





This Stipulation is entered into this 14<sup>th</sup> day of June, 1993.

  
\_\_\_\_\_  
Michael John McManus, M.D.


  
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Stephen M. Gudac, Esquire  
Attorney for Michael J. McManus, M.D.

  
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Patricia E. Shaner, Esquire  
Attorney for the Alabama Board of  
Medical Examiners



Recovery Network.

ENTERED this 23<sup>rd</sup> day of June, 1993.

  
Jerry N. Gurley, M.D., Chairman  
Medical Licensure Commission

ALABAMA STATE BOARD OF	)	
MEDICAL EXAMINERS,	)	BEFORE THE MEDICAL LICENSURE
	)	COMMISSION OF ALABAMA
Complainant,	)	
	)	
v.	)	CASE NO. <u>93-006</u>
	)	
MICHAEL JOHN MCMANUS, M.D.	)	
	)	
Respondent.	)	

ORDER TEMPORARILY SUSPENDING LICENSE AND MANDATING  
EVALUATION AND SETTING HEARING

Upon the verified Administrative Complaint of the Alabama State Board of Medical Examiners and pursuant to the authority of §34-24-361(f) and §41-22-19(d), Code of Alabama 1975 it is the ORDER of the Medical Licensure Commission of Alabama that the license to practice medicine, license number 13633, of Michael John McManus, M.D. be, and the same is hereby, temporarily suspended, effective immediately, and Michael John McManus, M.D. is further ORDERED and DIRECTED to surrender said license certificate and any Alabama controlled substances registration certificate and all controlled substances of which he has possession in Alabama to a duly authorized agent of the Medical Licensure Commission. Michael John McManus, M.D. is hereby ORDERED to immediately CEASE and DESIST from the practice of medicine in the State of Alabama until the Administrative Complaint of the Alabama State Board of Medical Examiners shall be heard by the Commission and a decision rendered thereon.

This action is made, consistent with the rules and regulations of the Board of Medical Examiners, the rules and regulations of the

Medical Licensure Commission and §34-24-361(f), Code of Alabama 1975, based upon the request of the Alabama State Board of Medical Examiners, upon the Board's finding that the Board presently has evidence in its possession that the continuation in practice of Michael John McManus, M.D. may constitute an immediate danger to his patients and to the public.

Further it is the ORDER of the Medical Licensure Commission that Michael John McManus, M.D. complete further evaluation and assessment as directed by the Physicians Recovery Network of the Medical Association of the State of Alabama at a treatment program approved by the Physicians Recovery Network. It is the ORDER of the Commission that Dr. McManus shall inform the Commission, in writing, within ten (10) days of service of this Order of the name of the approved treatment program he shall enter and the date and time he shall enter said program for evaluation. Further it is the ORDER of the Commission that the Respondent shall execute a medical or other appropriate release(s) authorizing the Alabama Board of Medical Examiners to obtain information and records concerning the Respondent's care, counseling, and/or treatment.

Further it is the ORDER of the Medical Licensure Commission that the Administrative Complaint of the Alabama State Board of Medical Examiners be, and the same is hereby, set for hearing on the 23rd day of June, 1993 at 1:00 p.m. at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama.


The said, Michael John McManus, M.D., is ORDERED to appear

before the Commission on the aforesaid time and date, there to answer the allegations of the Administrative Complaint of the Alabama State Board of Medical Examiners.

Further, it is the ORDER of the Commission that a copy of the verified Administrative Complaint of the Alabama State Board of Medical Examiners and a copy of this Order shall be served upon the said, Michael John McManus, M.D., by personally delivering the same to him if he can be found within the State of Alabama, or by certified mail, return receipt requested to his last known address, if he can not be found within the State of Alabama. The Commission further directs that the personal service process shall be made by Mr. Ed Munson, Jr., who is designated as the duly authorized agent of the Medical Licensure Commission.

The Honorable Wayne P. Turner, Attorney at Law, is hereby appointed to act as hearing officer under the authority of Rule 545-X-3-.08 of the rules and regulations of the Medical Licensure Commission of Alabama.

ORDERED at Montgomery, Alabama this 28<sup>th</sup> day of April, 1993.

  
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Jerry N. Gurley, M.D., Chairman  
Medical Licensure Commission of  
Alabama

ALABAMA STATE BOARD OF	)	
MEDICAL EXAMINERS,	)	BEFORE THE MEDICAL LICENSURE
	)	COMMISSION OF ALABAMA
Complainant,	)	
	)	CASE NO. <u>93-006</u>
v.	)	
	)	
MICHAEL JOHN MCMANUS, M.D.	)	
	)	
Respondent.	)	

ADMINISTRATIVE COMPLAINT

Comes now the Alabama State Board of Medical Examiners and submits herein its sworn petition, pursuant to the authority of §34-24-361(e), Code of Alabama 1975, and respectfully represents to the Medical Licensure Commission of Alabama as follows:

1. On the 24th day of August, 1987, the Respondent, Michael John McManus, M.D., was duly issued a license to practice medicine in the State of Alabama, license #13633;

2. The Alabama State Board of Medical Examiners has caused an investigation to be made into the medical practice of the Respondent, Michael John McManus, M.D. Based upon information developed during the course of its investigation, the Board has determined that there exists probable cause to believe that the Respondent, Michael John McManus, M.D. has violated the following provisions of §34-24-360, Code of Alabama 1975;

a. Being unable to practice medicine with reasonable skill and safety to patients by reason of illness or as a result of any mental or physical condition, a violation of §34-24-360(19), Code of Alabama 1975.

3. In support of the allegation of the violation of §34-24-360(19), the Board of Medical Examiners specifically alleges that



the Board has received information from the Physicians Recovery Network of the Medical Association of the State of Alabama that, from April 4, 1993 until April 8, 1993, the Respondent entered a treatment program, approved by the Physicians Recovery Network, for a comprehensive assessment. According to the treatment facility, the Respondent has an occupational problem due, possibly, to an organic mental disorder, and further assessment and evaluation, including more specific neuropsychological testing and complete neurological assessment, should be completed before Respondent resumes the practice of medicine. The Physicians Recovery Network has concluded that the Respondent should not practice medicine pending continued evaluation at an approved treatment facility. On information and belief, the Board alleges that the Respondent has not entered or re-entered an approved treatment facility for further assessment and evaluation.

4. The Board of Medical Examiners charges that the Respondent, Michael John McManus, M.D., is currently impaired by reason of illness or as the result of a mental or physical condition and, by virtue of such impairment, is unable to practice medicine with reasonable skill and safety to patients.

5. The Board of Medical Examiners hereby finds and certifies to the Medical Licensure Commission that the Board has in its possession evidence that the Respondent is presently suffering from a mental or physical condition to the extent that his continuation in practice constitutes an immediate danger to his patients and to the public.

Wherefore the foregoing premises considered, the Alabama State Board of Medical Examiners respectfully requests that the Medical Licensure Commission of Alabama, pursuant to its authority under §34-24-361(f), Code of Alabama 1975 and §41-22-19(d), Code of Alabama 1975 immediately suspend the license to practice medicine of Michael John McManus, M.D., without a hearing, and order that Michael John McManus, M.D. immediately cease and desist from the practice of medicine in the State of Alabama and surrender to the Medical Licensure Commission or a designated agent his license to practice medicine, his Alabama controlled substances registration certificate, and any inventory of controlled substances which may be in the possession of the Respondent.

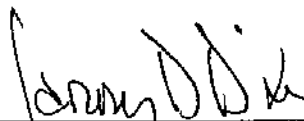
Further, the Board of Medical Examiners requests that the Medical Licensure Commission of Alabama enter an Order directing that the Respondent, Michael John McManus, M.D., complete further evaluation and assessment at a treatment program approved by the Physicians Recovery Network of the Medical Association of the State of Alabama.

The Board further requests that the Medical Licensure Commission set a hearing upon this Administrative Complaint, that the Commission order the Respondent, Michael John McManus, M.D., to appear and answer the allegations of this Administrative Complaint, and, at the conclusion of the hearing, that the Medical Licensure Commission suspend or revoke the license to practice medicine of the Respondent, impose an Administrative fine as authorized by §34-24-381, Code of Alabama 1975, and/or take such

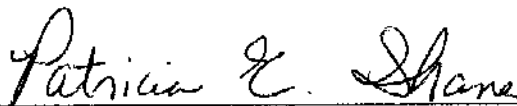
other actions as the Commission may deem appropriate based upon the evidence presented for consideration.

This Administrative Complaint is executed for and on behalf of the Alabama State Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board as contained in its resolution of April 15, 1993, a copy of which is attached hereto and incorporated herein.

EXECUTED this 27<sup>th</sup> day of April, 1993.



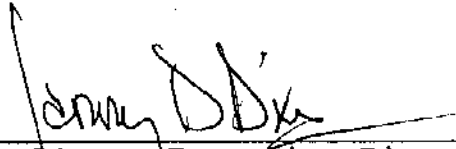
Larry D. Dixon, Executive Director  
Alabama Board of Medical Examiners



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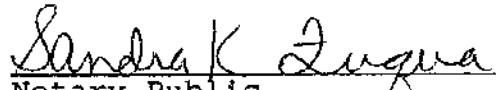
STATE OF ALABAMA            )  
  )  
MONTGOMERY COUNTY         )

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama State Board of Medical Examiners, has examined the contents of the foregoing Administrative Complaint and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.



\_\_\_\_\_  
Larry D. Dixon, Executive Director  
Alabama State Board of Medical  
Examiners

SWORN TO AND SUBSCRIBED before me this 27<sup>th</sup> day of April, 1993.

  
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Notary Public  
My Commission Expires: 10/9/95

STATE OF ALABAMA )  
 )  
MONTGOMERY COUNTY )

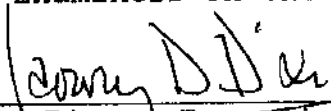
A F F I D A V I T

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

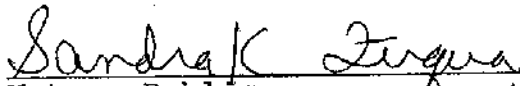
The Alabama State Board of Medical Examiners session on April 15, 1993, a quorum of the members of the Board being present, conducted an investigation into the medical practice of Michael John McManus, M.D., and at the conclusion of the discussion, the Board adopted the following resolution:

Michael J. McManus, M.D., Mobile. The Board received a report from the PRN concerning Dr. McManus' recent evaluation at a PRN approved treatment facility which concluded that Dr. McManus should not practice medicine pending further inpatient evaluation and assessment, including further neuropsychological evaluation and complete neurological evaluation, because of a possible organic mental disorder. The Credentials Committee recommended an Administrative Complaint for summary suspension be filed with the Medical Licensure Commission on the grounds that Dr. McManus is presently unable to practice medicine with reasonable skill and safety to patients by reason of illness or as a result of a mental or physical condition.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 15th day of April, 1993.

  
Larry D. Dixon, Executive Director  
Alabama State Board of Medical  
Examiners

SWORN TO AND SUBSCRIBED before me this 27<sup>th</sup> day of April, 1993.

  
Sandra K Terqua  
Notary Public  
My Commission Expires: 10/9/95