

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

**LONNIE T. SCARBOROUGH, MD,
License No. 22469,
Respondent.**

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GEORGIA COMPOSITE
MEDICAL BOARD

FEB 10 2016

DOCKET NUMBER:
10100032

PUBLIC BOARD ORDER TERMINATING PROBATION

WHEREAS, the Georgia Composite Medical Board (“Board”) entered a Public Consent Order in the above-styled matter on or about February 3, 2011, Docket No. 10100032, which placed Respondent’s license to practice medicine in the State of Georgia on a period of probation subject to terms and conditions;

WHEREAS, on or about January 5, 2015, Respondent petitioned the Board to terminate probation and in support submitted letters of professional advocacy;

WHEREAS, the Board has determined that the Respondent has complied with the terms and conditions of probation.

NOW, THEREFORE, the Board hereby terminates the probation of Respondent’s license. Respondent’s license is returned to unrestricted status and is in good standing.

SO ORDERED, this 10th day of February, 2016.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)

BY:



ALICE HOUSE, M.D.
Chairperson

ATTEST.


ROBERT JEFFERS
Interim Executive Director

**GEORGIA COMPOSITE
MEDICAL BOARD**

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License No. 22469,**

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PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Board") and, Lonnie T. Scarborough, M.D. ("Respondent"), the following disposition of this matter is entered into pursuant to the provisions of O.C.G.A. §43-34-8, and §43-1-19.

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 matters asserted herein.

2.

On or about December 22, 2009, in the Superior Court of Chatham County, Respondent was charged with ten (10) counts of Obtaining a Controlled Substance by Fraud, ten (10) counts of Unlawful Distribution of a Controlled Substance, and one (1) count of Possession of a Controlled Substance. All twenty-one (21) charges involved the controlled substance Ritalin. On or about December 30, 2009, Respondent voluntarily reported to the Board that he had been over-prescribing Ritalin for his own use, and sought evaluation and treatment.

3.

On or about January 12, 2010, Respondent was required by the Board to obtain an examination at a Board approved facility. Respondent obtained an examination which resulted in a recommendation for residential chemical dependency treatment in a Board approved program with probation to be entered into post discharge. Respondent entered treatment on February 3, 2010, and a Private Consent Order was docketed on March 4, 2010, Docket No. 10100032, suspending Respondent's license pending treatment. Respondent successfully completed the program on April 15, 2010 and has been participating in continuing care to date.

4.

On or about October 14, 2010, Respondent entered into a negotiated guilty plea in the Superior Court of Chatham County, Criminal Action No. CR101515MO, to the charges involving Ritalin referenced in Paragraph 2 above, in violation of O.C.G.A. T. 16, Ch. 13. Respondent was sentenced to confinement of 4 years on each count concurrent, to be served on probation with terms and conditions, and was granted First Offender Treatment.

5.

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

CONCLUSIONS OF LAW

Respondent's conduct constitutes sufficient grounds for the Board to exercise its disciplinary authority and to impose sanctions on Respondent's license to practice medicine

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. O.C.G.A. § 16-13-111(a) requires a licensed individual convicted under the laws of this State, the United States, or any other states of any criminal offense involving the manufacture, distribution, trafficking, sale, or possession of a controlled substance to notify the appropriate licensing authority of the conviction. O.C.G.A. § 16-13-111(b) (1) requires the licensing authority, upon the first conviction, to suspend the license to conduct a licensed occupation of such individual for a period of not less than three (3) months. Respondent waives any further conclusions of law with respect to this matter.

ORDER

The Board, having considered the particular facts and circumstances of this case, hereby orders, and the Respondent hereby agrees, as follows:

1.

O.C.G.A. § 16-13-111(b) (1) provides that Respondent's license to practice medicine in the State of Georgia shall be suspended for a period of not less than three (3) months. Respondent's license has been suspended since March 4, 2010 and remains suspended.

2.

Beginning on the effective date of this Consent Order, the suspension of Respondent's license shall be lifted and his license shall be placed on probation until terminated by a written order of the Board, subject to the following terms and conditions:

(a) Treatment/Continuing Care. Respondent shall abide by all terms of his continuing care agreement dated September 15, 2010. Respondent shall notify the Board in writing of any

changes to his continuing care agreement.

(b) Participation in Support Group. Respondent shall continue to regularly participate in meetings of Alcoholics Anonymous, Narcotics Anonymous, Caduceus Club or similar support group acceptable to the Board in accordance with his aftercare contract or as otherwise required by the Board.

(c) Supervision and Monitoring. Respondent shall designate an acceptable workplace supervising ("supervising") physician who will supervise his work and an acceptable treating ("monitoring") physician with whom he will continue therapeutic care and who will monitor any medications prescribed to Respondent. Respondent shall provide a copy of this Order to both the supervising and the monitoring physicians. Respondent shall submit or cause to be submitted a statement from each physician to be submitted within ten (10) days of the effective date of this Order (or within ten (10) days of securing employment) as evidence of having read and understood the same and having agreed to serve as Respondent's supervising and monitoring physicians. Respondent shall obtain prior written Board approval through the Executive Director for any change in supervising and monitoring physicians.

(e) Abstain from Mood Altering Substances. Respondent shall completely abstain from the consumption of mood altering substances, except as prescribed by a duly licensed practitioner for a legitimate medical purpose. If such treatment entails the use of narcotics or other potentially addictive substances, Respondent shall have his treating physician obtain a consultation with the Board approved monitoring physician, who shall notify the Executive Director within ten (10) calendar days of the event.

(f) Quarterly Reports. Respondent shall submit or cause to be submitted quarterly

reports from his supervising and monitoring physicians regarding his mental/physical condition by March 31, June 30, September 30 and December 31 of each calendar year, including a report on any medication being prescribed to Respondent. Failure to submit or have such reports submitted in a timely manner shall be considered a violation of the Consent Order. It is expected that the supervising and monitoring physicians will be in regular contact with each other and will immediately report any change in Respondent's condition which would render Respondent unable to practice medicine with reasonable skill and safety. By executing the Consent Order, Respondent specifically consents for such supervising or monitoring physician or any other facility where Respondent obtains medical treatment to report on Respondent's condition, notwithstanding any privilege provided by state or federal law.

(g) Random Urine Drug/Alcohol Screens and other Screens. The Board or its representative or Respondent's monitoring physician shall have the authority at any time to order Respondent to undergo random witnessed and immediate drug/alcohol urine, biological fluid or hair or blood screen analysis at Respondent's expense. Respondent agrees that all alcohol/drug screens provided pursuant to this paragraph shall be sent directly to the Board. Respondent further agrees that all alcohol/drug screens submitted to the Board pursuant to this paragraph shall be admissible in any administrative hearing concerning the Respondent without the necessity of establishing chain of custody or other testimony to authenticate the test results. Refusal to undergo a properly requested drug/alcohol, biological fluid or hair or blood screen analysis shall be considered a violation of this Consent Order and shall be grounds for revocation of Respondent's license to practice medicine in the State of Georgia

(h) Work Hours. Upon Respondent's return to the practice of medicine, Respondent

shall be limited to forty (40) hours of work per calendar week, including call hours. After working under this restriction for a minimum of three (3) months, Respondent's work hours may be increased at the discretion of the monitoring physician and with written notification to the Board.

(i) DEA Utilization. There shall be no restrictions on the legitimate prescribing, administering, ordering or dispensing of controlled substances in the usual course of Respondent's practice. However, until further order of the Board, Respondent shall adhere to the following protocol in regard to the use of his DEA permit:

(1) For all controlled substances as defined by the Federal or Georgia Controlled Substances Act prescribed by Respondent during the probation period, Respondent shall utilize the system outlined in paragraph (A) below if Respondent writes prescriptions or paragraph (B) below if Respondent utilizes an electronic prescription system:

(A) Triplicate Prescriptions. Respondent shall utilize a triplicate prescription system such that each prescription for such a controlled substance written by Respondent shall be sequentially numbered and copies distributed as follows: original to patient, one copy to the Board, and one copy to the patient's chart. Respondent shall not begin renumbering when he reaches 1000, but shall continue to number sequentially. The copies for the Board shall be mailed or delivered to the Board by Respondent once per quarter. A copy of Respondent's dispensing records shall be provided to the Board upon request for all controlled substances dispensed by him or on his order; or

(B) Electronic Prescriptions. If Respondent is employed by a medical practice that utilizes an electronic medical records system and no prescriptions are written outside of the

electronic system, on a quarterly basis Respondent shall submit or cause to be submitted to the Board a certified, printed copy of all prescriptions for controlled substances prescribed by Respondent. If Respondent dispenses any controlled substances, a copy of Respondent's dispensing records shall be provided to the Board upon request for all controlled substances dispensed by him or on his order. If Respondent changes his employment and begins working at a location where there is no electronic prescription system, Respondent shall notify the Board in writing and shall utilize a Board approved triplicate prescription system as set forth in paragraph (a) above.

(2) Prescription Log. During the probationary period, Respondent shall personally maintain for inspection a contemporaneous log (separate from his clinical records or the clinical records of other health care providers) of all controlled substances prescribed, administered, dispensed, or ordered by Respondent. The log shall include the date, patient name, drug, strength, quantity, and refill status, on a form approved by the Board. The log shall also include the diagnosis and the reasons for prescribing, administering, dispensing, or ordering each drug. The Board shall be authorized to inspect Respondent's prescription log. If Respondent's prescription log fails to comply with the requirements of this Consent Order, the Board is authorized to summarily suspend Respondent's license, pending a hearing.

(3) Record Keeping. Prior to prescribing, administering, ordering or dispensing any controlled substances, Respondent shall detail fully the history obtained, examination performed and diagnosis reached in the particular patient's file. Respondent shall specifically record all physical data of the patient and shall detail the exact nature of Respondent's evaluation of the patient. In addition to this requirement, Respondent agrees to comply with all record keeping

requirements of the Board.

(j) Further Evaluation. At any time during the period of monitoring, the Board shall also have the authority to order Respondent to undergo a physical or mental evaluation by physicians designated by the Board. Respondent shall execute such releases as may be required for the Board to obtain the results of such evaluations.

(k) Use of Physician Assistant or Nurse Practitioner. Respondent shall not utilize PAs or NPs to perform tasks which are otherwise prohibited by the terms of this Consent Order, or otherwise utilize the services of the PA or NP in such a way as to circumvent any restriction, term or condition outlined herein.

(l) Periods of Residency Outside Georgia or Periods When Not Actively Practicing Medicine. In the event Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of Georgia as well as periods when Respondent is not actively engaged in practicing as a physician will not apply to the reduction of Respondent's probation period, except as authorized by the Board.

(m) Employment/ Residency. Respondent shall notify the Board of any change in his address of record or employment status within ten (10) days of making the change.

(n) Abide By Laws, Rules and Terms. Respondent shall abide by all State and Federal laws regulating his practice of medicine or relating to drugs, the Rules and Regulations of the Georgia Composite Medical Board and the terms of the Consent Order and probation. If Respondent shall fail to abide by such laws, rules or terms, or if it should appear from probation or other reports submitted to the Board that Respondent is otherwise unable to practice with

reasonable skill and safety to patients, or should Respondent violate the criminal laws of the state, including any term of probation, Respondent's license shall be subject to further discipline, including revocation, upon substantiation thereof after notice and hearing, and if revoked, the Board in its discretion may determine that the license should be permanently revoked and not subject to reinstatement. **Respondent further agrees that any violation of the Consent Order shall be deemed to be sufficient to authorize the Board to order summary suspension of Respondent's license, pending further proceedings, pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), or any other statute authorizing emergency action, but Respondent understands that Respondent shall be entitled to an expedited hearing to substantiate such violation(s), if the Board exercises such right.**

(o) Disclosure. In addition to other disclosures required by the Consent Order, Respondent shall supply a copy of the Consent Order, once approved and docketed, and within ten (10) days from receipt of the docketed copy by Respondent, to each hospital or other institution in Georgia where Respondent is employed or maintains staff privileges of any kind, and to any person with whom Respondent is associated in practice, including other physicians, physician assistants or to any person or entity for whom Respondent is employed as a physician in the State of Georgia. Respondent shall also be required to disclose the existence of and provide a copy of the Consent Order to such individuals or entities in connection with any future application for institutional appointment, associated practice, utilization of a physician assistant, or employment as a physician in the State of Georgia while the Consent Order is in effect. By executing the Consent Order, Respondent specifically consents to any such individuals or entities

reporting to the Board information which would affect Respondent's ability to practice medicine with reasonable skill and safety to patients, notwithstanding any privilege provided by state or federal law. Respondent shall document compliance with the disclosure requirement in this paragraph by utilizing the form attached hereto as Attachment A, or a substantially similar form.

(p) Termination of Probation. Respondent shall not be eligible to petition for termination of probation until five (5) years from the effective date of this order. At such time, Respondent may petition for termination by certifying under oath before a notary public that he has complied with all conditions of probation and by providing documentation supporting discharge from probation, including, but not limited to, a written statement from Respondent's supervising and monitoring physicians that said physicians agree with terminating the probation period. The Georgia Composite Medical Board shall review and evaluate the practice of Respondent prior to terminating probation. At such time, the Board shall be authorized, but is not required, to terminate the probation period. If the Board denies the Respondent's petition, Respondent may petition for termination of probation on an annual basis thereafter. In any event, the Consent Order shall remain in effect pending a final determination by the Board and notification that the probation period has terminated.

3.

This Consent Order shall constitute a **public order** of the Board and may be disseminated as a public disciplinary action.

4.

Respondent understands that pursuant to O.C.G.A. Title 43, Chapter 34A, the contents of this Public Consent Order shall be placed on his Physician's Profile. Furthermore, by

executing this Public Consent Order, the Respondent hereby agrees to permit the Board to update the Physician's Profile reflecting this Public Consent Order.

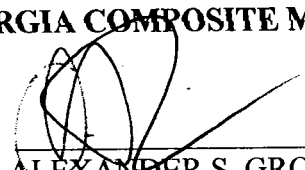
5.

Respondent acknowledges that he is represented by counsel and that he has read this Consent Order and understands its contents. Respondent understands that he has the right to a hearing before the Board in this matter, and Respondent freely, knowingly and voluntarily waives such right by entering into this Consent Order. Respondent understands that this Consent Order will not become effective until approved by the Georgia Composite Medical Board and docketed by the Executive Director of the Board. Respondent further understands and agrees that a representative of the State Department of Law may be present during the presentation of this Consent Order and 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, shall constitute a public record that may be disseminated as a board disciplinary action. If this Consent Order 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. Respondent consents to the terms and sanctions contained herein.

Approved, this 3rd day of February, 2011.

GEORGIA COMPOSITE MEDICAL BOARD

BY:



ALEXANDER S. GROSS, MD
Chairperson

(BOARD SEAL)

ATTEST:

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LASHARN HUGHES
Executive Director