

GEORGIA COMPOSITE MEDICAL BOARD

September 2023 Public Board Actions List

The Board issued **six** public orders in **September 2023**. To view each Board order, click on the licensee's name below.

1. **Qinwen Lu Clegg**

11

Acupuncturist

Consent Agreement for Reinstatement

2. **Charles Kevin Grigsby, M.D.**

Physician

Consent Agreement for Licensure

3. **Robert Roy Miles, D.O.**

79604

Physician

Public Consent Order

4. **Salil Jayant Patel, M.D.**

44305

Physician

Public Consent Order

5. **Physician Disability Examination Services, Inc.**

Pain Management Clinic

Consent Agreement for Licensure

6. **David Smith, M.D.**

88759

Final Decision

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

IN THE MATTER OF:)
)
QINWEN LU CLEGG,) **DOCKET NO:**
)
Previous Acupuncturist License No. 22)
)
Applicant.)

P
AUG 28 2023
Composite
Medical Board
GEORGIA COMPOSITE
MEDICAL BOARD
AUG 30 2023
DOCKET NUMBER:
20240021

CONSENT AGREEMENT FOR REINSTATEMENT

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

FINDINGS OF FACT

1.

Applicant was previously licensed as an acupuncturist by the Board. Applicant’s license lapsed on or around November 30, 2022.

2.

On or about March 22, 2023, Applicant submitted an application for reinstatement of Applicant’s license to practice as an acupuncturist in the State of Georgia. During the course of reviewing the application, it was discovered that Applicant practiced after her license lapsed.

3.

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

CONCLUSIONS OF LAW

The unlicensed practice disclosed by Applicant is grounds for denial of her reinstatement application or reinstatement with discipline under O.C.G.A. Ch. 34, T. 43, as amended.

Applicant hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

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

1.

Applicant shall submit to the Board a fine of 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 ninety (90) days of the effective date of this Consent Agreement. Said fine shall be sent to Georgia Composite Medical Board, 2 MLK Jr. Drive, SE, East Tower, 11th Floor, Atlanta, Georgia 30334, to the attention of the Executive Director. Failure to pay the entire amount by the 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.

Applicant shall submit to the Board evidence that she has completed forty (40) hours of Board approved continuing education requirements. Said continuing education requirements shall be for the time period on and between December 1, 2020, and November 30, 2022. Applicant shall submit evidence of completion of the continuing education requirements to: medbd@dch.ga.gov (preferred) or 2 MLK Jr. Drive, SE, East Tower, 11th Floor, Atlanta, Georgia 30334, to the attention of the Executive Director. Failure to complete the aforementioned continuing education requirements and submit evidence of completion to the Board shall be considered a violation of this Agreement and shall result in further

sanctioning of Applicant's license, including revocation, upon substantiation thereof.

3.

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

4.

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

5.

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

interest in this proceeding or prejudice the right of the Board to adjudicate this matter. Applicant consents to the terms and conditions contained herein.

Approved this 30th day of August, 2023.



GEORGIA COMPOSITE MEDICAL BOARD

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

ATTEST : [Signature]
DANIEL R. DORSEY
Executive Director

CONSENTED TO: [Signature]
QINWEN LU CLEGG
Applicant

[As to Applicant's signature:]
Sworn to and subscribed before me
T 11 day of August, 2023.

[Signature]
NOTARY PUBLIC
My Commission Expires: Sept. 6, 2025



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA

GEORGIA COMPOSITE
MEDICAL BOARD

IN THE MATTER OF:)
)
CHARLES KEVIN GRIGSBY, M.D.)
)
Applicant.)

DOCKET NO: _____

AUG 30 2023

DOCKET NUMBER:
20240020

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 Charles Kevin Grigsby M.D. ("Applicant") to practice as a physician 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 May 19, 2023, Applicant submitted an application for licensure to practice as a physician in the State of Georgia.

2.

In reviewing the application, the Board discovered that there was a suspension of Applicant's privileges to practice at his hospital due to concerns over whether Applicant had met the appropriate standard of care on several cases. Applicant plans to undergo additional training at the Mastery of General Surgery Fellowship in Savannah, Georgia.

3.

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

CONCLUSIONS OF LAW

The discipline in California of Applicant's license to practice medicine 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 physician in the State of Georgia shall be issued, subject to the following terms:

Beginning on the effective date of this Consent Agreement (hereinafter "Agreement"), Applicant's license to practice medicine in the State of Georgia shall be issued under the following terms:

(a) **RESTRICTED PRACTICE**. Applicant shall be solely authorized to work in the St. Joseph's/Candler Hospital System within the Mastery of General Surgery Fellowship program located in Savannah, Georgia. Applicant may not work in any other setting until approved by the Board, under the terms of paragraph (c) below.

(b) **ABIDE BY LAWS, RULES, AND TERMS**. The Applicant shall abide by all State and Federal laws regulating the practice of medicine, the Rules and Regulations of the Board, and the terms of the Agreement. If the Applicant shall fail to abide by any of the terms of this Agreement, Applicant's license shall be subject to discipline, including revocation, upon substantiation thereof after notice and hearing.

(c) **QUARTERLY REPORTS FROM PROGRAM**. The Applicant shall cause the program chief for the Mastery of General Surgery Fellowship program to submit reports to the Board, detailing Applicant's progress in the program. The reports shall be submitted 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 until the Board determines Respondent has satisfied all the terms and conditions of the order and enters an order of completion/termination. It shall be the responsibility of the Respondent to ensure that all evidence of compliance is timely submitted to and received by the Georgia Composite Medical Board. The preferred way to submit the reports is by email: medboard@dch.ga.gov. They may also be sent to 2 MLK Jr. Drive SE, East Tower, 11th Floor, Atlanta, GA 30334 to the attention of the Executive Director.

(d) PETITION TO TERMINATE RESTRICTION. After the completion of his program, Applicant shall be eligible to petition the Board to terminate the restriction in this Agreement, by certifying under oath before a notary public that Applicant has complied with all conditions of this Agreement. The Board shall review and evaluate the practice of Applicant prior to terminating this Agreement. At such time, should the Board determine that reasonable cause exists for maintaining or adding any terms or conditions on Applicant's license, the Board shall notify Applicant of its intent to continue or modify this Agreement to impose any terms deemed necessary at the time of the petition, and Applicant may respond to such notice in writing or request an appearance before the Board as in a non-contested case. This Agreement shall remain in effect pending a final determination by the Board and notification that it has been terminated.

2.

The effective date of this Consent Agreement is the date the Consent Agreement is docketed. Applicant should receive a docketed copy of the Consent Agreement from the Board at Applicant's address of record within 10 business days of the docket date. If Applicant has not received a docketed copy of the Consent Agreement, it is Applicant's responsibility to obtain a

docketed copy of the Consent Agreement from the Board.

3.

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

(signatures on following page)

Approved this 30th day of August, 2023



GEORGIA COMPOSITE MEDICAL BOARD

BY:

William K. Bostock

WILLIAM K. BOSTOCK, D.O.
Chairperson

ATTEST:

Daniel R. Dorsey

DANIEL R. DORSEY
Executive Director

CONSENTED TO:

Charles Kevin Grigsby

CHARLES KEVIN GRIGSBY, M.D.
Applicant

[As to Applicant's signature:]
Sworn to and subscribed before me
This 29th day of August, 2023.

Melissa K. Payne

NOTARY PUBLIC

My Commission Expires: 06/11/2024



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA

IN THE MATTER OF:

ROBERT ROY MILES, D.O.,
License No. 79604,

Respondent.

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DOCKET NO.:

GEORGIA COMPOSITE
MEDICAL BOARD

SEP 21 2023

DOCKET NUMBER:
20240025

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Board") and ROBERT ROY MILES, D.O. ("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. OS 5118.

2.

On or about November 22, 2021, the Florida Board of Osteopathic Medicine entered a *Final Order Accepting Settlement Agreement*, Case No. 2013-11342. (Florida Order). The Florida was based, in part, on Respondent's failure to document care during a patient's liposuction surgery. The order included, inter alia, a reprimand, fine, and completion of a records course.

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.

Nurse Practitioner Derick McConnell's (NP McConnell) is the majority owner of Holistique Med Spa & Wellness Center, Inc. located in Gainesville, GA. Respondent serves as the Delegating Physician for NP McConnell.

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

CONCLUSIONS OF LAW

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

ORDER

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

1.

Respondent shall not be the primary supervising physician for any advance practice practitioner, specifically a physician assistant or nurse practitioner.

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 record keeping/documentation¹. 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,

¹ Proof of compliance with the Florida Order's records course shall be considered compliance with the Board's 10 hour record keeping/documentation CME requirement.

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 three (3) 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 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 21st day of September, 2023.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)



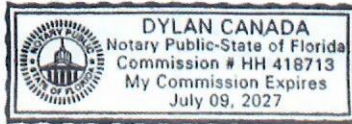
BY: William K. Bostock D.O.
WILLIAM BOSTOCK, D.O.
Chairperson

ATTEST: [Signature]
DANIEL R. DORSEY
Executive Director

CONSENTED TO: [Signature]
ROBERT ROY MILES, D.O.
Respondent

AS TO THE SIGNATURE OF
ROBERT ROY MILES, D.O.:
Sworn to and subscribed before me
this, 1 day of Sept, 2023.

[Signature]
NOTARY PUBLIC
My Commission Expires:



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA

IN THE MATTER OF:

SALIL JAYANT PATEL, M.D.,
License No. 44305,

Respondent.

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DOCKET NO.:

GEORGIA COMPOSITE
MEDICAL BOARD

SEP 11 2023

DOCKET NUMBER:

20240024

PUBLIC CONSENT ORDER

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

FINDINGS OF FACT

1.

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

2.

On about August 20, 2022, Respondent engaged in inappropriate behavior with an employee.

3.

Respondent admits the above findings of fact, waives further findings, and agrees to the entry of this Order in order to resolve the pending allegations.

CONCLUSIONS OF LAW

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

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

ORDER

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

1.

Upon the docket date of this Consent Order, Respondent's license to practice as a physician shall be placed on a period of restriction/limitation subject to the following terms and conditions:

- (a) Respondent shall provide a copy of this Consent Order to any employer or supervisor for whom he works as a physician. The Respondent shall cause such employers or supervisors to submit monthly reports to the Board by the 5th day of every month, commencing on the first reporting date following the docket date of this Order and continuing until such time as the Board releases Respondent, in writing, from the employer reporting requirement. The reports shall evaluate Respondent's professionalism toward his co-workers. The receipt of an unfavorable report shall be deemed a violation on 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. The Board shall have the authority to audit Respondent's employee and/or human resources file and records to ensure compliance with this order. It shall be the responsibility of the Respondent to ensure that all required reports are timely submitted**

and received by the Georgia Composite Medical 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.

- (b) 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.
- (c) Respondent shall be eligible to petition for termination of the period of limitation after one year. 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 and by providing documentation supporting discharge from the period of limitation, including but not limited to, a written statement from Respondent's employer that said employer agrees with the termination of the period of limitation. The Board shall review and evaluate Respondent's professionalism 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.

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

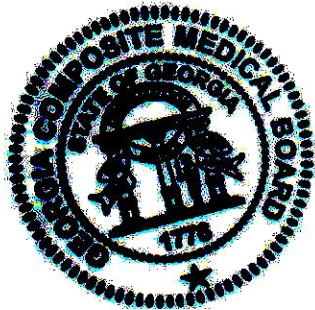
not constitute an admission against interest in the proceeding, or prejudice the right of the Board to adjudicate the matter. Respondent understands that this Consent Order will not become effective until approved and docketed by the Georgia Composite Medical Board. Respondent consents to the terms contained herein.

Approved, this 11th day of September, 2023.

GEORGIA COMPOSITE MEDICAL BOARD

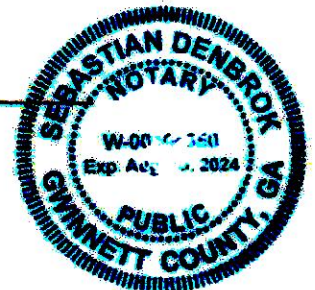
(BOARD SEAL)

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



ATTEST: [Signature]
DANIEL D. DORSEY
Executive Director

CONSENTED TO: [Signature]
SALIL JAYANT PATEL, M.D.
Respondent



AS TO THE SIGNATURE OF RESPONDENT:
Sworn to and subscribed before me
this, 9 day of September, 2023.

[Signature]

NOTARY PUBLIC
My Commission Expires: 08/19/2024

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

PHYSICIAN DISABILITY EXAMINATION
SERVICES, INC.,

Applicant.

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DOCKET NO.

GEORGIA COMPOSITE
MEDICAL BOARD

SEP 21 2023

DOCKET NUMBER:
20240026

PUBLIC CONSENT AGREEMENT FOR LICENSURE

By agreement of the Georgia Composite Medical Board ("Board") and Physician Disability Examination Services, Inc., ("Applicant"), the following disposition of this matter is entered into pursuant to the provisions of O.C.G.A. Title 43, Chapter 34, as amended.

FINDINGS OF FACT

1.

Applicant previously held a license to operate as a pain management clinic in the State of Georgia, License# 495. That license was issued on or about May 3, 2019, and lapsed on or around June 30, 2020.

2.

On or about June 30, 2023, Applicant submitted an application for reinstatement of Applicant's license to operate as a pain management clinic. During the course of reviewing the application it was discovered that Applicant continued to operate as a pain clinic after Applicant's license lapsed.

3.

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

CONCLUSIONS OF LAW

There are sufficient grounds for the Board to deny the application and/or to impose sanctions or conditions on Applicant's pain management clinic registration under O.C.G.A. Ch. 34, T. 43, as amended, O.C.G.A. §43-1 -19(a), and the Rules of the Georgia Composite Medical Board. Applicant waives any further conclusions of law with respect to this matter.

ORDER

The Georgia Composite Medical Board, having considered all the particular facts and circumstances of this case, hereby orders, and the Applicant hereby agrees, that Applicant shall be granted a new pain management clinic registration in the State of Georgia, subject to the following terms and conditions:

1.

Applicant shall submit to the Board a fine in the amount of ten thousand dollars (\$10,000.00) to be paid in full by money order or cashier's check made payable to the Georgia Composite Medical Board, within ninety (90) days of the effective date of this Agreement. Said fine shall be sent to Georgia Composite Medical Board, 2 MLK, Jr. Drive, SE, East Tower, 11th Floor, Atlanta, Georgia 30334, to the attention of the Executive Director. Failure to pay the fine by the ninetieth (90th) day shall be considered a violation of this Agreement and may result in grounds for disciplinary action by the Board.

2.

Applicant shall abide by the terms of this Agreement, all State and Federal laws relating to drugs and record keeping, and otherwise regulating pain management clinics, and the Rules and Regulations of the Georgia Composite Medical Board. Failure to abide by the terms of this Agreement, all State and Federal laws relating to drugs and record keeping, and otherwise

regulating pain management clinics, and the Rules and Regulations of the Georgia Composite Medical Board shall subject Applicant's licenses to further disciplinary action, including revocation, upon substantiation thereof.

3.

Approval of this Consent Agreement by the Georgia Composite Medical Board shall not be construed as a waiver of any of the lawful rights possessed by the Board.

4.

Agent for Applicant acknowledges having read and understood the contents of this Agreement. Applicant understands that they have a right to an appearance in this matter before the Board, and Applicant freely, knowingly and voluntarily waives such right by entering into this Agreement. Applicant understands that this Agreement will not become effective until approved by the Georgia Composite Medical Board and docketed by the Executive Director of the Board. Applicant further understands that the Board shall have the authority to review the application and/or any investigative file and all relevant evidence in considering this Agreement. Applicant further understands that this Agreement, once approved, shall be disseminated as a disciplinary action of the Board. If this Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the ability of the Board to adjudicate this matter. Applicant consents to the terms and sanctions contained herein.

Approved, this 21 day of September, 2023.

Signatures on following page)



(BOARD SEAL)

GEORGIA COMPOSITE MEDICAL BOARD

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

ATTEST: [Signature]
DANIEL R. DORSEY
Executive Director

CONSENTED TO: Stanford Williamson
Printed Name: Stanford Williamson
AGENT, on behalf of
PHYSICIAN DISABILITY EXAMINATION
SERVICES, INC.
Applicant

[As to the Signature of Agent, Physician Disability Examination Services, Inc.]

Sworn to and subscribed before me this
18 day of September, 2023.

Edina Makejka
NOTARY PUBLIC

My commission expires: 09-28-2026



BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

DAVID SMITH, MD,
License No. 88759,
Respondent.

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OSAH Docket No.: 2320248
2320248-OSAH-GCMB-PHY-222-Barnes

BOARD DOCKET NO:

GEORGIA COMPOSITE
MEDICAL BOARD

SEP 05 2023

DOCKET NUMBER:
10240022

FINAL DECISION

An Initial Decision was issued by the Office of State Administrative Hearings in the above matter on June 20, 2023. The Initial Decision was sent via certified mail to Respondent’s address of record and was received on July 31, 2023. Additionally, the Initial Decision was email to Respondent at his email address of record. 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 **RESTRICTED**, with the terms as set forth in the

Initial Decision, is adopted and incorporated by reference and, having become final on September 1, 2023, is hereby made the Final Decision of the Board, effective September 1, 2023.

SO ORDERED, this 5 day of September 2023.

GEORGIA COMPOSITE MEDICAL BOARD

William K. Bostock, D.O.

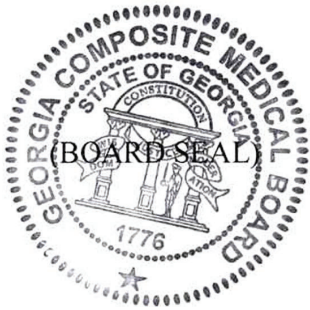
WILLIAM BOSTOCK, D.O.

Chairperson

Daniel R. Dorsey

DANIEL R. DORSEY

Executive Director



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

**GEROGIA COMPOSITE MEDICAL
BOARD,**

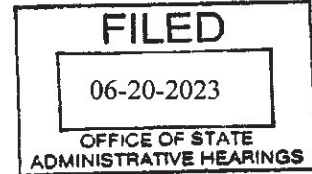
Petitioner,

v.

**DAVID SMITH, M.D.,
Respondent.**

**Docket No.: 2320248
2320248-OSAH-GCMB-PHY-222-Barnes**

Agency Reference No.: 88759



INITIAL DECISION

I. INTRODUCTION

Petitioner, the Georgia Composite Medical Board (“the Board”) brought this action seeking the imposition of sanctions against Respondent’s license to practice medicine in Georgia. Specifically, the Board seeks to issue a public order imposing restrictions and conditions on Respondent’s license. The evidentiary hearing took place on May 19, 2023, before the undersigned administrative law judge. The Board was represented by Sandra Bailey, Esq., Assistant Attorney General. Respondent represented himself. Daniel Dorsey, the executive director of the Board, and Respondent both testified via Zoom. After careful consideration of the evidence and the arguments of the parties, and for the reasons stated below, the Board’s decision to sanction Respondent’s license is **GRANTED**.

II. FINDINGS OF FACT

1. Respondent is licensed to practice as a physician in the state of Georgia and was licensed as such at all times relevant to the present hearing. His license was issued on May 5, 2021, and its current status is “Active.” The expiration date is April 30, 2025. Respondent’s specialty is listed as cardiovascular disease. (Exhibit P-1; Testimony of Daniel Dorsey).

2. In addition to Georgia, Respondent is also licensed in North Carolina and Kentucky. His North Carolina license's status is listed as "Active," while his Kentucky license's status is "Inactive." (Exhibits P-3, P-5; Testimony of Daniel Dorsey).
3. On July 19, 2021, the North Carolina Medical Board and Respondent entered into a Consent Order that imposed a two-year stayed suspension of Respondent's medical license for the "aiding and abetting of the unlicensed corporate practice of medicine." Respondent, with the advice of counsel, admitted all facts alleged in the Order. (Exhibit P-4; Testimony of Daniel Dorsey).
4. The Order accuses Respondent of neglecting his practice, Premier Cardiology. The nurse practitioner Respondent employed was the only treating clinician consistently present at the practice. Respondent failed to complete certain tasks, such as signing admission orders and other necessary documents, which caused the practice to lose revenue. Staff at the clinic reported that by the end of their employment, they were "essentially working without pay." (Exhibit P-4; Testimony of Daniel Dorsey).
5. Additionally, Respondent was accused by one patient of failing to notify her of her test results or following up with a treatment plan based on those results. When the patient tried to contact Respondent, she was unable to reach him. The Board received other complaints from patients who were unable to contact Respondent. (Exhibit P-4; Testimony of Daniel Dorsey).
6. During this time, Respondent accepted other employment, becoming the owner of Dynamic Health (a practice offering integrative medicine therapies); a low testosterone clinic; and an opioid use disorder clinic. Respondent also accepted locums tenens assignments, some out of state. Interviews with employees at these clinics indicated a similar pattern of Respondent

rarely being present at the clinics or providing supervision to staff. (Exhibit P-4; Testimony of Daniel Dorsey).

7. The Order placed terms and conditions on Respondent's license for a period of two years. He is required to participate in an executive coaching program, practice only in a hospital or group practice setting, and be supervised by a practice monitor. Respondent is prohibited from owning or operating his own practice, being the medical director of a practice, or being the primary supervising physician for any advance practice practitioner (AAP), which would include physician assistants, nurse practitioners, and clinical pharmacist practitioners.¹ (Exhibit P-4; Testimony of Daniel Dorsey).
8. Respondent testified that in February 2023, he petitioned the North Carolina Board to release him from the conditions of the Consent Order, but it declined to do so. (Testimony of Respondent).
9. On November 4, 2021, The Kentucky Board of Medical Licensure filed a complaint against Respondent, alleging that he had failed to notify the Kentucky Board of the North Carolina Consent Order within 10 days as required under Kentucky law. The Kentucky Board simultaneously issued an emergency order imposing temporary restrictions on Respondent's license pending a hearing regarding the complaint. The terms of the Kentucky order matched those imposed in North Carolina. (Exhibit P-6; Testimony of Daniel Dorsey).
10. The Kentucky Board's complaint stated that a hearing was scheduled for March 1, 2022. According to Respondent's Georgia Physician Profile, his Kentucky license was revoked on March 21, 2022, "Due to Action Taken by Another Board/Agency." (Exhibits P-1, P-6).

¹ Respondent completed his executive training on March 22, 2022. On February 24, 2023, the North Carolina Board issued a "Partial Relief of Consent Order Obligations," which relieved Respondent of the executive training requirement. The Order also clarified that the practice monitor requirement did not apply to locums tenens assignments.

11. Respondent testified that his medical practice had to fire its management in 2019, which evidently resulted in financial issues that required Respondent to take on additional locums tenens work in order to maintain the practice. He also stated that the AAPs he supervised were very experienced and knowledgeable, and were therefore capable of practicing independently. (Testimony of Respondent).

III. CONCLUSIONS OF LAW

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. Professional licensing boards may discipline a licensee upon a finding by a majority of the board that the licensee has engaged in unprofessional conduct that fails to conform to the minimal reasonable standards of acceptable and prevailing practice. O.C.G.A. § 43-1-19(a)(6).
3. Under O.C.G.A. § 43-34-8(a), the Board has the authority to discipline a physician upon a finding that the licensee 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, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which need not have resulted in actual injury to any person. As used in this paragraph, the term “unprofessional conduct” shall include any departure from, or failure to conform to, the minimum standards of acceptable and prevailing medical practice and shall also include, but not be limited to, the prescribing or use of drugs, treatment, or diagnostic procedures which are detrimental to the patient as determined by the minimum standards of acceptable and prevailing medical practice or by rule of the board;

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

4. When the Board finds that a licensee should be disciplined pursuant to O.C.G.A. § 43-34-8(a), the board may take any one or more of the following actions:

(A) Refuse grant a license, certificate, or permit to an applicant;

(B) Place the licensee, certificate holder, or permit holder on probation for a definite or indefinite period with terms and conditions;

(C) Administer a public or private reprimand, provided that a private reprimand shall not be disclosed to any person except the licensee; certificate holder, or permit holder;

(D) Suspend any license, certificate, or permit for a definite or indefinite period;

(E) Limit or restrict any license, certificate, or permit;

(F) Revoke any license, certificate, or permit;

(G) Impose a fine not to exceed \$3,000.00 for each violation of a law, rule, or regulation relating to the licensee, certificate holder, permit holder, or applicant;

(H) Impose a fine in a reasonable amount to reimburse the board for administrative costs;

(I) Require passage of a board approved minimum competency examination;

(J) Require board approved medical education;

(K) Condition the penalty, or withhold formal disposition, which shall be kept confidential unless there is a public order upon the applicant, licensee, certificate holder, or permit holder's submission to the care, counseling, or treatment by physicians or other professional persons, which may be provided pursuant to Code Section 43-34-5.1, and the completion of such care, counseling, or treatment, as directed by the board; or

(L) Require a board approved mental and physical evaluation of all licensees, certificate holders, or permit holders.

O.C.G.A. § 3-34-8(b)(1).

5. While Respondent may deny the allegations listed in the North Carolina Consent Order, it is undisputed that he willingly entered into an agreement that resulted in a restriction on his license to practice medicine and admitted to the allegations contained therein. Under O.C.G.A.

§ 43-34-8(a)(5), this provides sufficient cause for the Board to similarly discipline Respondent's license.

IV. DECISION

In accordance with the foregoing Findings of Fact and Conclusions of Law, the Board's decision to sanction Respondent's medical license is hereby **AFFIRMED**. The Board may issue a public order imposing restrictions on Respondent's license matching those imposed on his North Carolina license.

SO ORDERED, this 20th day of June, 2023.



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.