

March 2023 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 **five** public orders in **March 2023**. To view each Board order, click on the licensee's name below.

1. Tina Body

2220
Assistant Cosmetic Laser Practitioner
Consent Agreement for Licensure

2. Stephen Jarrad, MD

62897
Physician
Order Terminating Probation

3. Amrish Patel, MD

67950
Physician
Public Consent Order for Indefinite Suspension

4. Hemant Sarin, MD

53945
Physician
Final Decision

5. Peter Wrobel, MD

40285
Physician
Public Consent Order

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

IN THE MATTER OF:

TINA BODY,

Applicant.

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DOCKET NO: _____

GEORGIA COMPOSITE
MEDICAL BOARD

MAR 21 2023

DOCKET NUMBER:

20230051

CONSENT AGREEMENT FOR LICENSURE

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

FINDINGS OF FACT

1.

On or about January 25, 2023, Applicant submitted an application for licensure as an Assistant Laser Practitioner in the State of Georgia.

2.

During the course of reviewing the application, it was discovered that Applicant had performed laser services prior to having an active license.

3.

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

CONCLUSIONS OF LAW

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

ORDER

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

1.

Applicant shall submit to the Board a fine of five hundred dollars (\$500.00) to be paid in full by cashier's check or money order made payable to the Georgia Composite Medical Board within one hundred and eighty (180) days of the effective date of this Consent Agreement. Said fine shall be sent to Georgia Composite Medical Board, 2 Peachtree Street, NW, 36th Floor, Atlanta, Georgia 30303, to the attention of the Executive Director. Failure to pay the entire amount by the 180th day shall be considered a violation of this Agreement and shall result in further sanctioning of Applicant's license, including revocation, upon substantiation thereof.

2.

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

3.

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

4.

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

5.

Applicant acknowledges that Applicant has read this Consent Agreement and understands its contents. Applicant understands that Applicant has the right to an appearance in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent Agreement. Applicant understands that this Consent Agreement will not become effective until approved and docketed by the Board. Applicant further understands and agrees that a representative of the Department of Law may be present during presentation of this Consent Agreement to the Board and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Agreement. Applicant further understands that this Consent Agreement will not become effective until approved and docketed by the Georgia Composite Medical Board. Applicant understands that this Agreement, once approved and docketed, shall constitute a private record, evidencing disciplinary action by the Board, which may be disseminated by the Board only as provided in paragraph 3 on page 3, above. However, if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Applicant hereby consents to the terms and sanctions contained herein.

(signatures on following page)

Approved this 21 day of March, 2023.



GEORGIA COMPOSITE MEDICAL BOARD

BY:

MATTHEW W. NORMAN

Chairperson

ATTEST:

DANIEL R. DORSEY

Executive Director

CONSENTED TO:

TINA BODY
Applicant

[As to Applicant's signature:]

Sworn to and subscribed before me

This 21 day of March, 2023.

NOTARY PUBLIC

My Commission Expires: 1-17-2026

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

IN THE MATTER OF:

STEPHEN WARD JARRARD, MD

License No. 62897,

Respondent.

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DOCKET NO.

GEORGIA COMPOSITE
MEDICAL BOARD

MAR 28 2023

DOCKET NUMBER:
20230054

ORDER TERMINATING PROBATION

WHEREAS, on or about April 08, 2021, the Georgia Composite Medical Board (hereinafter "Board") and Stephen Ward Jarrard (hereinafter "Respondent") entered into a Public Consent Order, Docket Number 20210051, placing Respondent's license on a period of probation subject to various terms and conditions for the lifting of the probationary period.

WHEREAS, on or about November 28, 2022, Respondent petitioned the Board to terminate his probation, supplying evidence that he had maintained sobriety for the requisite period and with advocacy from his providers agreed that the probation should be lifted.

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

THEREFORE, the Board hereby enters this Order Terminating Probation in Docket Number 20210051. As of the date of this order, Respondent's license is in good standing.

This 28th day of March, 2023.

GEORGIA COMPOSITE MEDICAL BOARD

BY:


Matthew W. Norman, MD
Chairperson

ATTEST:


Daniel R. Dorsey
Executive Director



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

STEPHEN WARD JARRARD, MD,
License No. 62897,

Respondent.

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DOCKET NO.:

GEORGIA COMPOSITE
MEDICAL BOARD

APR 08 2021

DOCKET NUMBER:

20210051

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Board") and STEPHEN WARD JARRARD, MD ("Respondent"), the following disposition of this matter is entered into pursuant to the provisions of O.C.G.A. §50-13-18, as amended.

FINDINGS OF FACT

1.

Respondent is licensed to practice medicine as a physician in the State of Georgia and was so licensed at all times relative to the matters herein.

2.

After receiving a complaint of inappropriate behavior in the workplace which did not involve patients, the Board required Respondent to obtain a mental/physical examination. The evaluator recommended that Respondent engage in therapy to address boundary issues, attend a professional boundary course, utilize staff surveillance forms, and obtain outpatient treatment and monitoring for Respondent's alcohol use disorder, mild.

GCMB
MAR 01 2021
Received
GCMB
APR 01 2021
Received

3.

Respondent does not admit the findings of fact in paragraph 2, above, but waives further findings and agrees that the Board is authorized to enter this Order as a disposition in this matter.

CONCLUSIONS OF LAW

Respondent's conduct and/or condition, as set forth in Paragraph 2 above, constitutes sufficient grounds for the imposition of sanctions and/or conditions upon Respondent's license to practice medicine in the State of Georgia pursuant to O.C.G.A. §§ 43-34-8 and 43-1-19. Respondent waives any further conclusions of law with respect to the above styled matter.

ORDER

The Georgia Composite Medical Board, having considered all the particular facts and circumstances of this case, hereby orders, and the Respondent hereby agrees, to the following:

1.

Beginning on the effective date of this Consent Order, Respondent's license shall be placed on a period of probation subject to the following terms and conditions:

(a) Individual Therapy with Quarterly Reports. Throughout the period of probation or until discharged by his therapist, whichever occurs first, Respondent shall participate in a program of psychotherapy to address boundary issues by a provider approved by the Board. Any change in therapist shall be preapproved by the Board. The Respondent shall provide a copy of this Order to the Respondent's therapist and shall cause such individual to submit quarterly reports to the Board by March 31, June 30, September 30 and December 31, commencing on the first reporting date following the effective date of this Order and continuing through the period of probation, which reports shall evaluate the Respondent's progress in therapy and contain

feedback from Respondent's staff, as set forth in paragraph 1(d) below. Upon discharge from therapy, the Respondent shall provide the Board with evidence of such discharge. The receipt of a report from the Respondent's therapist that the Respondent has failed to comply with the program of therapy or that the Respondent is otherwise unable to function as a physician shall be grounds for further disciplinary action. Reports submitted pursuant to this paragraph shall be deemed medical records and shall not be subject to disclosure by the Board. In the event the reports are used in a subsequent hearing, they shall be received in camera.

(b) Use of Testosterone. Respondent shall not use testosterone.

(c) Professional Boundaries Course. Respondent shall enroll in and complete a course approved by the Board in the area of maintaining professional boundaries. As of the date of this Order, Respondent has provided the Board with evidence of completion of an approved course and satisfied this requirement. Respondent understands that the completed course may not be used to satisfy continuing education hours required for license renewal.

(d) Staff Surveillance Forms. On a quarterly basis, Respondent shall facilitate the submission of staff surveillance forms and/or employee affidavits from at least two (2) staff members who work with him in his office to his therapist. The staff surveillance forms shall be sent directly to the therapist by the staff members. The forms shall address Respondent's observed behavior with female staff members and patients, and any signs or symptoms of Respondent's use of alcohol. This information shall be incorporated by the therapist into quarterly reports sent to the Board.

(e) Participation in Treatment/Aftercare Program with Quarterly Reports. Throughout the period of probation, Respondent shall participate in an outpatient alcohol/drug treatment program approved by the Board. Immediately following completion of treatment, Respondent

shall participate in an approved aftercare monitoring program. Respondent's participation in such programs shall be viewed as a condition precedent to all other provisions set forth herein, and Respondent's failure to comply with these requirements, upon substantiation thereof, shall subject Respondent's license to revocation.

While in both treatment and aftercare monitoring programs, Respondent shall provide a copy of this Order to Respondent's program facilitator and shall cause Respondent's program facilitator to submit quarterly reports to the Board by March 31, June 30, September 30, and December 31, commencing on the first reporting date following the effective date of this Order and continuing throughout the period of probation. The reports shall evaluate Respondent's progress in treatment and/or rehabilitation and each quarterly report shall contain the results of the following: **Respondent shall undergo monthly PEth screens for the first twelve (12) months of the probation period; and quarterly random urine drug screens, which include EtS and EtG screening, for the duration of the probationary period. All positive screens shall be reported to the Board.** The quarterly reports shall include a disclosure of any medication being administered to the Respondent or prescribed as treatment for any illness of the Respondent. Respondent agrees that the receipt of a positive alcohol/drug screen and/or a report from the Respondent's program counselor that the Respondent has failed to comply with the requirements of the program and/or that the Respondent is otherwise unable to function as a physician shall constitute reasonable grounds for the Board to order the Respondent to undergo a mental/physical examination and may also be reasonable grounds for disciplinary action, including summary suspension. Reports submitted pursuant to this paragraph shall be deemed medical records and shall not be subject to disclosure by the Board.

(f) Enrollment in Affinity Monitoring Program or a program pre-approved by the Board with quarterly reports for alcohol and drug screens. Within **thirty (30) days** of the docket date of this Consent Order, Respondent agrees to enroll and participate in the Affinity Monitoring Program or a similar random drug screening program pre-approved by the Board at Respondent's expense for the monitoring of random alcohol and drug screens throughout the period of probation. Respondent shall provide a copy of this Order to the Affinity or other program chosen by Respondent and approved by the Board at the time of enrollment in the Affinity Monitoring Program or the similar monitoring program. Respondent shall be screened for any controlled substance for which Respondent has not provided a prescription. Respondent shall cause the drug screening monitoring program to provide **quarterly reports as provided in paragraph (e) above.** Receipt of a positive alcohol/drug screen by the Board and/or a failure to participate in the Affinity Monitoring Program or a similar approved monitoring program shall be deemed to be a violation of this Consent Order. Respondent acknowledges and agrees that all of the Respondent's alcohol/drug screen reports received by the Board during the period of probation shall be admissible in any administrative hearing concerning the Respondent, without the necessity of establishing chain of custody or receiving other supporting testimony.

(g) Abstain from Alcohol, Controlled Substances, and Mood Altering Substances. Respondent shall abstain from the consumption of alcohol and mood altering substances, and shall abstain from the consumption of controlled substances except as prescribed by a duly licensed practitioner for a legitimate purpose. Should Respondent be prescribed any controlled substances, a written report from the prescribing physician shall be submitted to the Board and to Respondent's aftercare program counselor within ten (10) days of the prescribing thereof.

(h) Further Evaluation. At any time during the period of probation, the Board shall also have the authority to order Respondent to undergo a physical or mental evaluation by a physician designated by the Board. Respondent shall execute such releases as may be required for the Board to obtain the results of such evaluations.

(i) Reporting Requirements. Respondent shall provide a copy of this Consent Order to all reporting individuals. It shall be the responsibility of the Respondent to ensure that all required reports are timely submitted to and received by the Georgia Composite Medical Board. Reports shall be sent to the Executive Director, Georgia Composite Medical Board, 2 Peachtree Street SW, 5th Floor, Atlanta, Georgia 30303.

(j) Consent to Release of Information. By executing this Consent Order, Respondent specifically consents to any individuals or entities reporting to the Board information which would affect Respondent's ability to practice as a physician with reasonable skill and safety to patients or which constitutes a violation of the Medical Practice Act or this Consent Order, notwithstanding any privilege provided by state or federal law, and agrees to provide to the Board any release or other documentation which may be necessary for the Board to obtain such information.

(k) Employment/ Residency Change. Respondent shall notify the Board in writing of any change in address of record or employment status within 10 days of the change.

(l) Abide By Laws, Rules and Terms. Respondent shall abide by all State and Federal laws regulating the practice of medicine or relating to drugs, 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 reports submitted to the Board that Respondent is otherwise unable to practice medicine with reasonable skill and

safety to patients, Respondent's license shall be subject to further discipline, including revocation, upon substantiation thereof after notice and hearing. Respondent further agrees that any violation of this Consent Order shall be deemed to be sufficient to authorize the Board to 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 he shall be entitled to an expedited hearing to substantiate such violation(s), if the Board exercises such right.

(m) Effective date. 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 and conditions of the Consent Order beginning on the effective date.

(n) Termination of Probation. Respondent shall not be eligible to petition for termination of probation until Respondent can document three (3) years of continuous sobriety preceding the petition. At such time, Respondent may petition for termination of probation by certifying under oath before a notary public that he has complied with all terms and conditions of probation and by providing documentation supporting discharge from probation, including, but not limited to, written statements from Respondent's aftercare provider and therapist, if he is still engaged in therapy at the time of the petition, as to whether they agree with terminating probation. The Board shall review and evaluate the practice of Respondent prior to terminating the period of probation. At such time, should the Board determine that reasonable cause exists for maintaining probation, the Board shall notify Respondent of its intent to extend the period of

probation, and Respondent may respond to such notice in writing or request an appearance before the Board as in a non-contested case. In any event, this Consent Order shall remain in effect pending a final written determination by the Board and notification that the period of probation has been terminated.

2.

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

3.

Approval of this Consent Order by the Georgia Composite Medical Board shall in no way be construed as condoning the Respondent's conduct and shall not be construed as a waiver of any of the lawful rights possessed by the Board.

4.

Respondent acknowledges that he is represented by counsel in this matter, and that he has read this Consent Order and understands its contents. Respondent understands that he has a right to a hearing in this matter, and freely, knowingly, and voluntarily waives that right. Respondent understands that the Consent Order will not become effective until approved and docketed by the Georgia Composite Medical Board. Respondent further understands and agrees that the Board shall have the authority to review the investigative file(s) and all relevant evidence in considering the Consent Order. Respondent further understands that the 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 the proceeding, or prejudice the right of the Board to adjudicate the matter.

Respondent consents to the terms and conditions contained herein.

Approved, this 1st day of April, 2021.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)

BY:

Barby J. Simmons, DO

BARBY J. SIMMONS, DO
Chairperson



ATTEST:

Lasharn Hughes
LASHARN HUGHES
Executive Director

CONSENTED TO:

Stephen Ward Jarrard, MD
STEPHEN WARD JARRARD, MD
Respondent

[As to Respondent's signature only:]

Sworn to and subscribed before me

This 12th day of March, 2021.

Darlene Cordell

NOTARY PUBLIC

My Commission Expires:



#1238829

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

AMRISH PATEL, MD,
License No. 67950,
Respondent,

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DOCKET NO.

GEORGIA COMPOSITE
MEDICAL BOARD

MAR 22 2023

DOCKET NUMBER:
10230052

PUBLIC CONSENT ORDER FOR INDEFINITE SUSPENSION

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

FINDINGS OF FACT

1.

Respondent is licensed by the Board to practice medicine in the State of Georgia, and was so licensed at all times referenced herein.

2.

On or about October 7, 2022, the Board received notice of Respondent's conviction in the United States District Court for the Western District of North Carolina. Respondent pleaded guilty to one count of Conspiracy to Commit Bank Fraud in violation of 18 U.S.C. § 1344 and 18 U.S.C. § 1349. (Case No.: DNCW322CR000056-001)

3.

Respondent was sentenced, inter alia, to fifteen (15) months to serve in prison, two (2) years' probation, and restitution in the amount of \$3,125,208.95.

4.

Respondent admits the above findings of fact and waives any further findings.

CONCLUSIONS OF LAW

Respondent's conduct, if proven, constitutes sufficient grounds for the imposition of discipline upon his 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 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.

Respondent's license to practice medicine in the State of Georgia shall be indefinitely suspended commencing on the start date of Respondent's aforementioned incarceration. During the period of suspension, the Respondent shall not use the title, Physician, Doctor or "M.D.;" or otherwise engage in the practice of medicine as defined in O.C.G.A. § 43-34-21(3), including, but not limited to, assisting, directing, consulting, advising, or teaching, regarding patient medical care. The Respondent is entitled to renew Respondent's license during the period of suspension. Failure to renew shall result in revocation of Respondent's license by operation of law.

2.

Respondent may petition the Board to lift the suspension upon completion of

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

3.

The period of indefinite suspension shall last unless and until Respondent files a written petition and the Board, in its sole discretion, lifts the suspension in writing. Should the Board lift the suspension, it may do so by consent order, which places Respondent's license to practice medicine under such terms and conditions as the Board deems necessary to ensure that Respondent may practice with reasonable skill and safety to the public. The Respondent may be required to meet with the Board, or a committee thereof, should the Board consider the lifting of the indefinite suspension. Lifting of Respondent's suspension shall be within the sole discretion of the Board. If Respondent's petition should be denied, Respondent may submit another petition no sooner than one (1) year following the Board's denial of Respondent's prior petition. Respondent's petition shall not constitute a contested case.

4.

Respondent shall abide by all state and federal laws regulating the practice of medicine, 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 of this Consent Order, or if it should appearing from reports, inspections or other information submitted to the Board that Respondent is otherwise unable to practice medicine with reasonable skill and safety to patients, 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.

5.

This Consent Order and dissemination thereof shall be considered a PUBLIC REPRIMAND of Respondent by the Board.

6.

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

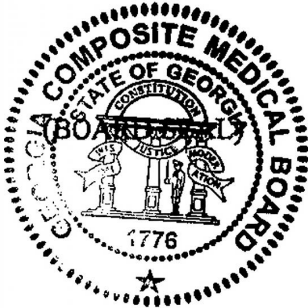
7.

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 Board's consideration of this Consent Order 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 will not become effective until approved and docketed by the Board. Respondent understands that this Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the 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 Board

to adjudicate this matter. Respondent hereby consents to the terms and sanctions contained herein.

Approved this 22nd day of March, 2023.

GEORGIA COMPOSITE MEDICAL BOARD



BY:

MATTHEW W. NORMAN, M.D.
Chairperson

ATTEST:

DANIEL R. DORSEY
Executive Director

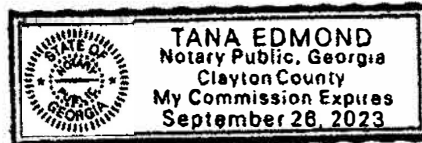
CONSENTED TO:

AMRISH PATEL, M.D.
Respondent

AS TO THE SIGNATURE OF
AMRISH PATEL, M.D.:
Sworn to and subscribed before me
this, 10 day of February, 2023.

NOTARY PUBLIC

My Commission Expires: 9/26/2023



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

HEMANT SARIN, MD,
License No. 53945,
Respondent.

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OSAH Docket No.: 2310534
2310534-OSAH-GCMB-PHY-222-Barnes

BOARD DOCKET NO:

GEORGIA COMPOSITE
MEDICAL BOARD

MAR 28 2023

FINAL DECISION

DOCKET NUMBER:

10230053

An Initial Decision was issued by the Office of State Administrative Hearings in the above matter on February 16, 2023. The Respondent acknowledged receipt of the Initial Decision on February 23, 2023. In the absence of an application to the agency for review of said Initial Decision, or an order by the Board to review said Initial Decision on its own motion, said Initial Decision becomes the Final Decision of the Board by operation of law, pursuant to O.C.G.A. § 50-13-17(a).

FINDINGS OF FACT

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

CONCLUSIONS OF LAW

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

DECISION AND ORDER


The recommendation of the Administrative Law Judge that Respondent's license to practice medicine in the State of Georgia be **INDEFINITELY SUSPENDED**, with the terms as set forth in the Initial Decision, is adopted and incorporated by reference and, having

become final on March 26, 2023, is hereby made the Final Decision of the Board, effective March 26, 2023.

SO ORDERED, this 28th day of March, 2023.

GEORGIA COMPOSITE MEDICAL BOARD




MATTHEW W. NORMAN, M.D.
Chairperson


DANIEL R. DORSEY
Executive Director

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

**GEORGIA COMPOSITE MEDICAL
BOARD,**

Petitioner,

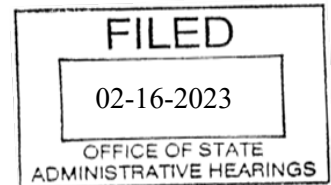
v.

**HEMANT SARIN MD,
Respondent.**

Docket No.: 2310534

2310534-OSAH-GCMB-PHY-222-Barnes

Agency Reference No.: 53945



INITIAL DECISION

I. Introduction

Petitioner, the Georgia Composite Medical Board (“Board”), brought this action seeking the imposition of sanctions—an indefinite suspension—against Respondent’s license to practice medicine in Georgia. The evidentiary hearing took place before the undersigned administrative law judge on January 6, 2023. The Board was represented by Sandra Bailey, Esq., Assistant Attorney General. Respondent appeared at the hearing through videoconference, as was previously arranged with the court, and represented himself. As discussed below, the court held the hearing record open to allow time for Respondent to comply with the Board’s Order. After careful consideration of the evidence and arguments presented, and for the reasons stated below, the Board’s decision is **AFFIRMED**.

II. Findings of Fact

1. Respondent is licensed to practice medicine in the State of Georgia and was licensed at all times relevant to this proceeding. Respondent was issued a Georgia medical license on November 7, 2003, and Respondent’s license expires on December 31, 2023. Respondent also holds a medical license in West Virginia.

2. On January 20, 2022, the Board issued to Respondent a confidential Order for Mental/Physical Examination (“OMPE”) based on reasonable grounds, including but not limited to the following:

- Respondent held a license to practice medicine in the state of West Virginia, license no. 24288.
- Respondent failed to timely renew his West Virginia license and submitted a reinstatement application in June 2020. Respondent was required to submit to a mental and physical examination by a physician approved by the West Virginia Board of Medicine (“West Virginia Board”).
- On or about June 2, 2021, the West Virginia Board of Medicine issued an “Order Denying Application for Reinstatement of Expired License to Practice Medicine and Surgery in West Virginia (the “West Virginia Order”). The West Virginia Order found that “the results of Dr. Sarin’s mental and physical examination do not endorse reinstatement of licensure at this time.” Further, the West Virginia Order found Respondent to be unqualified for medical licensure and stated that “it would not protect the public health, interest, safety and welfare to grant Dr. Sarin a license to practice medicine in the State of West Virginia.”

3. The terms of the Georgia OMPE required Respondent to submit the results of a mental/physical examination by a Board approved physician or facility with expertise in chemical addiction and mental health diagnoses within seven (7) days from the date of service of the Order or to provide a release for the results of a substantially equivalent evaluation conducted no more than thirty (30) days prior to the date of service of the Order.

4. The OMPE was sent to Respondent via certified mail and received on January 28, 2022. Respondent acknowledged receipt of the Board's OMPE in email correspondence with Board staff.

5. At the time of the hearing, the Board had not received the results of a mental/physical examination of Respondent.

6. The Board seeks the indefinite suspension of Respondent's license to practice medicine until he satisfactorily completes a mental/physical examination, as directed in the Board's January 28, 2022 OMPE .

7. At the hearing, Respondent expressed that he would have a mental/physical examination performed within 30 days of the hearing. The undersigned explained to Respondent that, if he did not comply with the Board's OMPE, the court would be required to suspend his license to practice medicine in the State of Georgia. Respondent was directed to complete the MPE and submit the results to the Board within 30 days to avoid suspension. The Board has informed the court that Respondent has not complied with the OMPE. Moreover, Respondent has submitted supplemental email correspondence which indicates that he has not completed the mental/physical examination.

III. Conclusions of Law

1. Because this case concerns the proposed sanction of Petitioner's medical license, the Board bears the burden of proof. Ga. Comp. R. & Regs. 616-1-2-.07. The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21.

2. Pursuant to O.C.G.A. § 43-34-6 (a), the Board has "the powers, duties, and functions of professional licensing boards as provided in Chapter 1 of [O.C.G.A. Title 43]."

3. O.C.G.A. § 43-1-19(a) provides that a professional licensing board shall have the

authority to refuse to grant a license to an applicant therefor or to revoke the license of a person licensed by that board or to discipline a person licensed by that board, upon a finding by a majority of the entire board that the licensee or applicant has:

(5) Had his or her license to practice a business or profession licensed under this title revoked, suspended, or annulled by any lawful licensing authority other than the board; had other disciplinary action taken against him or her by any such lawful licensing authority other than the board; was denied a license by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings; or was refused the renewal of a license by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings;

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

...

(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, use of alcohol, drugs, narcotics, chemicals, or any other type of material;

...

4. Ga. Comp. R. & Regs. R. 360-3-.04, Mental or Physical Evaluations, provides:

For the purpose of this rule person means an individual that holds a license, certificate, or permit issued by the Board or who has applied for a license, certificate, or permit.

(1) The Board may, require a licensee or applicant to submit to a mental and physical examination by a physician or evaluation program approved by the Board. Mental or physical evaluations may be performed on an inpatient or outpatient basis as directed by the Board. The costs of the evaluation are the responsibility of the person being evaluated.

5. O.C.G.A. § 43-1-19(d) provides that when a professional licensing board finds that any person should be disciplined pursuant to subsection (a) of this Code section or the laws, rules, or regulations relating to the business or profession licensed by the board, the board may take any one or more of the following actions:

- (1) Refuse to grant or renew a license to an applicant;
- (2) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the licensee;
- (3) Suspend any license for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of said license;
- (4) Limit or restrict any license as the board deems necessary for the protection of the public;
- (5) Revoke any license;
- (6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or licensee's submission to such care, counseling, or treatment as the board may direct;
- (7) Impose a fine not to exceed \$500.00 for each violation of a law, rule, or regulation relating to the licensed business or profession; or
- (8) Impose on a licensee or applicant fees or charges in an amount necessary to reimburse the professional licensing board for the administrative and legal costs incurred by the board in conducting an investigative or disciplinary proceeding.

In addition, O.C.G.A. § 43-1-19 (e) provides that, in addition to and in conjunction with the actions described in subsection (d) of this Code section, a professional licensing board may make a finding adverse to the licensee or applicant but withhold imposition of judgment and penalty; or it may impose the judgment and penalty but suspend enforcement thereof and place the licensee on probation, which probation may be vacated upon noncompliance with such reasonable terms as the board may impose.

6. Pursuant to O.C.G.A. § 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.

7. O.C.G.A. § 43-34-8 provides that:

(a) The board shall have the authority to refuse to grant a license, a certificate, or permit to an applicant or to discipline a person regulated under this chapter or any antecedent law upon a finding by the board that the licensee, certificate holder or permit holder or applicant has:

...

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

(7) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which 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 minimal standards of acceptable and prevailing medical practice and shall also include, but not be limited to, the prescribing or use of drugs, treatment, or diagnostic procedures which are detrimental to the patient as determined by the minimal standards of acceptable and prevailing medical practice or by rule of the board;

...

(13)

(A) 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:

(B) In enforcing this paragraph the board may, upon reasonable grounds require a licensee ... to submit to a mental or physical examination by physicians designated by the board. ...The results of such examination shall be admissible in any hearing before the board, notwithstanding any claim of privilege under a contrary rule of law or statute, including but not limited to, Code Section 24-5- 501. Every person who shall accept the privilege of practicing a profession regulated under this chapter ... shall be deemed to have given his or her consent to submit to such mental or physical examination and to have waived all objections to

the admissibility of the results in any hearing before the board, upon the grounds that the same constitutes a privileged communication...If a licensee, certificate holder, or permit holder or applicant fails to submit to such an examination when properly directed to do so by the board, unless such failure was due to circumstances beyond his or her control, the board may enter a final order upon proper notice, hearing, and proof of such refusal. Any licensee, certificate holder, permit holder, or applicant who is prohibited from practicing pursuant to this chapter under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate to the board that he or she can resume or begin practice pursuant to this chapter with reasonable skill and safety to patients

...

(D) If any licensee, certificate holder, or permit holder or applicant could, in the absence of this paragraph, invoke a privilege to prevent the disclosure of the results of the examination provided for in subparagraph (A) of this paragraph or the records relating to the mental or physical condition of such licensee, certificate holder, or permit holder or applicant obtained pursuant to subparagraph (B) of this paragraph, all such information shall be received by the board in camera and shall not be disclosed to the public, nor shall any part of the record containing such information be used against any licensee, certificate holder, or permit holder or applicant in any other type of proceeding;

...

8. When the Board finds that any person should be disciplined pursuant to subsection (a) of this Code section, the Board may “[s]uspend any license, certificate, or permit for a definite or indefinite period.” O.C.G.A. § 43-34-8(b)(1)(D). Additionally, the Board may “[r]equire a board approved mental and physical evaluation of all licensees, certificate holders, or permit holders.” O.C.G.A. § 43-34-8(b)(1)(L).

9. The Board “is authorized to deny, revoke, suspend, fine, reprimand or otherwise limit the license of a physician or physician assistant for all the grounds set forth in O.C.G.A. § 43-34-8 and to deny, revoke, suspend, fine, reprimand or otherwise limit the license of a physician

pursuant to O.C.G.A. § 43-34-8.” Ga. Comp. R. & Regs. r. 360-3-.01.

10. The Board may, require a licensee or applicant to submit to a mental and physical examination by a physician or evaluation program approved by the Board. Mental or physical evaluations may be performed on an inpatient or outpatient basis as directed by the Board. The costs of the evaluation are the responsibility of the person being evaluated. *See* Ga. Comp. R. & Regs. r. 360-3-.4.

11. O.C.G.A. §§ 43-34-8 and 43-1-19 authorize the Board to take disciplinary action against licensees for unprofessional conduct. Ga. Comp. R. & Regs. r. 360-3-.02 defines unprofessional conduct, in part, as:

(13) Practicing medicine while mentally, physically, or chemically impaired.

(18) Any other practice determined to be below the minimal standards of acceptable and prevailing practice.

(20) Failing to report to the Board within 30 days of becoming unable to practice medicine with reasonable skill and safety by result 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, unless the physician has reported to the Physician Health Program.

12. The undersigned concludes that Respondent has failed to comply with the Board’s OMPE and has violated the relevant statutes and rules listed above. Further, the Board has shown that it is authorized to take disciplinary action against Respondent. The proposed sanction—the indefinite suspension of Respondent’s license to practice medicine in the State of Georgia—is appropriate based on the facts and law in this case.

IV. Decision

In accordance with the foregoing Findings of Fact and Conclusions of Law, the Board’s decision to indefinitely suspend Petitioner’s medical license is **AFFIRMED**.

SO ORDERED, this 16th day of February, 2023.

A handwritten signature in black ink, appearing to read 'Shakara M. Barnes', is written over a horizontal line.

Shakara M. Barnes
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(4). 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 Devin Hamilton - 404-657-3337; Email: devinh@osah.ga.gov; Fax: 404-657-3337; 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: . 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.

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA

IN THE MATTER OF:

PETER WROBEL, M.D.,
License No. 40285,

Respondent.

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*
*

DOCKET NO.:

GEORGIA COMPOSITE
MEDICAL BOARD

MAR 14 2023

DOCKET NUMBER:
20230050

PUBLIC CONSENT ORDER

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

FINDINGS OF FACT

1.

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

2.

On and between March of 2021, through July of 2022, Respondent was the owner of Elite Spine & Pain located in Waycross, Georgia.

3.

Respondent's operation of a pain management clinic without a pain clinic license violated the Board's laws and rules. *See* O.C.G.A. § 43-34-283.

CONCLUSIONS OF LAW

Respondent's conduct constitutes sufficient grounds for the Board to exercise disciplinary authority under O.C.G.A. Chs. 1 and 34, T. 43, as amended, and the Rules of the

Georgia Composite Medical Board. Respondent waives any further conclusions of law with respect to the above-styled matter.

ORDER

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

1.

Within six (6) months of the effective (docket) date of this Consent Order, Respondent shall submit to the Board a fine in the amount of twenty thousand dollars (\$20,000.00) to be paid in full by cashier's check or money order payable to the Board. Said fine shall be submitted to the attention of the Executive Director, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 6th Floor, Atlanta, Georgia, 30303. Failure to pay the entire amount of the fine by the 15th day shall be considered a violation of this Consent Order and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation thereof.

2.

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

3.

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

4.

Approval of this Order by the Board shall in no way be construed as condoning

Respondent's conduct and, except as provided herein, shall not be construed as a waiver of any of the lawful rights of the Board.

5.

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

[Signatures on following page]

Approved, this 14th day of October, 2023.




GEORGIA COMPOSITE MEDICAL BOARD

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

ATTEST: 
DANIEL D. DORSEY
Executive Director

CONSENTED TO: 
PETER WROBEL, M.D.
Respondent

AS TO THE SIGNATURE OF PETER WROBEL, M.D.
Sworn to and subscribed before me
this, 14th day of October, 2023.


NOTARY PUBLIC

My Commission Expires: Aug 9, 2026

