

BEFORE THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN RE: NATHAN L. CENTERS, M.D.)
)
LICENSE NO.: C1-0005952) **FINAL BOARD ORDER**

ORDER

WHEREAS, the duly appointed hearing officer has filed the attached written report in which the officer finds that none of the State alleged *AMA Code of Medical Ethics* violations have been proven to conflict with the Board’s standards for ethical conduct by a preponderance of the evidence submitted;

WHEREAS, the duly appointed hearing officer has filed the attached written report in which the officer finds that a preponderance of the evidence submitted indicates that Nathan L. Centers, M.D., failed to comply with Board rules and regulations when he did not keep properly documentation in his practice of medicine.

WHEREAS, the duly appointed hearing officer recommends that the Board not discipline Dr. Centers’ license for engaging in misconduct in form of unethical practice through non-compliance with the *AMA Code of Ethics*;

WHEREAS, the duly appointed hearing officer recommends that the Board discipline Dr. Centers’ license for engaging in a pattern of negligence in his practice of medicine through his lack of keeping proper documentation;

WHEREAS, pursuant to *29 Del. C. § 8735(v)(1)d*, the hearing officer has found that Dr. Centers’ failure to comply with minimal charting standards and properly document his practice of medicine constitutes a violation of *24 Del. C. § 1731 (b)(11)* and Board Regulation 8.1.13;

WHEREAS, as a result of this conclusion of law, the hearing officer has recommended that the Board place Dr. Centers’ license be placed on probation for 6 months; that Dr. Centers

petition, at the end of the 6 months, to end the probationary period and provide proof of completion of 6 continuing education credits in the area of medical documentation and record-keeping, 3 continuing education hours in the area of identification and standard of care treatment of Attention Deficit Hyperactivity Disorder in adult patients, and payment of a monetary penalty in the amount of \$1,000; that the completed continuing education not count towards the required continuing education for his renewal period; that Dr. Centers' license be suspended after the probationary period should the requirements of probation not be met; and that the order constitute a disciplinary action reportable to the practitioner database;

WHEREAS, Dr. Centers was notified of the recommendation of the hearing officer pursuant to 29 *Del. C.* § 8735(v)(1)(d). Counsel for Dr. Centers submitted Exceptions to the recommendation to the Board for consideration by letter dated May 24, 2016 wherein Dr. Centers' counsel argued that his record keeping exceeded the standard of care and that substantial evidence did not support the findings of fact of the hearing officer and that the recommended discipline is excessive;

WHEREAS, the Board is charged with ensuring that medical practice in the State of Delaware is conducted professionally and competently. 24 *Del. C.* § 1710. To ensure the carrying out of this duty, the Board is vested with the power to promulgate rules and regulations designed to carry out its duties as provided by the General Assembly. 24 *Del. C.* § 1713(a)(12). The failure to comply with the Board's rules is a failure to maintain the minimal assurance of competency and professionalism promulgated by this Board to assure the people of Delaware that a physician possessing a Delaware license will practice in a safe, competent manner. Therefore, the Board finds that it cannot allow any physician to continue to practice, without consequence, in violation of its rules and regulations, as the Board cannot assure the citizenry

that the practice will be safe and competent;

WHEREAS, the Board is bound by the findings of fact made by the hearing officer; however, it may affirm or modify the hearing officer's recommended conclusions of law and penalty. *29 Del. C. § 8735(v)(1)d*. Here, the Board finds that the findings of fact issued by the hearing officer justify a conclusion of law that Dr. Centers' record keeping practices, as found by the hearing officer, constitutes a violation of *24 Del. C. § 1731 (b)(11)* and Board Regulation 8.1.13. Moreover, the Board finds that the hearing officer's recommended discipline must be modified in order to properly protect the public.

THEREFORE, the modified hearing officer report and recommendation is entered as an Order of this Board, and the following discipline imposed:

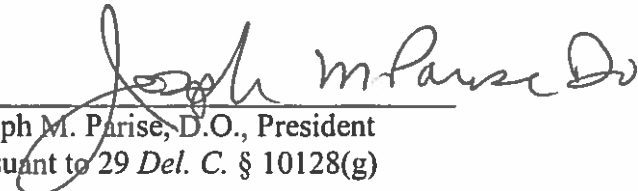
1. Dr. Centers' medical license shall be placed on probation for 6 months starting with the date of this Order, during which time he shall not practice medicine independently; and
2. At the close of said period, Dr. Centers shall petition the Board to end said probationary period providing documentation to the Board proving his completion of:
 - a. 6 continuing medical education hours in the subject area of medical documentation and record-keeping, 3 continuing medical education hours in the subject area of identification and standard of care treatment of Attention Deficit Hyperactivity Disorder in adult patients, 3 continuing medical education hours in ethics, and 3 continuing medical education hours in safe prescribing controlled substances; and
 - b. Payment of a monetary fine in the amount of \$1,000 by submitting a draft

amount to the Board's Executive Secretary payable to the "State of Delaware;" and

- c. A report of an independent audit agency at Dr. Centers' expense to insure adequate record keeping; and
3. The continuing medical education hours will not be counted towards his renewal period but will be in addition to any continuing education requirements Dr. Centers is already required to meet by law and according to the Board's regulations; and
4. Failure to comply with the ordered probation requirements will lead to suspension of Dr. Centers' license without further notice or hearing which shall stay in effect until satisfaction of the Board's Order; and
5. This Order is a public disciplinary action reportable to the public practitioner database.

IT IS SO ORDERED this 19th day of July, 2016.

DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE



Joseph M. Parise, D.O., President
Pursuant to 29 Del. C. § 10128(g)

Date Mailed: 7/20/16

APPEAL RIGHTS

29 Del. C. § 10142 provides:

- (a) Any party against whom a case decision has been decided may appeal such decision to the Court.
- (b) The appeal shall be filed within 30 days of the day the notice of the decision was mailed.
- (c) The appeal shall be on the record without a trial de novo. If the Court determines that the record is insufficient for its review, it shall remand the case to the agency for further proceedings on the record.
- (d) The court, when factual determinations are at issue, shall take due account of the experience and specialized competence of the agency and of the purposes of the basic law under which the agency has acted. The Court's review, in the absence of actual fraud, shall be limited to a determination of whether the agency's decision was supported by substantial evidence on the record before the agency.

Date Mailed: 7/20/16

cc: Nathan L. Centers, M.D.
Roger Akin, Hearing Officer