

GEORGIA COMPOSITE MEDICAL BOARD

May 2024 Public Board Actions List

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

1. **Sergio Alvarez, MD**

83173

Physician

Public Consent Order

2. **Alyne Monteiro Carvalho, SLP**

Senior Laser Practitioner

Public Order Consent Agreement for Licensure

3. **John Morley, MD**

22845

Physician

Final Decision

4. **Song Hum Na, MD**

38059

Physician

Public Consent Order

5. **Amy Michelle Pumphrey, RCP**

3770

Respiratory Care Practitioner

Public Consent Order

6. **Svetlana Smirnova**

Assistant Laser Practitioner

Public Consent Agreement for Licensure

7. **Darrell Shawn Surratt, MD**

55984

Physician

Order of Completion

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA

IN THE MATTER OF:

SERGIO ALVAREZ, M.D.,
License No. 83173,

Respondent.

*
*
*
* DOCKET NO.:
*
*

GEORGIA COMPOSITE
MEDICAL BOARD

MAY 01 2024

DOCKET NUMBER:
2024 0071

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Board") and SERGIO ALVAREZ, 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. Respondent is also licensed to practice in Florida, holding license No. ME 115035.

2.

On June 17, 2022, the Board of Medicine for the State of Florida issued a Final Disciplinary Order based, in part, on treatment provided by Respondent. (Final Order No. DOH-22-08210FOF-MQA).

3.

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 taken against him or her by any such lawful licensing authority other than the board.

4.

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

CONCLUSIONS OF LAW

The Florida Order constitutes sufficient grounds for the Board to exercise its disciplinary authority under O.C.G.A. Chs. 1 and 34, T. 43, as amended, and the Rules of the Georgia Composite Medical Board. Respondent waives any further conclusions of law with respect to the above-styled matter.

ORDER

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

1.

Within one hundred and eighty (180) days of the effective (docket) date of this Consent Order, Respondent shall submit to the Board a fine in the amount of five thousand dollars (\$5,000.00) to be paid in full by cashier's check or money order payable to the Board. Said fine shall be submitted to the attention of the Executive Director, Georgia Composite Medical Board, 2 MLK Jr. Drive SE, East Tower, 11th Floor, Atlanta, GA 30334. Failure to pay the entire amount of the fine by the 180th 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.

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.

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 email and/or physical 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 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.

Approved, this ^{1st} ~~30~~ day of ~~April~~ ^{May}, 2024.



(BOARD SEAL)

GEORGIA COMPOSITE MEDICAL BOARD

BY: William K. Bostock D.O.
WILLIAM BOSTOCK, D.O.
Chairperson

ATTEST: [Signature]
JASON S. JONES
Executive Director

CONSENTED TO: [Signature]
SERGIO ALVAREZ, M.D.
Respondent

[AS TO THE SIGNATURE OF SERGIO ALVAREZ, M.D.]
Sworn to and subscribed before me
this, 30 day of April, 2024.

[Signature]
NOTARY PUBLIC
My Commission Expires:



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

IN THE MATTER OF:)
)
ALYNE MONTEIRO CARVALHO,)
)
 Applicant.)

DOCKET NO:

**GEORGIA COMPOSITE
MEDICAL BOARD**

MAY 15 2024

DOCKET NUMBER:

20240079

PUBLIC CONSENT AGREEMENT FOR LICENSURE

Pursuant to O.C.G.A. Title 43, Chapters 1 and 34, the Georgia Composite Medical Board (“Board”), in its discretion, has considered the application for licensure of Alyne Monteiro Carvalho (“Applicant”) to practice as a Senior 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 November 6, 2023, Applicant submitted an application for licensure as a Senior 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 being granted 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 a Senior Laser Practitioner in the State of Georgia shall be issued, subject to the following terms:

1.

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

2.

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

3.

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

4.

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

5.

Applicant acknowledges that Applicant has read this Consent Agreement and understands its contents. Applicant understands that Applicant has the right to an appearance in this matter, and freely, knowingly, and voluntarily waives such right by entering into this Consent Agreement. Applicant understands that this Consent Agreement will not become effective until approved and docketed by the Board. However, if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter. Applicant understands that this Agreement, once approved and docketed, shall constitute a public record evidencing disciplinary action 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 hereby consents to the terms and sanctions contained herein.

Approved this 15th day of May, 2024

(Signatures on following page)



GEORGIA COMPOSITE MEDICAL BOARD

BY: William K. Bostock, D.O.
WILLIAM BOSTOCK, D.O.
Chairperson

ATTEST: Jason S. Jones
JASON S. JONES
Executive Director

CONSENTED TO: Alyne Monteiro Carvalho
ALYNE MONTEIRO CARVALHO
Applicant

[AS TO THE SIGNATURE OF APPLICANT]
Sworn to and subscribed before me
this, 29th day of April, 2024

[Signature]
NOTARY PUBLIC
My Commission Expires: 8/31/27



MAY 15 2024

DOCKET NUMBER:
2024 007a

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA

IN THE MATTER OF:
JOHN MORLEY, MD.
License No. 22845
Respondent.

*
* OSAH DOCKET NO.: 2422181
* 2422181-OSAH-GCMB-PHY-25Schroer
*
* BOARD DOCKET NUMBER:
*

FINAL DECISION

An evidentiary hearing was held in the above-captioned matter on February 2, 2024 at the Office of State Administrative Hearings to determine if Respondent was subject to discipline. Respondent was present and represented by counsel. An Initial Decision, Phase One – Unprofessional Conduct (“Initial Decision”) was docketed by the Office of State Administrative Hearings in the above-captioned matter on April 17, 2024. Said Initial Decision found Respondent to be subject to discipline. The same was served on Respondent through his counsel that same day. Thereafter, Respondent and the Board came to an agreement regarding the terms of discipline in Public Consent Order as to Phase Two (“Consent Order”). Whereas the Respondent and the Board have agreed to conclude this matter, said Initial Decision and Consent Order become the Final Decision pursuant to O.C.G.A. § 50-13-13(a)(4) and 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 and the Findings of Fact agreed upon in the Consent Order are hereby adopted and incorporated by reference herein.

CONCLUSIONS OF LAW

The Conclusions of Law entered by the Administrative Law Judge in the Initial Decision and the Conclusions of Law agreed upon in the Consent Order are hereby adopted and incorporated by reference herein.

ORDER

The decision of the Administrative Law Judge that Respondent's license to practice as a physician in Georgia be subject to discipline, as set forth in the Initial Decision, is adopted and incorporated by reference. Furthermore, the disposition agreed upon by Respondent and the Board, as set forth in the Consent Order, is adopted and incorporated by reference. By agreement of the Respondent and the Board to end proceedings, the Initial Decision and Consent Order are hereby made the Final Decision of the Board.

GEORGIA COMPOSITE MEDICAL BOARD



BY:

William K. Bostock D.O.

WILLIAM BOSTOCK, D.O.

Chairperson

ATTEST:

Jason S. Jones

JASON S. JONES

Executive Director



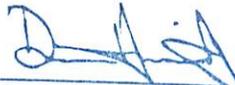
BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS APR 17 2024
STATE OF GEORGIA

**GEORGIA COMPOSITE MEDICAL
BOARD,**

Petitioner,

v.

**JOHN MORLEY, M.D.,
Respondent.**


Devin Hamilton, Legal Assistant

**Docket No.: 2422181
2422181-OSAH-GCMB-PHY-25-Schroer**

INITIAL DECISION
PHASE ONE – UNPROFESSIONAL CONDUCT

The Georgia Composite Medical Board (“Petitioner” or “Board”) initiated this matter for the purpose of sanctioning Respondent John Morley’s medical license. On February 2, 2024, an evidentiary hearing was held before the undersigned administrative law judge. At Dr. Morley’s request, the hearing was bifurcated, and the Court considered evidence only on the issue of whether his conduct in February 2022 violated statutory standards governing the medical profession, and thus subjecting him to discipline by the Board. At the hearing, the Board was represented by Michelle Sawyer, Assistant Attorney General. Dr. Morley was represented by Wiley Wasden III, Esq.

After careful consideration of the evidence of record in this case, and for the reasons stated below, the undersigned concludes that the Board proved that it is authorized to discipline Dr. Morley for unprofessional conduct. A hearing on the appropriate sanction shall be scheduled pursuant to a separately issued Notice.

I. FINDINGS OF FACT

1.

Dr. Morley holds a license to practice as a physician in the State of Georgia, and he held such license at all times relevant to the issues presented for hearing. Dr. Morley, who is in his

seventies, graduated from medical school in 1976, and moved to Savannah, Georgia in or around 1981, becoming Savannah's first Board-certified rheumatologist. Until recently, Dr. Morley was in private practice, and his patients came primarily from referrals from other physicians. Last year, as his referral sources began to retire and his patient base started to shrink, he decided to close his private practice and made plans to join a large medical group called South Coast Health.¹ (Matters Asserted ¶ 1; Response to Matters Asserted ¶ 1; Exs. R-2, P-2; Transcript from February 2, 2024 at pp. 217-218 (hereinafter "Tr. at ____").

2.

On March 30, 2022, patient M.C. filed a complaint against Dr. Morley with the Board. M.C., then a thirty-three-year-old woman, was referred to Dr. Morley by her insurance company, Tricare, for multiple medical issues, including shingles symptoms, blisters, neuralgia, migraines, mouth and jaw pain, and many other unexplained problems. As a new patient to Dr. Morley's practice, M.C. completed paperwork, including a medical history form, in which she identified prior surgeries in 2008, 2011-12, and 2019 and listed her current medications, including prescriptions for anxiety and depression. (Tr. at 74, 96; Exs. R-1, P-1.)

3.

M.C.'s appointment with Dr. Morley was on March 22, 2022. She waited for him in an examination room after a nurse took her vital signs, wearing shorts or leggings, a tank top, and a flannel shirt tied around her waist. When Dr. Morley arrived, the nurse was no longer present,² and Dr. Morley began his examination by reviewing M.C.'s paperwork and records on the computer. When he reviewed her list of prior surgeries, he pointedly asked her whether the list

¹ Dr. Morley's start at South Coast Health has been delayed due to the pending Board investigation. (Tr. 219.)

² Dr. Morley's office policy only required a female chaperone to be present when a female patient was disrobed.

was complete and then stared at her chest. M.C. testified that she had forgotten to include a recent elective surgery, which she referred to as a “mommy makeover,” consisting of breast implants, liposuction, and other plastic surgery.³ Dr. Morley asked her the name of the physician who had done the surgery, and then, more than once, stated that he “can’t help but admired” that surgeon’s work.⁴ M.C. testified that she was “taken aback” by these comments and by what she perceived as his prolonged staring at her breasts. (Tr. 76-79, 82, 220, 240; Ex. R-1.)

4.

After reviewing M.C.’s medical records, Dr. Morley determined that her multiple unexplained health issues necessitated a comprehensive physical examination, including palpation of her joints due to complaints of joint pain, stiffness, and neuropathy in her hands, feet, and hips. The preponderance of the evidence proved that Dr. Morley did not explain his plan for the examination or why he would need to examine a “large part of her body.” Rather, he began by examining her hands and arms carefully, noting eczema on one elbow and nerve damage on her right wrist and elbow. This part of the examination included palpating the hands, flexing the wrists, and other physical touching and manipulating of the upper extremities that reasonably required Dr. Morley to touch M.C.’s hands and arms for an extended period of time. However, because he did not explain what he was doing and why, Dr. Morley’s extended holding of her

³ Dr. Morley’s office received records from some of M.C.’s previous medical providers, including a record from a February 14, 2022 visit with Heather Bernard, DNP, of Richmond Hills Medical Home. Those records were included in M.C.’s files in Dr. Morley’s office and produced as part of Exhibit R-1. On page 32 of Exhibit R-1, “MOMMY MAKE OVER” was listed at the end of M.C.’s surgical history in the February 14, 2022 medical records. It is unclear from the evidence in the record whether Dr. Morley had reviewed this record before his examination of M.C., or if he suspected M.C. had plastic surgery based only on his observations of her during the examination. Dr. Morley, who does not remember M.C.’s visit in any detail, testified that he “was probably wondering” about whether there were any other surgeries she had failed to disclose. (Tr. 180, 221, 225; Ex. R-1.)

⁴ Dr. Morley told Dr. Funmilayo Rachal, M.D., an adult and forensic psychiatrist who conducted an evaluation of Dr. Morley in July 2023, that although he did not recall making this comment, it was possible that he said something like “your surgeon did good work.” (Tr. 149, 161, 183.)

hands made M.C. feel uncomfortable. Her discomfort grew during this part of the examination when Dr. Morley told her that she would “be perfect” except for the tattoos covering her right arm.⁵ (Tr. 81-82, 233-235, 237-238, 245.)

5.

Dr. Morley’s examination also included physically examining M.C.’s hips, neck, shoulders, feet, and back for joint pain, range of motion, and myofascial tender points. For example, to check for arthritis in the hips, he testified he would have to “grab the leg” just above the knee and move it in and out. He further testified that such an examination would have required him to gently palpate her elbows, neck, and upper and lower back to look for tenderness. Having considered Dr. Morley’s testimony, the Court finds his explanation to be credible, and that his physical touching of M.C. during the examination was medically indicated. Nevertheless, because he did not inform M.C. about what he would be doing or why, the fairly extensive physical touching of her body during the examination was unexpected and uncomfortable to M.C. In addition, while examining her leg and hip region, the preponderance of the evidence in the record proved that Dr. Morley said, “Your husband must have a hard time keeping his hands off you.” Later, after he had completed the examination and left the room, the evidence proved that he poked his head back into the room and made a similar comment about M.C.’s husband not being able to keep his hands off of her.⁶ These comments made M.C. feel very awkward. (Tr. 82, 84-85, 238-39, 243-45.)

⁵ Dr. Morley does not recall making a comment about M.C.’s tattoos during the examination, but he testified that it was possible he mentioned them because he generally is concerned about the risk of hepatitis and the tendency for tattoos to obscure possible skin conditions, like rashes. He told Dr. Rachal that he does not like tattoos for these reasons and that he discourages them. The Court finds by a preponderance of the evidence that Dr. Morley did not disclose any of these medical concerns about tattoos to M.C. when he made the comment that she would be “perfect” without them. (Tr. 181, 246.)

⁶ In his interview with Dr. Rachal, Dr. Morley admitted that although he did not necessarily recall making this comment, “it’s possible.” He agreed that such comment is inappropriate. (Tr. 181.)

6.

When the examination was over, M.C. was instructed to make a follow-up appointment in a few months. She did not do so. Instead, after talking with a friend, she filed a complaint with the police and then with the Board shortly after her March 22, 2022 appointment. In her complaint, she said that she should have “gotten up and walked out but the situation felt very surreal.” She has not heard back from the police about her report, and she has not taken any other action against Dr. Morley. (Tr. 87-88, 114-15; Ex. P-1.)

7.

M.C.’s complaint was assigned to Edgar Rodriguez, an investigator with the Board. He interviewed Dr. Morley in May 2022 about the complaint, but Dr. Morley did not recognize M.C.’s name, and even after reviewing her records, could not put a face to the name. Thereafter, a subcommittee of the Board asked Dr. Morley to voluntarily participate in an investigative interview. He agreed, and the interview was conducted by Zoom. Following the interview, Dr. Morley contacted Dr. Funmilayo Rachal, M.D., telling her that the Board had ordered him to have an evaluation. Dr. Rachal is a psychiatrist with a subspecialty in forensic psychology. She practices at Atlanta Psychiatric Consultation Center, where she conducts professional sexual misconduct and professional boundary evaluations. Dr. Rachal and another member of a multidisciplinary team, forensic psychologist Dr. Ron Herndon, conducted Dr. Morley’s evaluation on July 18, 19, and 20, 2023. The evaluation consisted of interviews, psychological testing, cognitive testing, and other assessments. (Tr. 149, 161, 163, 172-78.)

8.

The parties stipulated that Dr. Rachal is qualified as an expert in forensic psychiatry, sexual boundaries, and misconduct. She testified at the hearing that physician sexual misconduct, also

referred to as a “boundary violation,” occurs when a physician exploits the doctor-patient relationship by engaging in behavior that has a sexual manner. Such misconduct can occur in two ways – through physical contact and through communication. Dr. Rachal testified that policies adopted by the Federation of State Medical Boards provide that a boundary violation can occur when either a physician’s touch or communication reasonably is considered sexually seductive, suggestive, or demeaning, and misconduct is not limited to situations where there is contact with an intimate body part or when a physician’s conduct is intentionally of a sexual nature. (Tr. 151-57.)

9.

According to Dr. Rachal, many examinations necessarily involve physical touching of the patient by the physician. Consequently, it is “best practices” for the physician to explain what the examination will entail and its purpose, and to ask for the patient’s consent, especially when examining sensitive or intimate areas. With respect to communication of a sexual nature, Dr. Rachal testified that one inappropriate comment could constitute a boundary violation if a reasonable person could perceive it as sexually seductive, sexually demeaning, or sexually suggestive. In addition to direct sexual comments, Dr. Rachal stated that even flirtatious comments about a patient’s appearance, depending on the context, could be considered a boundary violation. (Tr. 158-61.)

10.

Dr. Rachal interviewed Dr. Morley extensively as part of her evaluation. She found him to be very verbose and “hyperv verbal,” and she testified that Dr. Morley recognized that he had these tendencies, and that he needed to work on being more aware of his language and joking. (Tr. 184-85.)

III. CONCLUSIONS OF LAW

A. Applicable Statutory and Regulatory Provisions

1.

The Board bears the burden of proof in this matter. Ga. Comp. R. & Regs. 616-1-2-.07(1). The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21(4).

2.

When a contested case is referred to the Office of State Administrative Hearings, the administrative law judge assigned to the case has “all the powers of the referring agency” O.C.G.A. § 50-13-41(b). The evidentiary hearing is *de novo*, and the administrative law judge “shall make an independent determination on the basis of the competent evidence presented at the hearing.” Ga. Comp. R. & Regs. 616-1-2-.21(1).

3.

Professional licensing boards, including the Board, are authorized to discipline a licensee upon a finding that the licensee has “engaged in any unprofessional . . . conduct or practice harmful to the public that materially affects the fitness of the licensee . . . to practice.” O.C.G.A. § 43-1-19(a)(6). The statute also provides that the conduct “need not have resulted in actual injury to any person,” but it is sanctionable if it indicates “a 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.” *Id.* Similarly, Georgia Code Section 43-34-8(a), which is the specific licensing and disciplinary statute for the medical profession, states, in relevant part, that the Board has the authority to discipline a licensee, upon a finding that the licensee has:

(7) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which need not have resulted in actual injury to any person [. . .];

(11) Committed any act or omission which is indictive of bad moral character or untrustworthiness;

(15) Committed an act of sexual abuse, misconduct, or exploitation of a patient including guardians and parents of minors;

(17) Entered into conduct which discredits the profession[.]

O.C.G.A. § 43-34-8(a).

4.

Georgia Code Section 43-1-19(d) provides that a professional licensing board may take a number of disciplinary actions when the board finds grounds for discipline, including restriction, suspension, or revocation of a license, imposition of fines, and other sanctions.

B. **Respondent's conduct was unprofessional, and his license is subject to discipline.**

5.

Having considered the findings of fact above, the Court concludes that the Board proved by a preponderance of the evidence that Respondent's conduct during his examination of M.C. on February 22, 2022 was an unprofessional boundary violation and a departure from the minimal reasonable standards of acceptable and prevailing practice. O.C.G.A. §§ 43-1-19(a)(6), 43-34-8(a). First, the Court closely observed M.C. during her testimony, including her demeanor and her manner of testifying, and found her to be a credible, forthright witness. In addition, the Court considered that Dr. Morley has admitted that he does not remember the details of his examination of M.C., and he has specifically acknowledged that it is possible he made the comments attributed to him by M.C. The Court has also considered that Dr. Morley admitted to Dr. Rachal that comments such as the ones regarding M.C.'s husband are inappropriate. Finally, the Court has

considered the testimony of Dr. Rachal, which the Court considers to be probative, reliable evidence of the minimal standards of acceptable and prevailing practices relating to professional boundaries for physicians in Georgia.

6.

Thus, although the evidence did not prove that Dr. Morley's physical contact with M.C. during her examination on February 22, 2022 was unnecessary or of an overt sexual nature, the Court concludes that his comments, especially those made about her physical appearance and attractiveness during the physical examination, were reasonably perceived as sexually suggestive and beyond the minimal boundaries for acceptable professional practice. Dr. Morley exacerbated the effect of these unsettling and unprofessional comments by failing to follow best practices to explain why he was grabbing, holding, and palpating various parts of her body. In particular, the Court concludes that a reasonable person would find Dr. Morley's comments about M.C.'s spouse to be unprofessional and sexually suggestive in any context, but especially while he was holding her leg above the knee. Finally, the Court concludes that such sexually suggestive conduct is harmful to the public given the power dynamic between physicians and patients described by Dr. Rachal.

7.

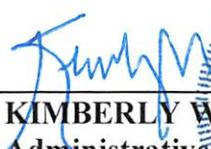
In reaching the findings of facts and conclusions of law herein, the Court has not taken into account any alleged previous complaints against Dr. Morley and does not consider such allegations to be probative or relevant in determining what his conduct was on February 22, 2022 and whether such conduct constituted an unprofessional act. Rather, based solely on the evidence cited in the findings of fact, the Court concludes that Dr. Morley's conduct during M.C.'s physical

examination was unprofessional and a discredit to his profession, regardless of his intent, and his license is subject to sanction.

IV. DECISION (PHASE ONE)

The Board is authorized to discipline Dr. Morley’s license. Within one week of the date of this decision, the Board shall provide Dr. Morley with notice of its proposed sanction and a list of witnesses, a list of exhibits, and a copy of the exhibits the Board intends to introduce in phase two of the hearing. Dr. Morley shall file a list of witnesses, a list of exhibits, and a copy of his exhibits within two weeks of the date of this decision. The hearing will be held on May 15, 2024 as set forth in the Notice of Hearing (Phase Two), issued separately. On or before May 1, 2024, either party may file a request to appear remotely, or to have counsel or any third-party witnesses appear remotely.

SO ORDERED, this 17th day of April, 2024.



KIMBERLY W. SCHROER
Administrative Law Judge



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA

IN THE MATTER OF:
JOHN MORLEY, M.D.
License #: 22845

* DOCKET NO.:# _____
*
*
*
* Respondent.

GEORGIA COMPOSITE
MEDICAL BOARD
MAY 15 2024
DOCKET NUMBER:
20240076

PUBLIC CONSENT ORDER AS TO PHASE TWO

By agreement of the Georgia Composite Medical Board (“Board”) and JOHN MORLEY, M.D., Respondent, the following disposition of this matter is entered pursuant to 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 to practice medicine at all times relevant to the facts contained in this Order.

2.

An evidentiary hearing was held on February 2, 2024 before the Honorable Kimberly Schroer, Administrative Law Judge of the Office of State Administrative Hearings. On April 17, 2024, an Initial Decision was issued by Judge Schroer finding the Board is authorized to discipline for Unprofessional Conduct. A second hearing to determine disciplinary sanctions was set for May 15, 2024.

3.

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

1.

Respondent shall submit to the Board a fine in the amount of three thousand dollars (\$3,000.00) to be paid by cashier's check or money order made payable to the Board by certified check or money order to the Georgia Composite Medical Board within six (6) months of the effective date of this Order. This fine shall be sent to the attention of: Jason S. Johnson, Executive Director, Georgia Composite Medical Board, 2 Martin Luther King Jr. Drive SE, East Tower, 11th Floor, Atlanta, GA 30334. Failure to pay the fine as provided shall be considered a violation of this Order and may result in further sanctioning of Respondent's authority to practice medicine in the future, including revocation, upon substantiation thereof.

2.

In addition to the fine required in paragraph 1 of this Consent Order, Respondent shall pay administrative fees in the amount of \$3,606.69 as reimbursement to the Board of actual expenses incurred in this matter. Said fees shall be payable by certified check or money order to the Georgia Composite Medical Board within ninety (90) days of the effective date of this Order. Failure to pay the entire amount by the 90th day shall be considered a violation of this Order and

shall result in further sanctioning on Respondent's license, including revocation, upon substantiation.

3.

Respondent's practice shall be restricted for a period of **five (5) years** as follows:

1. Respondent shall utilize a trained, non-family member, chaperone when meeting with female patients. After **three (3) years** of compliance, Respondent can petition the Board to remove this restriction from his probation.
2. Respondent shall practice in an outpatient setting only.
3. Respondent shall write out and post a physical examination protocol for patients.

4.

For a period of **five (5) years**, Respondent shall submit the following quarterly reports:

- (a) Quarterly Reports from Employers. If the Respondent is employed as a physician, the Respondent shall provide a copy of this Order to each of such employer, or supervisor, within ten (10) days of the Respondent's receipt of a docketed copy of the document. The Respondent shall cause such employers or supervisors 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. Each report shall evaluate the Respondent's performance of Respondent's duties. The receipt of an unfavorable report shall be deemed a violation of this Order and, upon substantiation thereof, shall be grounds for sanction or revocation of Respondent's license. Respondent is under a continuing duty to provide a copy of this Consent Order to any new employer prior to

accepting employment as a physician. Quarterly reports shall be submitted to medbd@dch.ga.gov, or as otherwise instructed by the Board.

(b) Personal Quarterly Reports. The Respondent shall submit personal 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. Failure to submit such reports, upon substantiation thereof, shall be grounds for sanction or revocation of Respondent's license. Quarterly reports shall be submitted to medbd@dch.ga.gov, or as otherwise instructed by the Board.

5.

Respondent understands that pursuant to O.C.G.A. Title 43, Chapter 34A, the contents of this Consent Order, as well as the Initial Decision issued on April 17, 2024, 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 a Phase II hearing has been set to determine sanctions for proceedings initiated on February 2, 2024. Respondent freely, knowingly and voluntarily waives his right to be heard on sanctions 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 15th day of May, 2024.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)



BY: William K. Bostock D.O.
WILLIAM BOSTOCK, D.O.
Chairperson

ATTEST: [Signature]
JASON S. JONES
Executive Director

CONSENTED TO: John Morley
JOHN MORLEY, M.D. Respondent

AS TO THE SIGNATURE OF JOHN MORLEY, M.D.:

Sworn to and subscribed before me
This, 15th day of May, 2024



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA

IN THE MATTER OF:

SONG HUM NA, M.D.,
License No. 38059,

Respondent.

*
*
*
* DOCKET NO.:
*
*

GEORGIA COMPOSITE
MEDICAL BOARD

MAY 15 2024
DOCKET NUMBER:
20290075

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board (“Board”) and SONG HUM NA, 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.

Nurse Practitioner Robert F. Hicks’s (NP Hicks) is the owner of Infinite Athlete, located in Buford, GA. Infinite Athlete provides hormone replacement for men and women.

3.

On and between June 18, 2018, and March 2, 2021, Respondent was employed by NP Hicks/Infinite Athlete as the Medical Director.

4.

On and between February 1, 2019, and March 3, 2021, Respondent was the delegating physician for NP Hicks.

5.

A physician shall not be an employee of an APRN if the physician delegates to the employing APRN. *See* Ga. Comp. R. & Regs. r. 360-32-.04

6.

Respondent neither admits nor denies the above findings of facts and waives further findings with respect to this matter.

CONCLUSIONS OF LAW

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

ORDER

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

1.

Respondent shall not be the primary supervising physician for any advance practice practitioner outside of Respondent's medical practice, Lanier Medicare P.C., located in Buford, Georgia. Respondent shall not be eligible to petition for termination of the period of limitation for **two years** from the effective date of the Consent Order. At such time, Respondent may petition for termination by certifying under oath before a notary public that Respondent has complied with all conditions of the period of limitation. The Board shall review and evaluate the practice of Respondent prior to terminating the period of limitation. At such time, should the

Board determine that reasonable cause exists for maintaining limitations on Respondent's license, the Board shall notify Respondent of its intent to extend the period of limitation, 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 limitation has been terminated.

2.

Within six months of the effective (docket) date of this Order, Respondent shall complete 10 hours of continuing medical education (CME) in the area of Ethics. The course shall be pre-approved by the Board and shall be in addition to CME requirements for license renewal and may not be used to fulfill any continuing education hours for license renewal.

Respondent shall submit his chosen course for approval and provide written evidence of successful completion of the CME to the Board. The preferred way to submit evidence of compliance with this order is by email: medboard@dch.ga.gov Alternatively, evidence of compliance can be submitted to the attention of the Executive Director, Georgia Composite Medical Board, 2 MLK Jr. Drive SE, East Tower, 11th Floor, Atlanta, GA 30334. Failure to provide evidence of completion of the aforementioned intensive prescribing course to the Board shall constitute a violation of this Consent Order and may result in further disciplinary action.

3.

Within ninety (90) days of the effective date of this Consent Order, Respondent shall submit to the Board a fine in the amount of five thousand dollars (\$5,000.00) to be paid in full by cashier's check or money order payable to the Board. Said fine shall be submitted to the attention of the Executive Director, Georgia Composite Medical Board, 2 MLK Jr. Drive SE, East Tower,

11th Floor, Atlanta, GA 30334. Failure to pay the entire amount of the fine by the 90th 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.

4.

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

5.

Respondent shall be afforded the opportunity to petition to lift the conditions/restrictions of this Consent Order after two (2) years upon a showing that Respondent has successfully satisfied all the terms and conditions of the order.

6.

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.

7.

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 and/or email 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.

8.

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.

9.

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 15th day of May, 2024.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)



BY: William K. Bostock D.O.
WILLIAM BOSTOCK, D.O.
Chairperson

ATTEST: [Signature]
JASON S. JONES
Executive Director

CONSENTED TO: [Signature]
SONG HUM NA, M.D.
Respondent

AS TO THE SIGNATURE OF SONG HUM NA, M.D:
Sworn to and subscribed before me
this, 3 day of May, 2024.

[Signature]
NOTARY PUBLIC
My Commission Expires:



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA

IN THE MATTER OF:)
)
AMY MICHELLE PUMPHREY, RCP,)
License No. 3770,)
Respondent,)

DOCKET NO. _____

GEORGIA COMPOSITE
MEDICAL BOARD

MAY 01 2024

DOCKET NUMBER:

20240072

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board (“Board”) and Amy Michelle Pumphrey (“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 respiratory care as a respiratory care practitioner in the State of Georgia and was so licensed at all times relevant to the matters stated herein.

2.

On or about August 24, 2022, law enforcement officers with the Miller County Sheriff’s Office and Seminole County Sheriff’s Office executed a search warrant at Respondent’s parents’ address. The search warrant was based on information received that Respondent was having controlled substances illegally sent to Respondent’s parents’ address. Zolpidem Tartrate and Carisoprodol tablets, in amounts consistent with distribution, were seized from the address. Warrants were issued, and Respondent was arrested for two counts of Possession of a Controlled Substance with Intent to Distribute.

3.

Respondent neither admits nor denies the above findings of fact and waives any other findings of fact with respect to the above-styled matter.

CONCLUSIONS OF LAW

Respondent's conduct constitutes sufficient grounds for the imposition of sanctions upon Respondent's license to practice respiratory care as a respiratory care practitioner in the State of Georgia, under O.C.G.A. Chapter 34, Title 43.

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 respiratory care as a respiratory care practitioner in the State of Georgia:

1.

Respondent's license to practice respiratory care as a respiratory care practitioner in the State of Georgia shall be **INDEFINITELY SUSPENDED** commencing on the effective date of this Consent Order ("Docket Date"). During the period of suspension, the Respondent shall not use the title of respiratory care practitioner, "RCP," or otherwise engage in the practice of respiratory care. In the event Respondent practices as a respiratory care practitioner in the State of Georgia, without a written order from the Board, Respondent's license shall be subject to revocation, upon substantiation thereof.

2.

Upon resolution of the aforementioned criminal charges, Respondent may petition the Board to lift the suspension of her license. Respondent acknowledges that when considering her petition the Board has the authority to review any investigative file relating to the Respondent.

Additionally, the Board may request proof of disposition of the criminal charges, including, but not limited to, any court documents, plea paperwork, and/or sentencing documents that may be otherwise sealed, and the Board may condition review of Respondent's petition upon receipt of said documents. The Board may also consider having Respondent appear before the Board, or one of its committees, prior to making a determination on Respondent's petition. Lifting of suspension and restoration of the Respondent's license shall be in the sole discretion of the Board. Respondent shall not practice as a respiratory care professional until such time as the Board's website has been updated to reflect that Respondent has an "active" license.

3.

Approval of this 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.

4.

Respondent acknowledges that she has read this Consent Order and understands its contents. Respondent understands that this Consent Order will not become effective until approved by the Georgia Composite Medical Board and docketed. The 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. The Respondent understands that this Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the Board's ability to adjudicate this matter. The Respondent understands that, by entering into this Consent Order,

Respondent may not be eligible for a multistate license. The Respondent hereby consents to the terms and sanctions contained herein.

Approved this 1st day of May, 2024.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)



BY: William K. Bostock, D.O.
WILLIAM BOSTOCK, D.O.
Chairperson

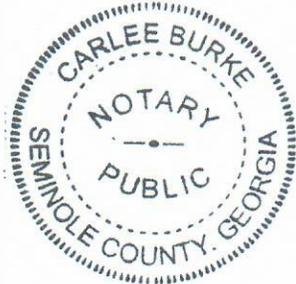
ATTEST: [Signature]
JASON S. JONES
Executive Director

CONSENTED TO Amy Michelle Pumphrey
AMY MICHELLE PUMPHREY, RCP
Respondent

[AS TO THE SIGNATURE OF AMY MICHELLE PUMPHREY]
Sworn to and subscribed before me
this, 23rd day of April, 2024.

[Signature]
William M. Shingler, Jr.
Attorney for Respondent
GA Bar No.: 193015

Carlee Burke
NOTARY PUBLIC
My Commission Expires: 2-14-26



ORDER

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

1.

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

2.

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

3.

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

4.

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

5.

Applicant acknowledges that Applicant has read this Consent Agreement and understands its contents. Applicant understands that Applicant has the right to an appearance in this matter, and freely, knowingly, and voluntarily waives such right by entering into this Consent Agreement. Applicant understands that this Consent Agreement will not become effective until approved and docketed by the Board. However, if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter. Applicant understands that this Agreement, once approved and docketed, shall constitute a public record evidencing disciplinary action 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 hereby consents to the terms and sanctions contained herein.

Approved this 6th day of May, 2024.

(Signatures on following page)



(BOARD SEAL)

GEORGIA COMPOSITE MEDICAL BOARD

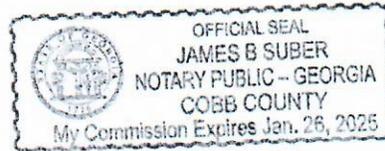
BY: William K. Bostock D.O.
WILLIAM BOSTOCK, D.O.
Chairperson

ATTEST: [Signature]
JASON S. JONES
Executive Director

CONSENTED TO: [Signature]
SVETLANA SMIRNOVA
Applicant

[AS TO THE SIGNATURE OF APPLICANT]
Sworn to and subscribed before me
this, 1st day of May, 2024

[Signature]
NOTARY PUBLIC
My Commission Expires: 01/26/2025



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

IN THE MATTER OF:

DARRELL SHAWN SURRETT, M.D.,
License No. 55984,
Respondent.

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DOCKET NO.:

GEORGIA COMPOSITE
MEDICAL BOARD

MAY 06 2024

DOCKET NUMBER:
20220071

ORDER OF COMPLETION

WHEREAS, on or about March 10, 2022, the Georgia Composite Medical Board (hereinafter "Board") and Darrell Shawn Surratt, M.D. (hereinafter "Respondent") entered into a Public Consent Order requiring payment of a fine, completion of additional continuing medical education, and recording a public reprimand;

WHEREAS, on or about April 5, 2024, Respondent requested an Order of Completion;

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; and

THEREFORE, the Board hereby enters this Order of Completion to indicate that Respondent has successfully completed the terms of Public Consent Order, Docket Number 20220071. Respondent's license is in good standing.

This 6th day of May, 2024.

GEORGIA COMPOSITE MEDICAL BOARD



(BOARD SEAL)

BY:

William K. Bostock DO

William Bostock, D.O.
Chairperson

ATTEST:

Jason S. Jones

Jason S. Jones
Executive Director