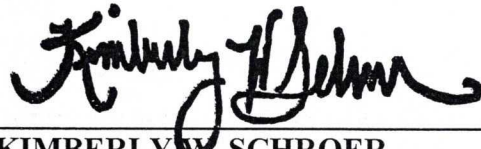
(a) Respondent shall submit to a mental or physical examination by physicians designated by the Board. O.C.G.A. § 43-34-8(a)(13)(B); see also Ga. Comp. r. & Regs. 360-3-.04(1). The expense of such examination shall be borne by Respondent. O.C.G.A. § 43-34-8(a)(13)(B).

(b) Respondent shall give consent to the Board to obtain any records relating to her substance abuse treatment or mental or physical condition, including psychiatric records and records of the PHP, and shall waive any objections to the admissibility of such records in any hearing before the Board, as provided in O.C.G.A. § 43-34-8(a)(13)(C), (D).

(c) Respondent shall pay the Board a fine to reimburse the Board's administrative costs including, but not limited to, costs for the hearing at the Office of State Administrative Hearings, the court reporter, and the transcript.

Should the Board decide to lift the indefinite suspension, it shall do so in writing and may impose such terms and conditions upon her license to practice medicine as it deems appropriate, in light of the recommendations and results of the mental/physical examination. Upon lifting of the indefinite suspension, the Court recommends that Respondent's license be placed on **PROBATION** for a period of three years.

SO ORDERED, this 17th day of July, 2018.

A handwritten signature in black ink, appearing to read "Kimberly W. Schroer", written in a cursive style.

KIMBERLY W. SCHROER
Administrative Law Judge



NOTICE OF INITIAL DECISION

Attached is the Initial Decision of the administrative law judge. A party who disagrees with the Initial Decision may file a motion with the administrative law judge and/or an application for agency review.

Filing a Motion with the Administrative Law Judge

A party who wishes to file a motion to vacate a default, a motion for reconsideration, or a motion for rehearing must do so within 10 days of the entry of the Initial Decision. Ga. Comp. R. & Regs. 616-1-2-.28, -.30(3). All motions must be made in writing and filed with the judge's assistant, with copies served simultaneously upon all parties of record. Ga. Comp. R. & Regs. 616-1-2-.04, -.11, -.16. The judge's assistant is Kevin Westray - 404-656-3508; Email: kwestray@osah.ga.gov; Fax: 404-818-3724; 225 Peachtree Street NE, Suite 400, South Tower, Atlanta, Georgia 30303.

Filing an Application for Agency Review

A party who seeks review by the referring agency must file an application for agency review within 30 days after service of the Initial Decision. O.C.G.A. §§ 50-13-17(a), -41. **In nearly all cases, agency review is a prerequisite for judicial review.** O.C.G.A. § 50-13-19(a).

The application for agency review must be filed with: Georgia Composite Medical Board, 2 Peachtree Street NW, 36th Floor, Atlanta, GA 30303. Copies of the application for agency review must be served upon all parties of record and filed simultaneously with the OSAH Chief Clerk at 225 Peachtree Street NE, Suite 400, South Tower, Atlanta, Georgia 30303. If a timely application for agency review is not filed and the referring agency does not review the Initial Decision on its own motion, the Initial Decision will become the Final Decision of the referring agency by operation of law. O.C.G.A. §§ 50-13-17(a), -41.

Docket No.: 1837913-OSAH-GCMB-PHY-92-Schroer

GCMB

JUL 23 2018

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

GEORGIA COMPOSITE
MEDICAL BOARD

MAR 05 2018

IN THE MATTER OF:)

)

MARIAN ANTOINETTE PATTERSON,)

M.D.,)

License No. 042035,)

Respondent.)

DOCKET NO.

DOCKET NUMBER:
20180036

ORDER OF SUMMARY SUSPENSION

1.

WHEREAS, Respondent is licensed by the Georgia Composite Medical Board ("Board") to practice medicine in the State of Georgia. Respondent was issued a license on August 7, 1996, and Respondent's license will expire on February 28, 2019. Respondent's physician profile indicates that Respondent's specialty is in family medicine.

2.

WHEREAS, Respondent owns and operates a medical practice, located in Valdosta, Georgia.

3.

WHEREAS, the Board has received reliable information that Respondent has appeared to be under the influence while at the practice, on more than one occasion.

4.

WHEREAS, the Board has received reliable information that on or about February 21, 2018, while at Respondent's medical practice, Respondent put Respondent's patients and employees in fear of being physical harmed by the Respondent, by displaying the following behavior:

- a. Respondent yelled at Respondent's employees and repeatedly stated that Respondent was going to "slit their throats."
- b. Respondent yelled at an employee and told the employee that Respondent was going to "cut her" from the employee's "throat to her private parts."
- c. Respondent yelled and called Respondent's employees "fat ass bitches" and "sluts."
- d. Respondent told an employee that Respondent was going to "cut her head off and roll it down the hallway." Respondent further told the employee that Respondent would "call the employee's children so that could see it."
- e. Respondent told an employee that if the employee "didn't get the f____g patients out the office," the Respondent would "slit each and every one of their throats before the police arrived."
- f. Respondent told an employee that if the employee called the police, Respondent would "slit her throat before the police arrived."
- g. Respondent threatened to "smash the mirrors in the office" and "slit everyone throats if they didn't leave."
- h. Respondent repeatedly used the f__ word.
- i. At one point, during this event, Respondent held an employee by the arm and refused to allow the employee to leave Respondent's office.
- j. At one point, during this event, Respondent started laughing.
- k. Respondent threw water on two employees. Respondent also threw a bottle of water in the directions of these two employees.
- l. Respondent threw a catalog, prescription bottles, and other things in the office.
- m. Respondent threw a reflex hammer and damaged a wall in the practice.

- n. Respondent attempted to throw a large potted plant in the direction of Respondent's employees.
- o. Respondent grabbed Respondent's "diploma off the wall, threw it to the floor, and stomped on it."
- p. Respondent repeatedly kicked the wall in the office.

5.

NOW THEREFORE, the Board finds that Respondent's continued practice of medicine poses a threat to the public health, safety, and welfare and imperatively requires emergency action and hereby ORDERS that Respondent's license to practice medicine in the State of Georgia be and is hereby SUMMARILY SUSPENDED pursuant to O.C.G.A. § 50-13-18(c)(1), pending further proceedings on behalf of the Board, which shall be promptly instituted.

If the Respondent wishes to have an expedited hearing, Respondent shall execute and file with the Office of State Administrative Hearings the original and one copy of the attached REQUEST FOR EXPEDITED HEARING no later than fourteen (14) days from the day of service or receipt of this Order. Respondent also shall serve a copy of such REQUEST upon counsel for the Board as identified in the REQUEST.

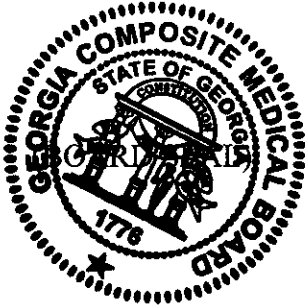
This Order is signed and attested by the Executive Director on behalf of the Georgia Composite Medical Board.

This 5th day of March, 2018.

(SIGNATURE ON NEXT PAGE)

**GEORGIA COMPOSITE
MEDICAL BOARD**

E. DANIEL DeLOACH, MD
Chairperson




LASHARN HUGHES
Interim Executive Director

PLEASE DIRECT CORRESPONDENCE TO:

D. WILLIAMS-McNEELY
40 Capitol Square, S.W.
Atlanta, Georgia 30334
(404) 657-3977
dwilliams-mcneely@law.ga.gov

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

MARIAN ANTOINETTE PATTERSON,
M.D.,
License No. 042035,
Respondent.

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)

DOCKET NO. _____

REQUEST FOR EXPEDITED HEARING

I, MARIAN ANTOINETTE PATTERSON, M.D., having been served with the Order of Summary Suspension by the Georgia Composite Medical Board ("Board"), do hereby request an expedited hearing. I reserve the right to file a response to a Notice of Hearing and Matters Asserted in this matter.

This _____ day of _____, 2018.

MARIAN ANTOINETTE PATTERSON, M.D.
Respondent

() I am/will be represented by counsel
Name of counsel if known at this time:

THIS REQUEST MUST BE FILED WITH:
THE GEORGIA COMPOSITE MEDICAL BOARD
2 PEACHTREE STREET, N.W., 36TH FLOOR
ATLANTA, GEORGIA 30303

A COPY OF THIS REQUEST MUST ALSO BE SERVED ON:
THE OFFICE OF THE ATTORNEY GENERAL
ATTN: D. WILLIAMS-McNEELY
SENIOR ASSISTANT ATTORNEY GENERAL
40 CAPITOL SQUARE, S.W.
ATLANTA, GEORGIA 30334

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

GEORGIA COMPOSITE
MEDICAL BOARD

IN THE MATTER OF:

)

OCT 13 2021

JAMES ROGAN, M.D.,
License Number 37662,

)

DOCKET NO. _____

DOCKET NUMBER:

20220034

)

)

Respondent.

)

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Georgia Board") and JAMES ROGAN, 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(a)(4), as amended.

FINDINGS OF FACT

1.

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

2.

On or about December 3, 2015, Respondent, entered into a Nurse Protocol Agreement, Protocol No. 16760, with Helen Onyedikachi Uzokwe. (Uzokwe) Respondent, under said Protocol Agreement, delegated authority to Uzokwe, an Advanced Practice Registered Nurse, to perform certain medical acts. Respondent was required to supervise Uzokwe under the Nurse Protocol Agreement.

3.

Respondent accepted payment from Uzokwe for his obligations and/or responsibilities under the aforementioned Nurse Protocol Agreement, creating an employer/employee relationship between Uzokwe and Respondent.

4.

Respondent's aforementioned conduct was a violation of Georgia's laws and the Board's rules. *See* O.C.G.A. § 43-34-25(n) (Delegation of certain medical acts to advance practice registered nurse; construction and limitations of such delegation), O.C.G.A. § 43-34-8(a), and O.C.G.A. § 43-1-19(a).

Patient C.B.

5.

On and between May 24, 2018, and July 31, 2019, Respondent prescribed Patient C.B. Dextroamp-Amphet ER 30 MG CAP, a Schedule II drug, six (6) times without performing an in-person examination nor performing an examination using technology that is equal to or superior to an examination done personally by a provider.

Patient C.L.

6.

On and between June 11, 2018 and August 3, 2019, Respondent prescribed Patient C.L. Dextroamp-Amphetamin 30 MG TAB, a Schedule II drug, nine (9) times without performing an in-person examination nor performing an examination using technology that is equal to or superior to an examination done personally by a provider.

Patient L.P.

7.

On and between June 20, 2018, and January 30, 2020, Respondent prescribed Patient L.P. Dextroamp-Amphet ER 30 MG CAP and Dextro-Amphetamin 30 MG TAB, schedule II drugs, seventeen (17) times without performing an in-person examination nor performing an examination using technology that is equal to or superior to an examination done personally by a provider.

8.

Respondent's aforementioned conduct departed from and failed to conform to the minimum standards of acceptable and prevailing medical practice, and was a violation of Georgia's laws and the Board's rules. *See* Ga. Comp. R. & Regs. R. 360-3-02 (5) (Unprofessional Conduct), Ga. Comp. R. & Regs. R. 360-3-.07 (Practice Through Electronic or Other Such Means), O.C.G.A. § 43-34-8(a), and O.C.G.A. § 43-1-19(a).

9.

Respondent agrees to the above findings of facts and waives any further findings of fact with respect to the above-styled matter.

CONCLUSIONS OF LAW

Respondent's conduct constitutes sufficient grounds for the imposition of discipline upon Respondent's license to practice as a physician in the State of Georgia under O.C.G.A. Title 43, Chapters 1 and 34, as amended. Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Georgia Board, having considered all the 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.

Within **ninety (90) days** of the effective date of this Consent Order, Respondent shall submit to the Georgia Board a fine of ten thousand dollars (\$10,000.00) 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 the Georgia Composite Medical Board, located at 2 Peachtree Street, NW, 6th Floor, Atlanta, GA 30303, to the attention of the Executive Director. Failure to pay the entire amount within (30) days of the effective date of this Consent Order shall be considered a violation of this Consent Order and shall result in further sanctioning of Respondent's license, upon substantiation thereof.

2.

Within **six (6) months** of the effective date of this Consent Order, Respondent shall provide to the Board evidence that he has completed the following continuing medical education (CME):

A mini-residency program entitled "Appropriate Prescribing of Controlled Substances" sponsored by the Mercer University Southern School of Pharmacy, or a similar course pre-approved by the Board; and said (CME) shall be in addition to the CME required license renewal. Failure to provide written evidence of successful completion of the CME within six (6) months of the effective date of this Consent Order shall be considered a violation of this Consent Order and shall result in further sanctioning of Respondent's license, upon substantiation thereof.

3.

Respondent understands it is unlawful for a physician to be an employee of an advanced

practice registered nurse if the physician is required to supervise the employing advance practice registered nurse. Respondent shall immediately cease accepting payments of any kind from Ozokwe while acting as the supervising physician for Ozokwe.

4.

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

5.

Respondent also 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 Georgia Board to update the Physician's Profile reflecting this Consent Order.

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 that right by entering into this Consent Order. Respondent understands and agrees that a representative of the Department of Law may be present during the Georgia Board's consideration of this Consent Order and that the Georgia 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 will not become effective until approved and docketed by the Georgia Board. Respondent understands that this Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Georgia Board that may be disseminated as such. However, if this

Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Georgia Board to adjudicate this matter. Respondent hereby consents to the terms and sanctions contained herein.

Approved this 12th day of October, 2021.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)



BY:

[Signature]
DESPINA DALTON, M.D.
Chairperson

ATTEST:

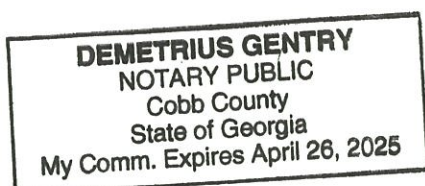
[Signature]
LASHARN HUGHES, MBA
Executive Director

CONSENTED TO:

[Signature]
JAMES ROGAN, M.D.
Respondent

AS TO THE SIGNATURE OF
JAMES ROGAN, M.D.:
Sworn to and subscribed before me
This, 16 day of Sept., 2021.

[Signature]
NOTARY PUBLIC
My Commission Expires:



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

GEORGIA COMPOSITE
MEDICAL BOARD

IN THE MATTER OF:

RICHARD MARK WOLFF, M.D.,
License Number 43307,

Respondent.

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)
)
)
)
)

DOCKET NO. _____

SEP 15 2021

DOCKET NUMBER:

20220025

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Georgia Board") and RICHARD MARK WOLFF, 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(a)(4), as amended.

FINDINGS OF FACT

1.

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

2.

Respondent, while employed with at least one telemedicine company, prescribed numerous medications to multiple individuals outside of an established physician-patient relationship. At least eight of such individuals resided in the State of Georgia. Specifically:

Patient J.A.

3.

On and between January 12, 2018, and April 27, 2018, Respondent prescribed Patient J.A. thirteen (13) medications without performing an in-person examination nor performing an

examination using technology that is equal to or superior to an examination done personally by a provider, as follows:

- On January 12, 2018, Respondent prescribed Lidocaine 5% Ointment, Clobetasol 0.05% Cream, Diclofenac 1.5% Topical Soln., and Calcipotriene 0.005% Cream to J.A.;
- On January 23, 2018, Respondent prescribed Doxepin 5% Cream to J.A.;
- On March 28, 2018, Respondent prescribed Doxepin 5% Cream, Lidocaine 5% Ointment, Clobetasol 0.05% Cream, Diclofenac 1.5% Topical Soln., and Calcipotriene 0.005% Cream to J.A.;
- On April 27, 2018, Respondent prescribed Doxepin 5% Cream, Calcipotriene 0.005% Cream, and Clobetasol 0.05% Cream to J.A.

Patient J.B.

4.

On and between May 1, 2018, and June 29, 2018, Respondent prescribed Patient J.B. seven (7) medications without performing an in-person examination nor performing an examination using technology that is equal to or superior to an examination done personally by a provider, as follows:

- On May 1, 2018, Respondent prescribed Doxepin 5% Cream, Diclofenac 1.5% Topical Soln., and Naproxen SOD CR 375 MG Tablet, and Fluocinonide 0.1% Cream to J.B.
- On June 29, 2018, Respondent prescribed Doxepin 5% Cream, Diclofenac 1.5% Topical Soln., and Naproxen SOD CR 375 MG Tablet to J.B.

Patient R.C.

5.

On or about March 7, 2019, Respondent prescribed Chlorzoxazone 250 MG Tablet to Patient R.C. without performing an in-person examination nor performing an examination using technology that is equal to or superior to an examination done personally by a provider.

Patient M.P.

6.

On and between August 15, 2018, and October 23, 2018, Respondent prescribed Patient M.P. six (6) medications without performing an in-person examination nor performing an examination using technology that is equal to or superior to an examination done personally by a provider, as follows:

- On August 15, 2018, Respondent prescribed Chlorzoxazone 250 MG Tablet to M.P.;
- On August 30, 2018, Respondent prescribed Acyclovir 5% Ointment and Fluocinonide 0.1% Cream to M.P.;
- On September 22, 2018, Respondent prescribed Chlorzoxazone 250 MG Tablet and Lidocaine-Tetracaine 7%-7% Cream to M.P.;
- On October 23, 2018, Respondent prescribed Triamcinolone 0.147% MG/G Spray to M.P.

Patient P.S.

7.

On and between June 7, 2018, and July 16, 2018, Respondent prescribed Patient P.S. six (6) medications without performing an in-person examination nor performing an examination

using technology that is equal to or superior to an examination done personally by a provider, as follows:

- On June 7, 2018, Respondent prescribed Doxepin 5% Cream, Lidocaine 5% Ointment, Fluocinonide 0.1% Cream, and Naproxen SOD CR 375 MG Tablet to P.S.;
- On July 16, 2018, Respondent prescribed Lidocaine 5% Ointment and Naproxen SOD CR 375 MG Tablet to P.S.

Patient R.D.

8.

On and between January 5, 2017, and January 14, 2019, Respondent prescribed Patient R.D. Phentermine 37.5 MG Tablet, without performing an in-person examination nor performing an examination using technology that is equal to or superior to an examination done personally by a provider, on the following dates:

- On January 5, 2017, with two authorized refills;
- June 1, 2017, with one authorized refill;
- August 8, 2017, with two authorized refills;
- November 9, 2017, with zero authorized refills;
- December 18, 2017, with two authorized refills;
- February 21, 2018, with two authorized refills;
- June 24, 2018, with two authorized refills;
- October 2, 2018, with two authorized refills;
- January 14, 2019, with two authorized refills.

9.

On or about December 3, 2018, Respondent prescribed Patient R.D. Zolpidem Tartrate 5 MG Tablet and authorized two refills, without performing an in-person examination nor performing an examination using technology that is equal to or superior to an examination done personally by a provider.

Patient O.C.

10.

On or about December 15, 2017, Respondent prescribed Patient O.C. Zolpidem Tartrate 10 MG Tablet, without performing an in-person examination nor performing an examination using technology that is equal to or superior to an examination done personally by a provider.

Patient S.I.

11.

On and between November 18, 2016, and October 2, 2018, Respondent prescribed Patient S.I. Phentermine 37.5 MG Tablet, without performing an in-person examination nor performing an examination using technology that is equal to or superior to an examination done personally by a provider, on the following dates:

- November 18, 2016, with three authorized refills;
- November 9, 2017, with one authorized refill;
- October 2, 2018, with two authorized refills.

12.

Respondent's aforementioned conduct departed from and failed to conform to the minimum standards of acceptable and prevailing medical practice and was a violation of Georgia's laws and the Board's rules. *See* Ga. Comp. R. & Regs. R. 360-3-.07 (Practice Through Electronic or Other Such Means), O.C.G.A. § 43-34-8(a), and O.C.G.A. § 43-1-19(a).

13.

Respondent agrees to the above findings of facts and waives any further findings of fact with respect to the above-styled matter.

CONCLUSIONS OF LAW

Respondent's conduct constitutes sufficient grounds for the imposition of discipline upon Respondent's license to practice as a physician in the State of Georgia under O.C.G.A. Title 43, Chapters 1 and 34, as amended. Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Georgia Board, having considered all the 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.

Within **sixty (60) days** of the effective date of this Consent Order, Respondent shall submit to the Georgia Board a fine of two thousand five hundred dollars (\$2,500.00) 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 the Georgia Composite Medical Board, located at 2 Peachtree Street, NW, 6th Floor, Atlanta, GA 30303, to the attention of the Executive Director. Failure to pay the entire amount within (30) days of the effective date of this Consent Order shall be considered a violation of this Consent Order and shall result in further sanctioning of Respondent's license, upon substantiation thereof.

2.

Within **six (6) months** of the effective date of this Consent Order, Respondent shall successfully complete ten (10) hours of continuing medical education ("CME") course(s) focusing on ethics and ten (10) hours of CME course(s) focusing on prescribing. Said CME may be completed online and shall be in addition to the CME required of all Georgia physicians.

Respondent shall provide written evidence of successful completion of the CME to the Georgia Board within six (6) months of the effective date of this Order. Failure to provide written evidence of successful completion of the CME within six (6) months of the effective date of this Consent Order shall be considered a violation of this Consent Order and shall result in further sanctioning of Respondent's license, upon substantiation thereof.

3.

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

4.

Respondent also 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 Georgia Board to update the Physician's Profile reflecting this Consent Order.

5.

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 that right by entering into this Consent Order. Respondent understands and agrees that a representative of the Department of Law may be present during the Georgia Board's consideration of this Consent Order and that the Georgia 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 will not become effective until approved and docketed by the Georgia Board. Respondent understands

that this Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Georgia Board that may be disseminated as such. However, if this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Georgia Board to adjudicate this matter. Respondent hereby consents to the terms and sanctions contained herein.

(Signatures on the following page)

Approved this 15th day of September, 2021.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)

BY: [Signature]

DEBI DALTON, M.D.
Chairperson

ATTEST: [Signature]

LASHARN HUGHES, MBA
Executive Director



Physically Present
CONSENTED TO: [Signature]

RICHARD MARK WOLFF, M.D.
Respondent

AS TO THE SIGNATURE OF
RICHARD WOLFF, M.D.:
Sworn to and subscribed before me
This, 31 day of August, 2021.

[Signature]
NOTARY PUBLIC

My Commission Expires: 07-07-2025



TAISHA SHIPMAN
Commission # HH 149825
Expires July 7, 2025
Bonded Thru Budget Notary Services