

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

CLAUDE LUKE, MD  
License No. 022247  
Respondent

Docket # 2007-0006

GEORGIA COMPOSITE  
MEDICAL BOARD

OCT 07 2011

DOCKET NUMBER  
20070006

PUBLIC ORDER TERMINATING PROBATION

WHEREAS, the Georgia Composite Medical Board entered a Public Consent Order ("Order") in the above-styled matter on July 14, 2006, which placed on probation Respondent's license to practice medicine in the State of Georgia, and

WHEREAS, Respondent has petitioned to have the probation terminated, and

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the probation of Respondent's license to practice medicine in the State of Georgia be **TERMINATED**.

SO ORDERED THIS 7th DAY OF OCTOBER 2011

GEORGIA COMPOSITE MEDICAL BOARD

BY: 

Charles L. White, DO  
Board Chairperson

ATTEST: 

LASHARN HUGHES  
Executive Director

(BOARD SEAL)

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS  
Composite State Board  
of Medical Examiners

STATE OF GEORGIA

JUL 14 2006

IN THE MATTER OF:

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DOCKET NUMBER

\* DOCKET NO.

2007 0006

CLAUDE LUKE, M.D.,  
License No. 022247

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Respondent.

**PUBLIC CONSENT ORDER**

By agreement of the Composite State Board of Medical Examiners ("Board") and Claude Luke, M.D. ("Respondent"), the following disposition of this matter is entered pursuant to the provisions of O.C.G.A. § 50-13-13(a)(4).

**FINDINGS OF FACT**

1.

Respondent is licensed to practice medicine in the State of Georgia and was licensed at all times relevant to the matters stated herein. The Respondent is also licensed to practice medicine in the State of South Carolina and was so licensed at all times relevant to the matters stated herein.

2.

On or about August 25, 2005, the South Carolina State Board of Medical Examiners ("South Carolina Board") entered an Order ("South Carolina Order") against the license of Respondent. The South Carolina Order was based on Respondent's addiction to alcohol or drugs and use of fraudulent statements in 2003 in order to wrongfully obtain controlled substances. Respondent was subsequently referred to Bradford Health Services for treatment

of chemical dependency and completed treatment at Bradford on or about February 23, 2004. The South Carolina Board publicly reprimanded Respondent, ordered him to pay a fine of \$1,000.00 and ordered him to indefinitely comply with certain terms and conditions.

3.

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 prior conduct and/or condition constitute sufficient grounds for the imposition of sanctions upon Respondent's license to practice medicine in the State of Georgia under O.C.G.A. Chs. 1 and 34, T. 43, as amended. Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

### **ORDER**

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of this case, hereby orders, and Respondent hereby agrees, to the following terms:

Beginning on the effective date of this Public Consent Order, Respondent's license to practice medicine in the State of Georgia shall be placed on probation, until discharged by the Board with the following terms and conditions.

(a) Treatment/Aftercare. Within fifteen (15) days of the effective date of this Consent Order, Respondent shall provide the Board with a copy of his continuing aftercare contract with the South Carolina Recovering Professional Program (RPP) and execute a release so that the Board may obtain the results and records relating to Respondent's aftercare. Respondent shall abide by all terms of his continuing aftercare contract. Failure of Respondent

to comply with any of these requirements shall subject Respondent's license to revocation, upon substantiation thereof after notice and hearing.

(b) Work Restrictions. During the probationary period, Respondent may not practice medicine for more than forty (40) hours per calendar week for a period of at least one (1) year from the effective date of this order. After the expiration of this one-year period, Respondent may increase the average number of work hours, provided such increase is in accordance with the recommendations of Respondent's monitoring and supervising physicians and the Board has received written documentation from Respondent's monitoring and supervising physicians supporting such increase in work hours. Any such increase in work hours shall not become effective until the Board has provided Respondent written documentation acknowledging receipt of documentation from his monitoring and supervising physicians supporting the lifting of this restriction.

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

(d) Abstain from Mood Altering Substances. Respondent shall continue to completely abstain from the consumption of alcohol. Respondent shall also continue to 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 prescribing physician obtain a consultation with his Board approved monitoring physician, who shall notify the Medical Director within ten (10) days of the event.**

(e) Supervision and Monitoring. Respondent shall designate an acceptable supervising (“workplace”) physician, who will supervise his work when practicing medicine in the State of Georgia, and an acceptable treating (“monitoring”) physician with whom he will continue therapeutic care and who will monitor any medications he is prescribed. Respondent shall provide a copy of this Consent Order to both physicians. Such physicians shall sign a statement in substantially the same form as attached hereto as “Attachment A” to be submitted in conjunction with this Consent Order, as evidence of having read and understood same and having agreed to serve as Respondent’s supervising and monitoring physicians. Respondent shall obtain prior written Board approval through the Medical Director for any change in supervising and monitoring physicians.

(f) Quarterly Reports. Respondent shall submit or cause to be submitted quarterly reports from his supervising and monitoring physicians regarding his performance and 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 this Consent Order. It is expected that said supervising and monitoring physicians shall be in communication with each other and will immediately report any change in Respondent’s condition, which would render Respondent unable to practice with reasonable skill and safety to patients. By executing this Consent Order, Respondent specifically consents to such supervising and monitoring physicians or any other facility where Respondent obtains medical treatment reporting upon Respondent’s condition, notwithstanding any privilege provided by state or federal law. Respondent shall obtain prior Board approval through the Medical Director or Executive Director for any change in the supervisor or monitoring physician.

(g) Random Drug/Alcohol Screens. The Board or its representative or Respondent's supervising or monitoring physicians shall have the authority at any time to order Respondent to undergo random witnessed and immediate drug/alcohol urine, biological fluid or blood screen analysis at Respondent's expense. Proper chain of custody shall be maintained and positive results shall be confirmed by such means as may be required to ensure the validity of such screening.

(h) Relapse. In the event Respondent suffers a relapse on any mood-altering substance, including, but not limited to, any controlled substance, dangerous drug and/or alcohol, during the probationary period, Respondent will be required to take and pass a clinical skills exam acceptable to the Board prior to appearing before the Impairment Committee to request and obtain permission to return to the practice of medicine.

(i) Conference with Board Representative. After acceptance by the Board and docketing, a copy of the docketed Public Consent Order shall be mailed to the Respondent. Within 10 days of the Respondent's receipt of such docketed copy of the Public Consent Order, the Respondent shall contact the Compliance Manager of the Board to review and discuss the terms of this Public Consent Order. The Respondent shall be responsible for contacting the Compliance Manager for such review and failure to comply with such requirement shall be deemed a violation of this Public Consent Order.

(j) Inspections. During the probationary period, the Medical Director or another Board representative may periodically review, inspect and copy Respondent's records and prescription log. The representative is authorized to review and inspect these records at any reasonable time and as often as the representative deems necessary. The Respondent shall have the right to be present during such inspection of records and the patients' privacy and

confidentiality rights shall be maintained. The Respondent shall be available, upon reasonable notice, for personal interviews with the Medical Director or other representative of the Board. Failure of the Respondent to be reasonably available for inspection of his records or for personal interviews with a Board representative shall be considered a violation of this Consent Order.

(k) Further Evaluation. At any time during the period of probation, 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.

(l) Periods of Residency Outside Georgia. 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 probationary period, except as authorized by the Board. **Respondent shall advise the Board of any change in address of record or employment status.**

(m) Abide By Laws, Rules and Terms. Respondent shall abide by all State and Federal laws regulating his practice as a physician or relating to drugs, the Rules and Regulations of the Composite State Board of Medical Examiners and the terms of this Consent Order and probation. If Respondent shall fail to abide by such laws, rules or terms, or if it should appear from monitoring 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 this 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 this 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.

(n) Disclosure. In addition to other disclosures required by this Consent Order, Respondent shall supply a copy of this Consent Order, once approved and docketed by the Board, and within ten (10) days from receipt of the docketed copy by Respondent, to each hospital or other institution in Georgia where Respondent maintains staff privileges of any kind, and to any person with whom Respondent is associated in practice, including other physicians, physician's assistants, nurse practitioners, 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 this Consent Order to such individuals or entities in connection with any future application for institutional appointment, associated practice, utilization of a physician's assistant or nurse practitioner or employment as a physician in the State of Georgia while this Consent Order is in effect. By executing this 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 this condition of probation utilizing the form attached hereto as Attachment B, or in a substantially similar form.



(o) Termination of Probation. Respondent shall not be eligible to petition for termination of probation until demonstrating five (5) years of continuous sobriety 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 monitoring and supervising physicians that said monitoring and supervising physicians agree with the termination of probation. The Board shall review and evaluate the practice of Respondent prior to lifting the probation. At such time, should the Board determine that reasonable cause exists for maintaining Respondent's license on a probationary status, the Board shall notify Respondent of its intent to deny Respondent's petition to terminate probation, and Respondent may respond to such notification in writing or request an appearance before the Board or its representative as in a non-contested case. If no reasonable cause exists to maintain Respondent's medical license on a probationary status, the Board shall be authorized, but is not required, to terminate probation. If the Board denies the Respondent's petition for termination of probation, Respondent may petition for termination of probation on an annual basis thereafter. In any event, this Consent Order shall remain in effect pending a final determination by the Board and notification that the probationary period has terminated.

2.

Respondent shall pay a fine of one thousand dollars (\$1,000.00) to be paid in full by cashier's check or money order made payable to the board within 30 days of the docket date of this consent order. Failure to pay the entire amount by the 30<sup>th</sup> day shall be considered a violation of this Order and shall result in further sanction of Respondent's license, including revocation, upon substantiation thereof.

3.

This Consent Order constitutes a PUBLIC REPRIMAND and may be disseminated by the Board as public disciplinary action.

4.

Respondent understands that pursuant to O.C.G.A. Title 43, Chapter 34A, the contents of this order shall be placed on Respondent's Physician Profile. Furthermore, by executing this Consent Order, Respondent hereby agrees to permit the Board to update the Physician's Profile reflecting this Consent Order.

5.

Respondent acknowledges that Respondent has read this Consent Order and understands its contents. Respondent understands that he has a right to appear before the Board, and freely, knowingly, and voluntarily waives that right. Respondent understands that this Consent Order will not become effective until approved by the Board and docketed by the Executive Director of the Board. Respondent further understands and agrees that a representative of the Department of Law may be present during the presentation of this Consent Order to the Board 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 disciplinary action of the Board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Respondent consents to the terms and conditions contained herein.

Approved, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

COMPOSITE STATE BOARD OF  
MEDICAL EXAMINERS

(BOARD SEAL)

BY:

*[Signature]*  
M. VINAYAK KAMATHI, M.D.

President *Joseph Finley, MD*

ATTEST:

*[Signature]*  
LASHARN HUGHES

Executive Director

CONSENTED TO:

*[Signature]*

CLAUDE LUKE, M.D.

Respondent

Sworn to and Subscribed before me  
this 11<sup>th</sup> day of July, 2006.

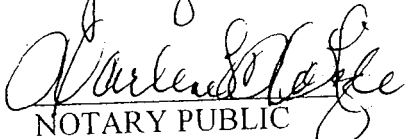
*[Signature]*  
NOTARY PUBLIC

My Commission Expires:

**SUPERVISING AND MONITORING PHYSICIANS' STATEMENT**

The undersigned workplace ("supervising") physician and treating ("monitoring") physician acknowledge that they have read the attached Public Consent Order and agree to serve as supervising and monitoring physicians for Claude Luke, M.D.

Sworn to and subscribed before me this 11<sup>th</sup> day of July, 2006.

  
NOTARY PUBLIC  
My commission expires:

(Signed) Roy Thomas Harry MD  
Name (please print): Roy THOMAS HARRY, M.D.  
Workplace ("Supervising") Physician  
Address: P.O. Box 1259 223 No. Anderson Drive  
Swainsboro, Georgia 30401  
Telephone: 478-289-2530  
License No. 028781 Georgia

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires:

(Signed) \_\_\_\_\_  
Name (please print): \_\_\_\_\_  
Treating ("Monitoring") Physician  
Program: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
License No. \_\_\_\_\_

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS  
STATE OF GEORGIA

91-505

IN THE MATTER OF:

DOCKET NO. 91-505

Claude M. Luke, M.D.  
License No. 022247

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**ORDER TERMINATING PROBATION**

The Respondent having demonstrated compliance with the Consent Order previously entered in this matter on April 1, 1992 and the Board being possessed of no information which would warrant extension thereof under the terms of the Order, such probation is hereby terminated.

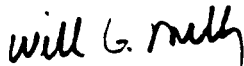
This 8<sup>th</sup> day of September, 1998.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS



Sheila Smith, M.D.  
Board President

ATTEST:



William G. Miller, Jr., Joint Secretary  
STATE EXAMINING BOARD

(BOARD SEAL)

OCT 2 1991

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS  
STATE OF GEORGIA

DOCKET NUMBER  
91-505

IN THE MATTER OF: )

CLAUDE MICHAEL LUKE, M.D. )  
License No. 22247, )

Respondent. )

DOCKET NO. 91-505

AG NO. 96265-91-JBA

INTERIM CONSENT ORDER FOR  
SUSPENSION OF LICENSE DURING TREATMENT

By agreement of the Composite State Board of Medical Examiners and Claude Michael Luke, M.D., Respondent, the following interim disposition of this matter is entered pursuant to the provisions of O.C.G.A. § 50-13-13(a)(4).

INTERIM FINDINGS OF FACT

1.

The Respondent is licensed to practice medicine in the State of Georgia and was so licensed at all times relevant to the matters asserted herein. Respondent specializes in child psychiatry.

2.

From January, 1989 through January, 1991, Respondent wrote numerous prescriptions for controlled substances, including but not limited to Vicodin, Xanax, Hydrocodone and Tylenol # 3. The prescriptions were written for Respondent himself, his wife and several relatives. Respondent diverted most, if not all, of these prescriptions for his own use.

3.

On February 20, 1991, Respondent voluntarily surrendered his DEA registration except for schedule II non-narcotic drugs. Respondent uses Ritalin, a schedule II-N drug, to treat his child patients. There is no evidence that Respondent has used Ritalin himself.

4.

Respondent has been ordered by the Board to undergo a 72-hour inpatient mental/physical examination acceptable to the Board.

5.

The Board has received information that Respondent is undergoing treatment of chemical dependence.

6.

Respondent waives the issuance of a Notice of Hearing in this matter.

7.

The Respondent waives any further findings of fact with respect to the above matter, until further order of the Board.

INTERIM CONCLUSIONS OF LAW

The Respondent's conduct and condition constitute sufficient grounds for disciplinary or other corrective action, under O.C.G.A. Ch. 34, T. 43, and O.C.G.A. § 43-1-19. The Respondent hereby waives any further conclusions of law with respect to the above-styled matter, until further order of the Board.

INTERIM ORDER

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of this case, hereby orders, and the Respondent hereby agrees, to the following interim terms of discipline:

1.

The Respondent's license to practice medicine shall stand suspended until further order of the Board. During any period of suspension, the Respondent shall not engage in the practice of medicine or be authorized to utilize his DEA registration for controlled substances. Respondent shall not resume the practice of medicine or utilize his DEA registration without the prior written approval of the Board. If Respondent engages in the practice of medicine without such approval of the Board, his license shall be revoked, upon substantiation thereof.

2.

The Respondent shall remain in treatment with physician(s) acceptable to the Board and shall abide by all conditions of his treatment/aftercare program. Respondent shall supply the Board with a copy of the aftercare contract. Respondent shall submit or cause to be submitted quarterly reports on his mental/physical condition and progress in rehabilitation, including a report on any medication being prescribed or administered to Respondent, by March 31, June 30, September 30 and December 31. Failure to submit or have such reports submitted in a timely manner shall be considered a violation of this Interim Consent Order and may forfeit or delay



Respondent's ability to petition for lifting of the suspension. It is expected that the monitoring physician will immediately report any significant change in the status of or Respondent's participation in the treatment/aftercare program. By executing this Interim Consent Order, Respondent specifically consents to the reporting of Respondent's condition by the monitoring physicians or any other facility where Respondent obtains medical treatment, notwithstanding any privilege provided by state or federal law. Respondent shall obtain prior Board approval through the medical coordinator or executive director for any change in supervising or monitoring physicians. Respondent shall have the addictionologist monitoring his treatment/aftercare sign a copy of this Interim Consent Order as evidence of having read same.

3.

As part of the treatment plan, Respondent shall affiliate with and regularly participate in meetings of Alcoholics Anonymous, Narcotics Anonymous, Caduceus Club or another similar support group acceptable to the Board in accordance with his aftercare contract or as otherwise required by the Board.

4.

The Respondent shall completely abstain from the consumption of mood altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a legitimate purpose. Any such treatment shall be reported to the Board by the treating physician. If such treatment entails

the use of narcotic or other potentially addictive substances, a consultation with a Board approved addictionologist shall be obtained at the direction of the medical coordinator.

5.

Until further order of the Board, the Respondent agrees to undergo and be subject to random, witnessed, immediate biological fluid or specimen screening at his own expense at the request of the Board or its representative, the Respondent's monitoring physician, or any employer of the Respondent or their designees.

6.

At any time, the Board shall have the authority to order the Respondent to undergo further physical or mental examination by physicians designated by the Board.

7.

Respondent shall, at any time after documenting continuous sobriety since entry into treatment, completion of the inpatient and "halfway house" phases of therapy and execution of an aftercare contract with a program acceptable to the Board, be eligible to petition the Board for lifting of the suspension. At the time of the petition, Respondent shall supply the following: (1) certification by monitoring physicians that Respondent has successfully completed treatment and has been discharged into aftercare and that in the opinion of such physicians, is able to resume the practice of medicine with reasonable skill and safety to patients; (2) a plan for return to practice in a structured environment acceptable to

the Board including the name of a proposed supervising workplace physician who would actively supervise Respondent's practice; (3) a summary of continuing education activity undertaken in the last year. The Board may request a personal appearance by Respondent prior to lifting the suspension. The decision as to whether to lift the suspension shall be in the sole discretion of the Board. The Board may also determine that further evaluation, testing or therapy is necessary prior to consideration of Respondent's request.

8.

If the suspension is lifted, the Board shall have the discretion to impose any disciplinary action or place upon his license any conditions or restrictions which are otherwise authorized and which the Board may deem appropriate, by further Consent Order.

9.

The Respondent shall supply a copy of this Interim Consent Order, once approved and docketed, within 10 days from receipt by Respondent, to each hospital or other institution in Georgia where he currently maintains or maintained at the time he entered treatment, staff privileges of any kind, and to any person with whom Respondent is associated in practice, including other physicians and physician's assistant(s) 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 this Interim Consent Order to such individuals or entities in

connection with any future application for institutional appointment, associated practice, utilization of a physician's assistant, or employment as a physician in the State of Georgia while this Consent Order is in effect. By executing this Interim Consent Order, Respondent specifically consents to any such entity or individuals reporting to the Board information which would affect his ability to practice medicine with reasonable skill and safety to patients, notwithstanding any privilege provided by state or federal law.

10.

In the event the Respondent should leave Georgia to reside or obtain treatment outside of Georgia for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in writing of the dates of departure and return. The Respondent shall advise the Board of any change in address of record.

11.

The Respondent shall abide by all State and Federal laws regulating the practice of medicine or relating to drugs, the Rules and Regulations of the Composite State Board of Medical Examiners, and the terms of this Interim Consent Order. If the Respondent shall fail to abide by such laws, rules or terms, the 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.

12.

The Respondent shall perform at least 100 hours of community or charitable service, which shall be completed within two years of the effective date of this order, and which shall be documented by the Respondent and submitted to the Board. Speaking engagements in schools concerning alcohol and drug addiction may be considered community/charitable service. The Respondent shall submit for approval the proposed program of community and charitable service.

13.

In addition to and in conjunction with any other sanction contained herein, Respondent shall pay a fine of \$500. Provided, however, that if Respondent completes the program of community/charitable service outlined in paragraph 12 above, payment of the fine will be waived.

14.

This Interim Consent Order may be disseminated in the same manner as orders containing public reprimands.

15.

This Interim Consent Order, if approved by the Composite State Board of Medical Examiners shall in no way be construed as condoning the Respondent's prior condition or conduct, and shall not be construed as a waiver of any of the lawful rights possessed by the Board.

16.

Respondent, Claude Michael Luke, M.D., acknowledges that he has read this Interim Consent Order, and understands its

contents. He understands that he has the right to a hearing in this matter, and freely, knowingly and voluntarily waives such right at this time by entering into this Interim Consent Order. He understands that this Interim Consent Order will not become effective until approved by the Composite State Board of Medical Examiners and docketed by the Joint Secretary, State Examining Boards. He further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Interim Consent Order. He further understands that this Interim Consent Order, once approved, shall constitute a public record which may be disseminated as an interim disciplinary action of the Board. However, if the Interim Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Respondent consents to the terms and conditions contained herein.

Approved, this 2nd day of October, 1991.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

BY: Marjorie E. Lucas  
MARJORIE E. LUCAS, M.D.  
President

(BOARD SEAL)

ATTEST: William G. Miller, Jr.  
WILLIAM G. MILLER, JR.  
Joint Secretary  
State Examining Boards

(Signatures continued on next page)

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS  
STATE OF GEORGIA

FILED IN OFFICE  
Joint Secretary  
State Board of Examiners

APR 1 1992

IN THE MATTER OF:

CLAUDE MICHAEL LUKE, M.D.,  
License No. 22247,

Respondent.

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DOCKET NO. 91-505

AG NO. 96265-91-JBA

DOCKET NUMBER

91-505

CONSENT ORDER LIFTING SUSPENSION

By agreement of the Composite State Board of Medical Examiners and Claude Michael Luke, M.D., Respondent, the following disposition of this matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, codified as O.C.G.A. § 50-13-13(a)(4).

FINDINGS OF FACT

1.

The 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.

Respondent's license has been suspended pursuant to an Interim Consent Order for Suspension of License During Treatment, docketed on October 2, 1991. The findings of fact contained in that Order are incorporated herein by reference. Respondent was discharged from the final phase of a treatment program for chemical dependency on June 21, 1991.

3.

Respondent has petitioned to have his suspension lifted. In support of his petition, Respondent has provided the Board

with 1) certification by his monitoring physician that he has successfully completed treatment and is able to resume the practice of medicine with reasonable skill and safety to patients; 2) a plan to return to practice with a supervising physician; and 3) documentation of continuing medical education taken in the last one and one half years. Respondent has also provided the Board with a copy of his continuing care contract.

4.

The Respondent waives any further findings of fact with respect to the above matter. However, the Respondent shall be allowed to submit a supplemental statement for the investigative file in explanation and mitigation of the matters stated herein as part of the investigative file, for consideration by the Board prior to its review of this Consent Order.

#### CONCLUSIONS OF LAW

The Respondent's condition and prior conduct constitute sufficient grounds for disciplinary or corrective action under O.C.G.A. Chs. 1 and 34, T. 43, as amended. The Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

#### ORDER

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of this case, hereby orders, and the Respondent hereby agrees, to the following terms of discipline:



1.

Provided that he otherwise complies with the terms of this Consent Order, the suspension of Respondent's license shall be lifted effective March 9, 1992, and Respondent may resume the practice of medicine, under the terms and conditions outlined below.

2.

Until discharged by the Board in accordance with paragraph 2(n) below, the Respondent shall be subject to a term of supervised probation, with the following terms and conditions of probation:

(a) Treatment/Aftercare. The Respondent shall remain in treatment or aftercare with therapists acceptable to the Board. The Respondent shall abide by the terms of his continuing care contract.

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

(c) Abstain from Mood Altering Substances. The Respondent shall completely abstain from the consumption of mood altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a legitimate purpose. Any such treatment shall be reported by Respondent to the monitoring physician, if different from the treating physician, and the

treating and/or monitoring physician shall report such treatment and prescribing to the Board in writing. If such treatment entails the use of narcotic or other potentially addictive substances, a consultation with a board approved addictionologist shall be obtained at the direction of the medical coordinator.

(d) Supervision and Monitoring. Respondent shall designate an acceptable supervising ("workplace") physician and an acceptable primary care ("monitoring") physician experienced in addictionology, and provide a copy of this Consent Order to such physicians. Such physicians shall sign a statement to be submitted in conjunction with the Consent Order, as evidence of having read and understood same.

(e) Quarterly Reports. The Respondent shall submit or cause to be submitted quarterly reports from the supervising and monitoring physicians or therapists regarding his performance and mental/physical condition by March 31, June 30, September 30 and December 31, including a report on any medication being prescribed to the Respondent. Failure to submit or have such reports submitted in a timely manner shall be considered a violation of this Consent Order. It is expected that said supervising and monitoring physicians shall be in communication with each other and will immediately report any change in Respondent's condition which would render Respondent unable to practice with reasonable skill and safety to patients. By executing this Consent Order, Respondent specifically consents to such supervising and monitoring

physicians or any other facility where Respondent obtains medical treatment reporting upon Respondent's condition, notwithstanding any privilege provided by state or federal law. Respondent shall obtain prior Board approval through the medical coordinator or executive director for any change in supervising or monitoring physicians.

(f) DEA Registration. Until further order of the Board, Respondent shall not prescribe, administer or dispense any controlled substances, except that Respondent shall be permitted to prescribe Ritalin, a Schedule II-N drug. Respondent may petition the Board for modification of this provision to allow him to prescribe, administer or dispense other controlled substances by presenting evidence of a need for such drugs in his practice and a letter from his supervising physician stating that Respondent should be allowed to prescribe such controlled substances. Respondent shall, until relieved of this condition by the Board, utilize a triplicate prescription system for all controlled substances prescribed or dispensed in his office or to outpatients, whereby each prescription for a controlled substance written by Respondent will be sequentially numbered and the copies distributed as follows: original to patient, one copy to be submitted to the Board at the same time as the quarterly reports required elsewhere herein, one copy in the patient's chart. In addition, Respondent shall personally maintain for inspection in his office a separate daily log of all controlled substances prescribed, administered or dispensed in his office

or on an outpatient basis on that date, including the date, patient name, drug, strength, quantity and diagnosis or reason for prescribing. Respondent may not petition to be relieved from these requirements until he has successfully completed at least two years of probation.

(g) Random Drug/Alcohol Screens. The Board or its representative or Respondent's supervising or monitoring physicians shall have the authority at any time to order the Respondent to undergo random witnessed and immediate drug/alcohol urine, biological fluid or blood screen analysis at the Respondent's expense. Proper chain of custody shall be maintained and positive results shall be confirmed by such means as may be required to ensure the validity of such screening.

(h) Further evaluation. At any time during the period of probation, the Board shall also have the authority to order the 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.

(i) Periods of Residency Outside Georgia. In the event the Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, the 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 the practice of

medicine or is on inactive licensure status will not apply to the reduction of the Respondent's probationary period, except as authorized by the Board. **The Respondent shall advise the Board of any change in address of record or employment status.**

(j) Public Order. Copies to Institutions, Employers, Associates. The Respondent shall supply a copy of this Consent Order, once approved and docketed, within ten (10) days from receipt by Respondent, as follows: A copy of this Consent Order shall be supplied to each hospital or other institution in Georgia where he maintains staff privileges of any kind, and to any person with whom Respondent is associated in practice or 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 this Consent Order in connection with any future application for institutional appointment, associated practice or employment as a physician in the State of Georgia while this Consent Order is in effect.

(k) Abide By Laws, Rules and Terms. The Respondent shall abide by all State and Federal laws regulating the practice of medicine or relating to drugs, the Rules and Regulations of the Composite State Board of Medical Examiners, and the terms of this Consent Order and probation. If Respondent is subject to any terms or conditions imposed by a lawful licensing authority or court of competent jurisdiction, Respondent shall also abide by all such terms and conditions and provide copies to the Board of any reports required under such terms and conditions. If the Respondent shall fail to abide by such laws, rules or

terms, or if it should appear from monitoring reports submitted to the Board that the Respondent is otherwise unable to practice medicine with reasonable skill and safety to patients, the 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. Should another lawful licensing authority or court of competent jurisdiction enter an order revoking Respondent's license or revoking Respondent's probationary status while Respondent is subject to this Consent Order, Respondent's Georgia license shall stand automatically suspended, effective on the date of such action, pending proceedings for revocation or other action by the Georgia Board. Respondent further agrees that any violation of this Consent Order shall be deemed to be sufficient to authorize the Board to order summary suspension of the 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 he shall be entitled to an expedited hearing to substantiate such violation(s), if the Board exercises such right.

(1) Community/Charitable Service. The Respondent shall perform at least 100 hours of community or charitable service, which shall be completed within two years of the effective date of this order, and which shall be documented by the Respondent

and submitted to the Board. Speaking engagements in schools concerning alcohol and drug addiction may be considered community/charitable service. The Respondent shall submit for approval the proposed program of community and charitable service.

(m) Use of Physician's Assistant. If Respondent employs a physician's assistant in his practice, Respondent shall not utilize the physician's assistant to perform tasks which are otherwise prohibited by the terms of this Consent Order, or otherwise utilize the services of the physician's assistant in such a way as to circumvent any restriction, term or condition outlined herein.

(n) Termination of Probation. Respondent may petition for termination of probation by certifying under oath before a notary public that the Respondent has been continuously sober for at least seven (7) years and has complied with all conditions of probation and by providing documentation supporting discharge from probation. A petition for termination may be filed 60 days prior to contemplated date of termination. The Composite State Board of Medical Examiners shall review and evaluate the practice of the Respondent prior to lifting the probation. At such time, the Board shall be authorized to restore all rights and privileges incident to the license of the Respondent, unless it extends, maintains, or imposes such restrictions or conditions as the Board deems appropriate, based upon the information presented to it pursuant to this Consent Order. Notice of intent to extend,

maintain or impose such restrictions or conditions beyond the designated probationary period shall be given to the Respondent, and Respondent may respond to such notice in writing or request an appearance before the Board as in a non-contested case. This Consent Order shall remain in effect pending a final determination by the Board.

3.

This Consent Order may be disseminated in the same manner as orders containing public reprimands.

4.

In addition to and in conjunction with any other sanction contained herein, Respondent shall pay a fine of \$500.00, provided, however, that if Respondent completes the program of community service outlined in paragraph 2(1) above, payment of said fine will be waived.

5.

This Consent Order, if approved by the Composite State Board of Medical Examiners, shall in no way be construed as condoning the Respondent's prior condition or conduct, and shall not be construed as a waiver of any of the lawful rights possessed by the Board.

6.

Respondent acknowledges that he has read this Consent Order and that he understands its contents. He understands that he has the right to a hearing in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent Order. He understands that this Consent Order



will not become effective until approved by the Composite State Board of Medical Examiners and docketed by the Joint Secretary, State Examining Boards. He further understands and agrees that a representative of the Department of Law may be present during presentation of this Consent Order to the Board and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. He further understands that this Consent Order, once approved, shall constitute a public record which may be disseminated as a disciplinary action of the Board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Respondent consents to the terms and conditions contained herein.

Approved, this 1st day of April, 1992.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

BY:

W. Gordon Irwin  
W. GORDON IRWIN, D.O.  
President

(BOARD SEAL)

ATTEST:

William G. Mulla  
Joint Secretary  
State Examining Boards

Consented to:

Witness of Signature:  
Sworn to and subscribed  
before me this 13 day  
of March, 1992.

Paralyn A. Skene  
NOTARY PUBLIC

My commission expires:

Notary Public, Gwinnett County, Georgia  
My Commission Expires Feb. 24, 1993

Claude Michael Luke  
CLAUDE MICHAEL LUKE, M.D.  
Respondent

MONITORING AND SUPERVISING PHYSICIAN STATEMENT

The undersigned supervising and monitoring physicians acknowledge that they have read the attached Consent Order and agree to serve as Respondent's supervising and monitoring physicians.

Sworn to and subscribed before me this 27 day of February, 1992.

Dat Dui

NOTARY PUBLIC  
My commission expires:

Notary Public, Fulton County, Georgia  
My Commission Expires Feb. 11, 1996

Sworn to and subscribed before me this 27 day of February, 1992.

Virginia C. Selway

NOTARY PUBLIC  
My commission expires:

Notary Public, DeKalb County, Georgia  
My Commission Expires August 20, 1994

Steve L. Jaffe, M.D.  
(Signed)

Name: STEVEN L. JAFFE, M.D.  
Supervising (Workplace) Physician  
Address: CPC-PARKWOOD HOSPITAL  
1999 CLIFF VALLEY WAY  
Telephone: ATLANTA, GA. 30329  
(404) 255-8712

Jimmie M. Richardson, M.D.  
(Signed)

Name: Jimmie M. Richardson  
Monitoring Physician/Therapist  
Program: Charter Peachford Hosp.  
Address: 2151 Peachford Rd., Atlanta, GA.  
Telephone: (404) 455-3200