

BEFORE THE ALABAMA BOARD
OF MEDICAL EXAMINERS

JOINT STIPULATION AND CONSENT ORDER

COME NOW, the Alabama State Board of Medical Examiners ("the BME") and Respondent, JAMES HENRY EDWARDS, M.D., (the "Parties"), License number MD.30616, and hereby voluntarily enter into an agreement as follows:

1. On January 1, 2011, the BME issued to James Henry Edwards, M.D., Alabama Controlled Substances Certificate number ACSC.30616. For every year since 2011, Dr. Edwards has maintained and renewed his ACSC.
2. On February 20, 2018, the BME interviewed Dr. Edwards regarding his prescribing of controlled substances.
3. On May 16, 2018, the BME issued an Order to Show Cause alleging that Dr. Edwards excessively dispensed controlled substances, in violation of *A/a. Code* § 20-2-54(a)(5), and to show cause why his ACSC should not be revoked.
4. This Joint Stipulation, therefore, is entered into as a settlement between Dr. Edwards and the BME as a matter of compromise and to eliminate further litigation and issues between them related to the allegations.
5. Dr. Edwards denies the allegations set forth in the Order to Show Cause and asserts he is not guilty of the allegations included therein, specifically: violation of *A/a. Code* § 20-2-54(a)(5). However, Dr. Edwards acknowledges that the allegations as set forth in the Order to Show Cause, if found to be true, would constitute grounds for disciplinary action. Dr. Edwards has been advised that the Board could meet its required burden of proof to establish the allegations set forth in the Order to Show Cause. Dr. Edwards, therefore, for

purposes of resolving the issues between himself and the Board, and to avoid the uncertainties associated with a full hearing, in a compromised settlement, agrees to the terms of the Consent Order set forth herein.

- a. Dr. Edwards prescribed excessive dosages and amounts of stimulant medication to patients V.W.-A., R.C., A.C., N.F., D.G., M.H., R.K., A.P., J.S., and M.S., in violation of *Ala. Code* § 20-2-54(a)(5) and BME Rule 540-X-4-.09 (7); and
- b. Dr. Edwards prescribed excessive dosages and amounts from the same class of medications to patients R.C., A.C., N.F., D.G., M.H., R.K., A.P., J.S., M.S., and R.S., in violation of *Ala. Code* § 20-2-54(a)(5) and BME Rule 540-X-4-.09 (7); and
- c. Dr. Edwards prescribed hazardous excessive doses of medication to patients R.C., A.C., N.F., D.G., M.H., R.K., A.P., J.S., and M.S., in violation of *Ala. Code* § 20-2-54(a)(5) and BME Rule 540-X-4-.09 (7).

6. Dr. Edwards consents to an order being entered in his case revoking his authority to order, manufacture, distribute, possess, dispense, administer, or prescribe Schedules II, III, IV, and V controlled substances under ACSC number ACSC.30616. The BME further agrees to suspend the revocation of Dr. Edwards' ACSC and to place him on probation for a minimum of twenty-four (24) months, with conditions.

- a. Dr. Edwards agrees to strictly follow the patient protocols set out herein as conditions of his probation:
- b. For a minimum period of 24 months, Dr. Edwards agrees that for conditions where stimulants are prescribed, he will treat ADHD patients

ONLY and not other conditions where stimulants are used such as, including, but not limited to, narcolepsy, sleep apnea, obesity, and general fatigue;

- c. Dr. Edwards shall limit the daily dosage of stimulants for ADHD Adult patients as set forth on Exhibit 1, CMS – Stimulant Adult Dosing Guideline, attached hereto and made a part hereof;
- d. Dr. Edwards shall limit the daily dosage of stimulants for ADHD Pediatric patients as set forth on Exhibit 2, CMS – Stimulant Pediatric Dosing Guideline, attached hereto and made a part hereto;
- e. For a period of 24 months, Dr. Edwards shall limit the patient daily dosage of controlled substances identified on Exhibit 3, attached hereto and made a part hereof, to the maximum dosage specified on said exhibit;
- f. Dr. Edwards shall have one hundred twenty (120) days from the effective date of this agreement to fully implement the prescribing related terms of this Voluntary Agreement;
- g. Patients, if any, who Dr. Edwards cannot taper to the maximum dosage guidelines set forth herein, shall be referred to a psychiatrist specializing in ADHD, who is Board certified by an American Board of Medical Specialists (ABMS) member board;
- h. Dr. Edwards shall utilize urine drug screens consistent with BME Rule 540-X-4-.09 "Risk and Abuse Mitigation Strategies for Prescribing Physicians"; and MLC Rule 545-X-4-.09 "Minimum Standards for Medical Records";

- i. Dr. Edwards agrees that his prescribing goal is to reduce each patient's reliance on stimulant medication to the lowest possible dose or to eliminate each patient's reliance on stimulant medication while balancing patient safety and legitimate medical needs including treatment of ADHD;
- j. For a period of 24 months, Dr. Edwards agrees to refrain from prescribing any controlled substances for weight-loss, narcolepsy, sleep apnea, and/or general fatigue;
- k. Each patient's medical chart will reasonably show compliance with these protocols and Alabama Board of Medical Examiners Rule 540-X-4-.09(7) and MLC Rule 545-x-4-.09;
- l. Dr. Edwards agrees to pay for and attend a course on both MEDICAL RECORDS and PRESCRIBING CONTROLLED SUBSTANCES selected and approved by the BME. Dr. Edwards will be responsible for providing the BME with a certificate of attendance within ten (10) business days of completing the course;
- m. Dr. Edwards agrees to cooperate with the BME to ensure compliance with this Agreement. As part of his cooperation, Dr. Edwards agrees to supply the BME with a copy of any medical records requested by the BME or a BME investigator within ten (10) business days, provided the total numbers of pages which is requested does not exceed twenty-five (25) pages; and

n. Dr. Edwards agrees to take prompt, medically-appropriate action to amend any deficiency, and to notify the BME of such action, within seven (7) business days of being notified of any deficiency in his compliance by the BME.

7. Dr. Edwards agrees to pay administrative costs associated with this proceeding in the amount of \$11,150.

8. The Parties agree that a violation of this agreement or existing law and BME or MLC Rules by Dr. Edwards may result in the BME revoking Dr. Edwards' probation and his ACSC.

9. Dr. Edwards understands that, after one hundred twenty (120) days from the date of the Consent Order, if his prescribing of controlled substances remains excessive, the BME may revoke his probation, revoke his ACSC, or modify the terms of this agreement as needed to ensure the safety and welfare of the public.

10. Dr. Edwards acknowledges the authority of the Alabama Board of Medical Examiners to exercise jurisdiction in this matter, consents and agrees to the entry by the BME of the Consent Order stated herein. Dr. Edwards waives any further findings of fact and conclusions of law with respect to the above-styled matter and waives any right to appeal the Stipulation and Consent Order. Dr. Edwards waives his right to an administrative hearing before the BME, his right to be represented at such hearing by counsel of his choice and agrees to waive any and all rights to further notice and formal adjudication of charges arising from the facts stated herein. Further, Dr. Edwards waives his right to judicial review of the Consent Order agreed to herein under applicable provisions of *Ala. Code* § 34-24-380 and the Alabama Administrative Procedure Act, *Ala. Code* § 41-22-1, *et. seq.* However, the parties hereto agree and understand that Dr. Edwards does not waive his right to judicial review of

an adverse decision to revoke his probation for failure to comply with the provisions of the Joint Stipulation and Consent agreed to herein.

11. The Parties acknowledge that Dr. Edwards will receive notice and the opportunity for a fair hearing prior to any action by the BME to revoke his probation for his failure to comply with the Stipulation and Consent Order.

12. The BME stipulates and agrees that the terms and conditions of the Consent Order stated herein constitute a reasonable disposition of the matter stated herein, and that such disposition adequately protects the public's health and safety.

Acknowledgements

Respondent's Understanding

I have read and understand the provisions of this Agreement. I have discussed it with my lawyer agree and approve of all the provisions of this Agreement, both individually and as a total binding agreement. I have personally and voluntarily signed this Agreement for the express purpose of entering into this Agreement with the BME.

1/12/2019
DATE

James Henry Edwards MD
JAMES HENRY EDWARDS, M.D.

Counsel's Acknowledgement

I have discussed this case with my client in detail and have advised my client of all my client's rights and possible defenses. My client has conveyed to me that my client understands this Agreement and consents to all its terms. I believe this Agreement and the disposition set forth herein are appropriate under the facts of this case and is in accord with my best.

1/12/2019
DATE

James C. Gray, III
JAMES C. GRAY, III
Counsel for Dr. Edwards

Jan 12, 2019
DATE

Karen M. Ross
KAREN M. ROSS
Counsel for Dr. Edwards

Board's Acknowledgement

I have reviewed this matter and this Agreement and concur that the disposition set forth herein is appropriate and adequately protects the public's health and safety.

1/23/19
DATE

E. Wilson Hunter
E. WILSON HUNTER
General Counsel
Alabama Board of Medical Examiners

IN THE MATTER OF) BEFORE THE ALABAMA BOARD
 : OF MEDICAL EXAMINERS
JAMES HENRY EDWARDS, M.D.)

CONSENT ORDER

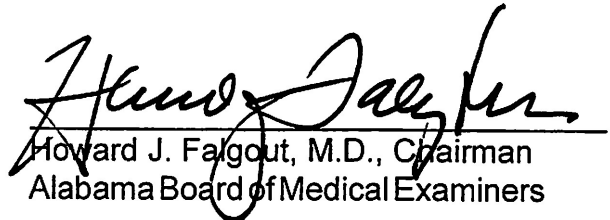
This matter is before the Alabama Board of Medical Examiners pursuant to a signed Stipulation entered into by the BME and JAMES HENRY EDWARDS, M.D., dated Jan 23, 2019. Based upon the Stipulation of the parties, which is incorporated by reference as if fully set forth herein, it is the ORDER of the Alabama Board of Medical Examiners that:

1. Dr. Edwards' Alabama Controlled Substances Certificate, ACSC.13209, is REVOKED;
2. The revocation of Dr. Edwards' ACSC is SUSPENDED;
3. Dr. Edwards is placed on PROBATION for a minimum of twenty-four (24) months, subject to the conditions set forth in the joint stipulation executed by the parties;
4. Dr. Edwards shall have one hundred and twenty (120) days from the date of this Order to reduce the daily controlled substances ADHD treatment regimen of each current patient as set forth in the Joint Stipulation executed by the parties;
5. Dr. Edwards shall be monitored by the BME for compliance with the terms of the joint stipulation executed by the parties;

IT IS FURTHER ORDERED that the conditions and probation placed on Dr. Edwards shall remain in effect for a minimum of twenty-four (24) months unless Dr. Edwards receives

reasonable notice that the BME will seek the revocation of his probation for his failure to comply with the Stipulation and Consent Order. After twenty-four months, Dr. Edwards may, upon a showing of complete compliance with this Order and good cause, petition for the termination of the conditions and probation.

ORDERED this 23rd day of January, 2019.


Howard J. Falgout, M.D., Chairman
Alabama Board of Medical Examiners

ORIGINAL

IN THE MATTER OF :
: BEFORE THE ALABAMA BOARD OF
JAMES HENRY EDWARDS, M.D. : MEDICAL EXAMINERS

ORDER TO SHOW CAUSE

TO: James Henry Edwards, M.D.
229 East 20th Street
Gulf Shores, AL

This Order to Show Cause is directed to James Henry Edwards, M.D., pursuant to the authority of *Ala. Code* §§ 20-2-53 (2002). A hearing will be conducted at 12:30 p.m., CST, on Wednesday, August 15, 2018, at the office of the Alabama State Board of Medical Examiners (the Board), 848 Washington Avenue, Montgomery, Alabama. James Henry Edwards, M.D., is ORDERED to appear before the Board at the time and place stated above and to show cause, if there be any, why his Alabama Controlled Substances Certificate (ACSC) should not be revoked. As grounds for revocation, the Board states the following:

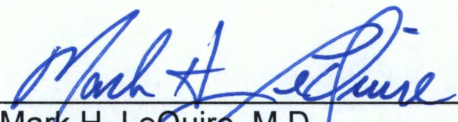
1. On January 1, 2011, the Board issued to James Henry Edwards, M.D., an Alabama Controlled Substances Certificate, number ACSC.30616, which Dr. Edwards renewed November 20, 2017.
2. The board initiated an investigation of Dr. Edwards. During the course of the investigation the Board had twelve (12) patient records reviewed by its expert. The investigation and expert review indicated probable cause to believe that Dr. Edwards has committed the following violations of *Ala. Code* §§ 20-2-54(a)(5):

- a. Dispensing excessive dosages and amounts of stimulant medications (controlled substances) to all twelve (12) patients in the charts reviewed.
 - b. Dispensing controlled substances in amounts not reasonably related to the proper medical management of the patients' illnesses or conditions to eight (8) patients in the charts reviewed.
 - c. Dispensing controlled substances for no legitimate medical purpose to ten (10) patients in the charts reviewed.
3. Pursuant to § 20-2-54, *Code of Alabama 1975*, as amended, and Alabama Board of Medical Examiners Rule 540-X-5-.03, the Board seeks to revoke the Alabama Controlled Substances Certificate of Dr. Edwards, and/or take any other action which the Board deems appropriate based upon the evidence presented for consideration.
4. Dr. Edwards is entitled to be present at the hearing, to call witnesses, to present evidence in his behalf, to examine documents offered into evidence and to examine any witnesses called to testify. Dr. Edwards is entitled to be represented by counsel at his own expense.
5. The hearing shall be considered a contested case under the Alabama Administrative Procedures Act, and the hearing shall be conducted in accordance with *Ala. Code* § 41-22-1, *et seq.*, and Chapter 6 of the Rules and Regulations of the Alabama Board of Medical Examiners.
6. The Honorable William R. Gordon is hereby appointed as Hearing Officer.

The Board is presently continuing the investigation of the Respondent Dr. Edwards and said investigation may result in additional charges being prepared and filed as an amendment to this Order.

The Board requests that administrative costs be assessed against Dr. Edwards pursuant to *Ala. Code* § 34-24-380 and Board Rule 540-X-5-.03.

This Order to Show Cause is entered by direction of the Alabama Board of Medical Examiners this 16th day of May, 2018.



Mark H. LeQuire, M.D.,
Acting Executive Director
Alabama Board of Medical Examiners



James R. Seale, Counsel for the
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RETURN OF SERVICE

I, the undersigned, being over the age of 19 years and not a party in this matter, hereby certify that I have served the foregoing Joint Stipulation and Consent Order upon TR. EDWARDS, this the 5th day of June, 2018.

Robert D. Gelman
Process Server

SWORN TO AND SUBSCRIBED before me this 5th day of June, 2018.

Carla H. Kruger
Notary Public
My Commission Expires: 9/30/19