

BEFORE THE DELAWARE BOARD OF MEDICAL PRACTICE

IN RE: ALEXANDER DEVER)

Case No.: 10-102-06

LICENSE NUMBER: C1-0003123)

ORDER

WHEREAS, the Board of Medical Practice has reviewed this matter and hereby approves the Agreement of the parties, and enters it now as an Order of the Board.

IT IS SO ORDERED this 3rd day of June, 2008.

Seth

Pharm Jones

Vincent

Chub

Manneen Chaudhary

Quintus

George E. Bran

Oliver Sanchez

John Cooper

Roy A. Blackwell MD

Wane & Paul

BEFORE THE DELAWARE BOARD OF MEDICAL PRACTICE

IN RE: ALEXANDER DEVER)
) **Case No.: 10-102-06**
LICENSE NUMBER: C1-0003123)

CONSENT AGREEMENT

The State of Delaware (hereinafter referred to as “State”) and Alexander I. Dever, 3rd, M.D. (hereinafter referred to as “Dr. Dever”) submit this Consent Agreement for approval by the Board of Medical Practice (hereinafter referred to as “Board”) as a means of resolving the pending administrative prosecution against Dr. Dever, an action that was brought pursuant to 24 *Del.C.* Ch. 17 and the Rules and Regulations of the Board. In order to avoid a formal disciplinary hearing before the Board, Dr. Dever, the State by the undersigned Deputy Attorney General, and the Board hereby enter into this Consent Agreement without the necessity of a formal disciplinary hearing and administrative prosecution before the Board pursuant to 24 *Del.C.* Ch. 17 and 29 *Del.C.* Ch. 101. The parties submit the following for the Board’s consideration:

RESPONDENT’S VIOLATIONS OF LAW

1. Dr. Dever is licensed by the Board to practice medicine in the State of Delaware, license number C1-0003123, and is the subject of the above referenced disciplinary Complaint.
2. Dr. Dever hereby admits the truth of the following facts:
 - (a) On or about August 22, 2006, Dr. Dever wrote a prescription for a co-worker secretary for Vicodin. The secretary gave Dr. Dever two Vicodin tablets at his request.
 - (b) As a result of the August incident, Dr. Dever was arrested and later indicted on the charge of obtaining possession of a controlled substance in violation of 16 *Del.C.* §4756, a class F felony.

(c) On July 16, 2007, Dr. Dever entered the drug diversion program which he has successfully completed.

(d) As Dr. Dever successfully completed the drug diversion program, the charge was dismissed without adjudication.

(e) Dr. Dever admits for purposes of this action only that his conduct as noted above was unprofessional and violated the provisions of 24 *Del.C.* §1731(b) (1), (3) and (6).

(f) Pursuant to 24 *Del.C.* §1731, the Board of Medical Practice may impose sanctions or take action upon a finding that a licensee is guilty of unprofessional conduct.

DISCIPLINARY SANCTIONS, TERMS AND CONDITIONS

The State of Delaware and Respondent agree to the imposition of disciplinary sanctions by the Board and to be bound by the terms and conditions as follows:

1. Dr. Dever, the State and the Board agree that as an appropriate disciplinary sanction for his conduct, Dr. Dever's license to practice medicine shall be placed on probation for a period of two years beginning on the date the Board approves this Consent Agreement and enters it as an Order of the Board.

2. Dr. Dever shall provide the Executive Director with a written self-evaluation status report every six months during the period of probation. The contents of the report must meet with the approval of the Executive Director of the Board of Medical Practice ("Executive Director") in her sole discretion.

3. Dr. Dever shall provide written documentation to the Executive Director as to his current employer, employment address and employment phone number within thirty (30) days of the date the Board approves this Consent Agreement and enters it as an Order of the Board. If

any of his employment information changes during the period of probation, the change shall be reported to the Executive Director within ten (10) days of the change.

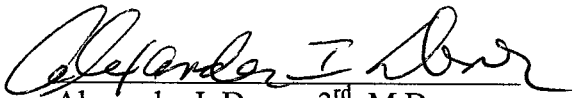
4. As Dr. Dever has already successfully completed the drug diversion program, no additional drug program is necessary.

5. Dr. Dever acknowledges that he is waiving his right under 24 *Del.C.* Ch. 17 and 29 *Del.C.* Ch. 101 to a disciplinary hearing before the Board prior to the imposition of disciplinary sanctions.

6. Dr. Dever hereby acknowledges and agrees that he has carefully read and understands this Consent Agreement and that he is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

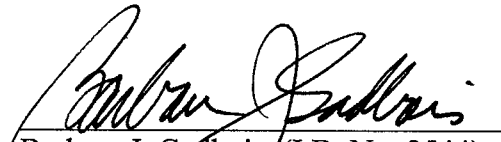
7. Dr. Dever further agrees and acknowledges that in the event the Board determines not to accept this Consent Agreement, neither he nor anyone on his behalf will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint on the basis of the Board's prior consideration of this proposed Consent Agreement.

8. This Consent Agreement shall be effective after execution by Dr. Dever, the Executive Director, and the Deputy Attorney General for the State and upon approval by the Board.



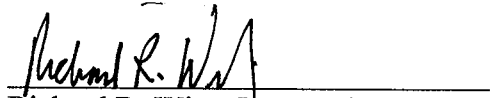
Alexander I. Dever, 3rd, M.D.
Respondent

Dated: 4/29/08



Barbara J. Gadbois (I.D. No. 2544)
Deputy Attorney General
State of Delaware

Dated: 5-5-08



Richard R. Wier, Jr., Esquire
Attorney for Dr. Dever

Dated: 4/29/08



Gayle L. MacAfee, M.S.
Executive Director
Delaware Board of Medical Practice

Dated: 5-07-08