

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

GEORGIA COMPOSITE
MEDICAL BOARD

IN THE MATTER OF:

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JEFFREY LYNN RAUSCH, M.D.,

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License No. 35121,

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Applicant.

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AUG 06 2015

DOCKET NUMBER:
20160004

PUBLIC CONSENT ORDER FOR REINSTATEMENT

By agreement of the Georgia Composite Medical Board (“Board”) and
JEFFREY LYNN RAUSCH, M.D. (“Applicant”), the following disposition of the matter is
entered into pursuant to the provisions of Georgia Code, Title 43, Chapter 34, as amended.

FINDINGS OF FACT

1.

Applicant was licensed to practice medicine in the State of Georgia on or about
December 5, 1991. Applicant’s license expired on or about January 31, 2009 and subsequently
lapsed for non-renewal.

2.

Applicant holds a sobriety date of Feb 8, 2011. In or about August 2012, Applicant
applied for reinstatement of his medical license. The Board required Applicant to submit the
results of clinical skills assessment as he had not practiced clinically since 2007. The Board also
required Applicant to submit evidence of completion of a Board approved treatment program for
chemical dependence based on his reported history of substance abuse and three (3) criminal

convictions for drug possession, with the third conviction resulting in 6 months incarceration and 5 years of probation.

3.

In or about 2013, Applicant completed a clinical skills assessment, the results of which included a recommendation that Applicant's return to the practice of medicine be contingent on several requirements, including active involvement in a formal monitoring program; individual therapy; the taking of a psychiatry board review course of at least 20 hours of continuing medical education ("CME") that includes review of DSM IV or V, pharmacotherapy, and current prescribing guidelines; and recertification in psychiatry. The application was subsequently denied by the Board. Applicant's reinstatement application expired in August 2013. On May 1, 2014, Applicant appeared before the Board for informational purposes regarding reinstatement.

4.

On or about January 14, 2015, Applicant again applied for reinstatement of his medical license. Applicant provided the Board with information as to his enrollment and participation in a formal monitoring program approved by the Board, evidence of CME hours completed, and evidence of termination of his criminal probation.

5.

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

CONCLUSIONS OF LAW

O.C.G.A. §43-34-8 and Board Rule 360-2-.07(6) provide that reinstatement of a license is within the sole discretion of the Board. See generally O.C.G.A. T. 43, Ch. 34. Applicant's

condition and/or conduct constitute sufficient grounds for the Board to impose sanctions on Applicant's license to practice medicine in the State of Georgia under O.C.G.A. Chs. 34, T. 43, as amended, and O.C.G.A. § 43-1-19(a) and the Rules of the Georgia Composite Medical Board. Applicant waives any further conclusions of law with respect to this matter.

ORDER

The Georgia Composite Medical Board, having considered all the particular facts and circumstances of this case, hereby orders, and the Applicant hereby agrees, that Applicant's license to practice medicine in the State of Georgia shall be reinstated subject to the following terms and conditions:

1.

Commencing on the effective date of this Consent Order, Applicant's licensure shall be placed on a period of probation until terminated by a written order of the Board, subject to following terms and conditions:

(a) Monitoring Program. Applicant shall continue his enrollment and participation in the Georgia Professional Health Program (GA PHP) or other Board approved monitoring program and shall comply with the program's requirements. Failure of Applicant to be actively enrolled in and compliant with a Board approved monitoring program may subject Applicant's license to summary suspension, pending further proceedings, or further disciplinary action. The monitoring program shall agree to immediately report to the Board Applicant's failure to comply with the program's requirements or individual therapy. The monitoring program agrees to report immediately any change in Applicant's medical condition, including but not limited to, the prescription of any controlled substances. The monitoring program agrees to report immediately the existence of a positive drug screen for any medication not properly prescribed. Within ten

(10) days of the effective date of this Consent Order, Applicant shall submit, or cause to be submitted, evidence to the Board from the monitoring program acknowledging receipt of this Order and agreement to comply with the terms of this Order. Any reporting by the monitoring program shall be considered a confidential medical record, not subject to disclosure under the Georgia Open Records Act, O.C.G.A. T. 50, Ch. 18.

(b) Individual Therapy. Applicant shall engage and participate in individual therapy with a Board approved provider, which shall be monitored through the monitoring program. When recommended by the therapist and monitoring program, Applicant may petition the Board to lift this requirement. Applicant's petition shall contain letters of advocacy from the therapist and the monitoring program. Any decision shall be in the Board's discretion and shall not be considered a contested case under Title 50.

(c) Direct Supervision. Before Applicant begins to practice medicine again, Applicant shall have designated and received Board approval for a supervising ("supervising") physician to directly supervise him in the workplace. Direct supervision of Applicant shall consist of chart review and regularly scheduled meetings between Applicant and the supervising physician. Applicant shall provide a copy of this Order to the supervising physician. Within ten (10) days of the effective date of this Order or, if Applicant is not employed as of the effective date of this Order, then within ten (10) days of accepting an offer of employment but before he begins work, Applicant shall submit or cause to be submitted a written statement from his supervising physician to the Board stating he/she has read this Order and agrees to act as Applicant's supervising physician. By executing this Consent Order, Applicant specifically consents to his supervising physician reporting upon Applicant's condition or behavior, notwithstanding any

privilege provided by state or federal law. Applicant shall obtain prior written Board approval through the Executive or Medical Director for any change in supervising physician.

(d) No Solo Practice. Applicant shall not engage in the practice of medicine as a solo practitioner.

(e) Quarterly Reports from Supervising Physician. Applicant shall submit or cause to be submitted quarterly reports to the Board from his supervising physician regarding his performance by March 31, June 30, September 30 and December 31 of each calendar year. 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 physician and monitoring program shall be in communication with each other and will immediately report any change in Applicant's condition that would render Applicant unable to practice medicine with reasonable skill and safety to patients. By executing the Consent Order, Applicant specifically consents to such providers or any other facility where Applicant obtains medical treatment reporting upon Applicant's condition, notwithstanding any privilege provided by state or federal law.

(f) Continuing Medical Education. As per the recommendation of his clinical skills examination, Respondent completed a comprehensive 37.50 hour Psychiatry Board review CME course on December 2, 2014. In addition to the mandated continuing medical education ("CME") required of all Georgia physicians, within 6 months of the effective date of this Order, Applicant shall enroll in and complete:

(A Board approved course in the appropriate prescribing of controlled substances, such as the course offered through Mercer University's College of Pharmacy's continuing education department.

Prior to taking the above courses, Applicant shall submit information concerning the courses to the Board for approval. Within 30 days of completion of the courses, Applicant shall submit certificates evidencing completion of the courses to the Board.

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

(h) Periods of Residency Outside Georgia or Periods When Not Actively Practicing Medicine. In the event that Applicant should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, Applicant 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 Applicant is not actively engaged in practicing as a physician will not apply toward the reduction of Applicant's probation period, except as authorized by the Board.

(i) Employment/ Residency Change. Applicant shall advise the Board of any change in address of record or employment status within ten (10) days of the change.

(j) Abide By Laws, Rules and Terms. Applicant shall abide by all State and Federal laws regulating the practice of medicine or relating to drugs, the Rules and Regulations of the Georgia Composite Medical Board and the terms of this Consent Order. If Applicant shall fail to abide by such laws, rules or terms, or if it should appear from reports submitted to the Board that Applicant is otherwise unable to practice medicine with reasonable skill and safety to patients, or should Applicant violate the criminal laws of the State, including any term of probation, if any, Applicant's license shall be subject to 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. Applicant further agrees that any violation of this Consent Order shall be deemed to be sufficient to authorize the Board to order summary suspension of Applicant'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 Applicant understands that he shall be entitled to an expedited hearing to substantiate such violation(s), if the Board exercises such right.

(k) Disclosure. In addition to other disclosures required by the Consent Order, Applicant shall supply a copy of the Consent Order, once approved and docketed, and within ten (10) days from receipt of the docketed copy by Applicant, to each hospital or other institution in Georgia where Applicant maintains staff privileges of any kind, and to any person with whom Applicant is associated in practice, including other physicians, or to any person or entity for whom Applicant is employed as a physician in the State of Georgia. Applicant 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, or employment as a physician in the State of Georgia while the Consent Order is in effect. By executing the Consent Order, Applicant specifically consents to any such individuals or entities reporting to the Board information which would affect Applicant's ability to practice medicine with reasonable skill and safety to patients, notwithstanding any privilege provided by state or federal law. Applicant shall document compliance with this condition of probation utilizing the form attached hereto as Attachment A or a substantially similar form.

(l) Termination of Probation. Applicant shall not be eligible to petition for termination of probation until three (3) years from the effective date of this Consent Order. At such time,

Applicant 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 Applicant's supervising and monitoring physicians indicating their agreement with terminating the probation period. The Georgia Composite Medical Board shall review and evaluate the practice of Applicant prior to lifting the probation period. At such time, the Board shall be authorized, but is not required, to terminate the probation period. If the Board denies Applicant's petition for termination of probation, Applicant 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.

2.

This Consent Order and its dissemination shall constitute a public order of the Board.

3.

Approval of this Consent Order by the Georgia Composite Medical Board shall in no way be construed as condoning Applicant's conduct and shall not be construed as a waiver of any of the lawful rights possessed by the Board.

4.

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

5.

Applicant acknowledges that he is represented by counsel and that he has read this Consent Order and understands its contents. Applicant understands that he has a right to an appearance before the Board in this matter and freely, knowingly, and voluntarily waives that right. Applicant understands that the Consent Order will not become effective until approved and docketed by the Georgia Composite Medical Board. Applicant further understands that the Board shall have the authority to review the investigative file and all relevant evidence in considering the Consent Order. Applicant further understands that the Consent Order, once approved, shall constitute a public record that may be disseminated as a public disciplinary action. However, if the Consent Order is not approved, it shall not constitute an admission against interest in the proceeding, or prejudice the right of the Board to adjudicate the matter. Applicant consents to the terms and conditions contained herein.

Approved, this 6th day of August, 2015.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)

BY: Alice House
ALICE HOUSE, M.D.
Chairperson

ATTEST: Lasharn Hughes
LASHARN HUGHES
Executive Director

[AS TO SIGNATURE OF APPLICANT:]

Sworn to and subscribed before me
This 31 day of July, 2015.

Idalia F. Perez

NOTARY PUBLIC

My Commission Expires: March 1, 2019

Jeffrey Lynn Rausch, M.D.
JEFFREY LYNN RAUSCH, M.D.
Applicant

Francis E. Cullen

FRANCES E. CULLEN, ESQ.
Attorney for Applicant

