

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS

In the Matter of

John Shannon Sappington, M.D.
License Number: 43-01-088849

FILE NO.: 43-07-104853

PROOF OF SERVICE

State of Michigan)
)
County of Ingham)

I, Marcie Anderson, of Lansing, County of Ingham, State of Michigan, do hereby state that on March 10, 2008, I sent the following documents to each of the parties listed below, enclosed in an envelope bearing postage fully prepaid, plainly addressed as follows:

FINAL ORDER DENYING LICENSURE dated March 3, 2008

BY: (X) First Class Mail
 () Certified Mail, Return receipt requested


TO: John Shannon Sappington, M.D.
 4841 2ND Street 3rd Floor
 Detroit, MI 48201

E. Patrick Murray
Murray Law Firm, PLLC
110 South Main Street
Mt. Clemens, MI 48043

By Interdepartmental Mail to:

Robert C. Miller, Manager
Bureau of Health Professions
Enforcement Section

Jack Blumenkopf
Department of Attorney General
Licensing & Regulation Division
Detroit, MI


Marcie Anderson
Health Regulatory Division

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE

RECEIVED

FEB 28 2007

DCH
Bureau of Health Professions
Administration

In the Matter of the
Application for Licensure of

JOHN SHANNON SAPPINGTON, M.D.

File Number: 43-07-104853

Docket Number: 2007-724

FINAL ORDER DENYING LICENSURE

On or about November 3, 2006, John Shannon Sappington, M.D., hereafter Petitioner, filed with the Michigan Board of Medicine, hereafter Board, an application for full licensure to practice medicine.

On May 21, 2007, the Department of Community Health, Bureau of Health Professions, filed a Notice of Intent to Deny Application for Licensure, charging Petitioner with having violated sections 16221(a), 16221(b)(ii), 16221(b)(iii), 16221(b)(vi), 16221(b)(x) and 16221(l) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq.

On August 17, 2007, following an administrative hearing in the matter, the administrative law judge issued an Amended Proposal for Decision setting forth recommended findings of fact and conclusions of law in the matter.

The Board, having reviewed the administrative record, considered the within matter at a regularly scheduled meeting held in Lansing, Michigan, on January

16, 2008, and accepted the administrative law judge's findings of fact and conclusions of law contained in the Proposal for Decision specifically finding a violation of section 16221(b)(x). Now therefore,

IT IS HEREBY ORDERED that Petitioner's application for licensure is DENIED.

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Board's Chairperson or authorized representative, as set forth below.

Dated: March 3, 2008

MICHIGAN BOARD OF MEDICINE

By Melanie B. Brim
Melanie B. Brim, Director
Bureau of Health Professions

This is the last and final page of a Final Order Denying Licensure in the matter of John Shannon Sappington, M.D., File Number 43-07-104853, Docket Number 2007-724, before the Michigan Board of Medicine, consisting of two pages, this page included.

kp

L2K & File
Approved ☒
Date: 6-2-2007

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

In the matter of	Docket No.	2007-724
John Shannon Sappington, M.D., Petitioner	Agency No.	43-07-104853
v Bureau of Health Professions Respondent	Agency:	Department of Community Health
	Case Type:	Intent to Deny Board of Medicine

Issued and entered
this 24th day of October, 2007
by Roger E. Winkelman
Administrative Law Judge

RECEIVED

OCT 26 2007

AMENDED PROPOSAL FOR DECISION

BUREAU OF HEALTH PROFESSIONS
HEALTH REGULATORY DIVISION
ENFORCEMENT SECTION

PROCEDURAL HISTORY

An application for licensure to practice medicine in the State of Michigan with supporting documentation was filed on about November 3, 2006 by John Shannon Shappington (Petitioner). After a review of the application, a Notice of Intent To Deny Application For Full Licensure was issued on May 21, 2007. Upon a request for a hearing on the intent to deny, the matter was scheduled for a formal hearing. A hearing was scheduled to be held on Monday July 30, 2007 at 9:00 a.m. at the State Office of Administrative Hearings & Rules of the Department of Labor & Economic Growth, Cadillac Place, 2nd Floor Annex, Room 2-700, 3026 West Grand Boulevard, Detroit, Michigan, and the same proceeded as scheduled. Roger E. Winkelman presided as Administrative Law Judge. C. Patrick Murray, Attorney at Law appeared for Petitioner. Petitioner, Elise

Gutierrez (Psychological Therapist), and Dr. Susan M. Stein appeared as witnesses on behalf of Petitioner. Jack Blumenkopf, Assistant Attorney General appeared on behalf of Respondent.

ISSUES AND APPLICABLE LAW

The general issue presented is whether Petitioner meets the requirements of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.* (Code), for issuance of a license to practice medicine in the State of Michigan. The specific issues are whether Petitioner meets the requirement of Section 16174(1)(b) of the Code, and whether Petitioner violated Section 6107(3) of the Code, as well as Sections 16221(a), 16221(b)(ii), 16221(b)(iii), 16221(b)(vi), 16221(b)(x), and 16221(l) of the Code.

Sec. 16174. (1) An individual who is licensed or registered under this article shall meet all of the following requirements:

(b) Be of good moral character.

Sec. 16221 provides: The department may investigate activities related to the practice of a health profession by a licensee, a registrant, or an applicant for licensure or registration. The department may hold hearings, administer oaths, and order relevant testimony to be taken and shall report its findings to the appropriate disciplinary subcommittee. The disciplinary subcommittee shall proceed under section 16226 if it finds that 1 or more of the following grounds exist:

(a) A violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, or any conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully practice the health profession.

(b) Personal disqualifications, consisting of 1 or more of the following:

(ii) Subject to sections 16165 to 16170a, substance abuse as defined in section 6107.

(iii) Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

(vi) Lack of good moral character.

(x) Final adverse administrative action by a licensure, registration, disciplinary, or certification board involving the holder of, or an applicant for, a license or registration regulated by another state or a territory of the United States, by the United States military, by the federal government, or by another country. A certified copy of the record of the board is conclusive evidence of the final action.

(l) Failure to meet 1 or more of the requirements for licensure or registration under section 16174.

EXHIBITS

Petitioner offered the following exhibits for consideration at the hearing:

<u>Exhibit</u>	<u>Description</u>
1	Resume of Petitioner
2	Petitioner's Medical School Diploma
3	Petitioner's Physician Educational Limited License for the State Of Michigan effective August 1, 2006
4	Health Professional Recovery Program Monitoring Agreement and Status Report
5	Updated Monitoring by First Lab
6	Affidavit of Thomas Haynes, MD
7	Discharge Summary from The William J. Farley Center at Williamsburg PI.
8	Follow up Drug Screens 2005
9	Material and Drug Screens re: North Carolina 2001-2005

- 10 Professional Documents
- 11 North Carolina Consent Order August 16, 2006
- 12 Quarterly Evaluations for Petitioner in Resident Program at Wayne State University and Detroit Medical Center.
- 13 Curriculum Vitae for Petitioner's Witness Dr. Susan M. Stein

Respondent did not offer any exhibits for consideration at the hearing:

FINDINGS OF FACT

On May 3, 2006 Petitioner filed with the Board an application for an educational limited medical license in the State of Michigan. Petitioner included additional information with the application, (and admitted by Petitioner at this hearing) as follows:

On December 23, 1995, the New York State Board for Professional Medical Conduct, hereinafter New York Board, issued a Surrender Order, which accepted Petitioner's voluntary surrender of his license to practice medicine in the State of New York. Petitioner's surrender of his license was based on a Statement of Charges issued by the New York Board on December 4, 1995. The Statement of Charges set forth Petitioner's history of substance abuse issues, and his misrepresentations on residency and fellowship applications and on a licensure application.

On March 13, 1996, the Rhode Island Board of Medical Licensure and Discipline, hereinafter Rhode Island Board, issued a Consent Order, which accepted Petitioner's voluntary surrender of his license to practice medicine in Rhode Island. The Consent Order was based on the aforementioned New York Board action.

On March 23, 1996, the North Carolina Medical Board, hereinafter, North Carolina Board, issued an Order of Summary Suspension of License and Notice of

Charges against Petitioner as a result of the aforementioned actions in New York and Rhode Island. On March 23, 1999, the North Carolina Board issued a Notice of Dismissal in resolution of the matter, based on Petitioner's voluntary surrender of his license to practice medicine in North Carolina.

On February 21, 2001, the North Carolina Board issued a Consent Order which reinstated Petitioner a license to practice medicine. The Consent Order required that Petitioner maintain compliance with his North Carolina Physicians Health Program monitoring agreement, and abstain from all mood-altering substances.

On December 19, 2002, the North Carolina Board issued a Consent Order, suspending Petitioner's license indefinitely, bases on his continued substance abuse issues.

On January 10, 2006, while Petitioner's license remained suspended, the North Carolina Board issued a Consent Order which reprimanded Petitioner and required him to abstain from all mood-altering substances based upon his continued history of substance abuse.

On August 1, 2006, Petitioner was granted an educational limited medical license by the State of Michigan Medical Board based, in part, on positive reports of Petitioner's recovery status from the North Carolina Physicians Health Program and a recommendation from the Health Professional Recovery Program, hereinafter HPRP. On July 14, 2006, Petitioner entered into a non-disciplinary monitoring agreement with the HPRP.

Petitioner participated in a medical residency program with Wayne State University/Detroit Medical Center from approximately August 1, 2006 through the date of

this hearing.

On August 16, 2006, the North Carolina Board issued a Consent Order which continued the December 2002 suspension of Petitioner's license for a minimum period of 24 additional months.

CONCLUSIONS OF LAW

The principles that govern judicial proceedings also apply to administrative hearings. 8 Callaghan's Michigan Pleading & Practice (2d ed) § 60.48, p 230. The burden of proof is upon Petitioner to prove, by a preponderance of the evidence, that the pertinent requirements for licensure have been satisfied. 1996 AACCS, R 338.1624.

Under Section 16174(1)(b) the claimant has the claimant has established his good moral character through the evidence submitted.

Under Section 16221(a), I find Petitioner did not violate this section. Petitioner, was evaluated, from August 1, 2006 through February 28, 2007 (Exhibit 12), in his residency program at Wayne State University/Detroit Medical Center was found to have the ability to practice medicine. In Exhibit 12, Petitioner was found to be a "very well trained physician familiar with treatment issues in addiction...".

Section 6107(3) of the Code, provides, in pertinent part, as follows:

" Substance abuse" is defined as the taking of alcohol or other drugs at dosages that place an individual's social, economic, psychological, and physical welfare in potential hazard or to the extent that an individual loses the power of self-control as a result of the use of alcohol or drugs, or while habitually under the influence of alcohol or drugs, endangers public health, morals, safety, or welfare, or a combination thereof.

Under Section 16221(b)(ii), substance abuse issues, as per Exhibit 7, Petitioner completed successfully treatment at The William J. Farley Center at Williamsburg Place.

Dr. Bela Shaw, in Exhibit 4, states Petitioner has been involved in a monitoring agreement since July 14, 2006. Petitioner as part of his treatment attended weekly group therapy, individual sessions and meetings with his addictionist. Petitioner was found to be extremely compliant, following all recommendations and expectations without issue. All urine screens were clean to date. It is found that Petitioner has not violated this section.

Under Section 16221(b)(iii), Petitioner through his treatment program has been addressing the issues of his drug abuse and how they affect Petitioner's ability to practice in a safe and competent manner. Petitioner, was evaluated, from August 1, 2006 through February 28, 2007 (Exhibit 12), in his residency program at Wayne State University/Detroit Medical Center was found to have the ability to practice medicine. In Exhibit 12, Petitioner was found to be a "very well trained physician familiar with treatment issues in addiction...." It is found that Petitioner has the ability to practice medicine and that there is no violation of this section.

The Code defines good moral character at Section 16106 by referencing the Licensing of Former Offenders Act, 1974 PA 381, as amended, MCL 338.41 *et seq.*; MSA 18.1208 *et seq.* That statute provides, in pertinent part:

"Sec. 1. (1) The phrase 'good moral character', or words of similar import, when used as a requirement for an occupational or professional license ... shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open

manner.

"Sec. 2. A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, by a licensing board or agency as proof of a person's lack of good moral character. It may be used as evidence in the determination, and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he or she has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that he or she is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he or she seeks to be licensed."

Under Section 16221(b)(vi), good moral character, Dr. Thomas Haynes in his affidavit of June 4, 2007 (Exhibit 6), states he believes that Petitioner is of good moral character and supports Petitioner's effort for full licensure to practice medicine in the State of Michigan.

Petitioner, was evaluated, from August 1, 2006 through February 28, 2007 (Exhibit 12), in his residency program at Wayne State University/ Detroit Medical Center and was found conscientious and consistently choosing the right thing. Dr. Schiener wrote that Petitioner is hard working and conscientious. Respondent has not shown by a preponderance of the evidence that Petitioner lacks good moral character.

Under Section 16221(b)(x), as stated in the Findings of Facts above, disciplinary actions have occurred in New York, Rhode Island, and North Carolina and constitute final adverse administrative actions. There is a violation of this section.

Under Section 16221(l), Petitioner has successfully shown his good moral character and there is no violation of this section.

PROPOSED DECISION

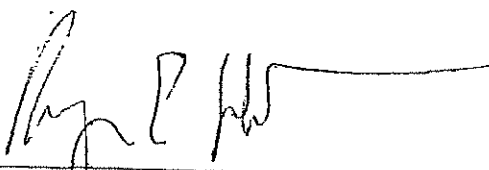
I propose that the Board's Disciplinary Sub-Committee adopt my Findings of Fact and my Conclusions of Law. The undersigned Administrative Law Judge suggests that the Board carefully consider the good moral character findings before issuing a Final Order.

EXCEPTIONS

If a party chooses to file Exceptions to this Proposal for Decision, the Exceptions must be filed within fifteen (15) days after the Proposal for Decision is issued and entered. If an opposing party chooses to file a Response to the Exceptions, it must be filed within five (5) days after Exceptions are filed. All Exceptions and Responses to Exceptions must be filed with the:

State Office of Administrative Hearings and Rules
Michigan Department of Labor & Economic Growth
Cadillac Place Annex
3026 W. Grand Blvd., Suite 2-700
Detroit, MI 48202

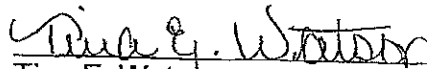
and served on all parties to the proceeding.



Roger E. Winkelman
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 24th day of October, 2007.



Tina E. Watson

State Office of Administrative Hearings and Rules

E. Patrick Murray
Murray Law Firm, PLLC
110 South Main Street
Mt. Clemens, MI 48043

Jack Blumenkopf
Department of Attorney General
Health Professionals Division
3030 W. Grand Boulevard
Cadillac Place, 10th Floor
Detroit, MI 48226

John Shannon Sappington, M.D.
WSU Dept. of Psychiatry
2761 E. Jefferson Ave.
Detroit, MI 48207

Bureau of Health Professions
c/o Robert C. Miller
Ottawa Building, 1st Floor
P.O. Box 30670
Lansing, MI 48909

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

In the matter of	Docket No.	2007-724
John Shannon Sappington, M.D., Petitioner	Agency No.	43-07-104853
v Bureau of Health Professions Respondent	Agency:	Department of Community Health
_____ /	Case Type:	Intent to Deny Board of Medicine

Issued and entered
this 25th day of September, 2007
by Roger E. Winkelman
Administrative Law Judge

PROPOSAL FOR DECISION

PROCEDURAL HISTORY

This proceeding was commenced with the filing of a Petition For Reinstatement on November 3, 2006, seeking the reinstatement of the medical license of John Shannon Sappington (Petitioner). The hearing was scheduled to be held on Monday July 30, 2007 at 9:00am at the State Office of Administrative Hearings & Rules of the Department of Labor & Economic Growth, Cadillac Place, 2nd Floor Annex, Room 2-700, 3026 West Grand Boulevard, Detroit, Michigan, and the same proceeded as scheduled. Roger E. Winkelman presided as Administrative Law Judge. C. Patrick Murray appeared for Petitioner. Petitioner, Elise Gutierrez (Psychological Therapist), and Dr. Susan M. Stein appeared as witnesses on behalf of Petitioner. Jack Blumenkopf, Assistant Attorney General appeared on behalf of Respondent.

ISSUES AND APPLICABLE LAW

The general issue presented is whether Petitioner meets the requirements for reinstatement of his medical license. The specific issues are whether Petitioner has complied with the Department's Guidelines on Reinstatement and meets each of the requirements for reinstatement set forth in Section 16247 of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*, (Code) which provides:

Sec. 16247. (1) A board or task force may reinstate a license or issue a limited license to an individual whose license has been suspended or revoked under this part if after a hearing the board or task force is satisfied by clear and convincing evidence that the applicant is of good moral character, is able to practice the profession with reasonable skill and safety to patients, has met the criteria in the rules promulgated under section 16245(6), and should be permitted in the public interest to resume practice. Pursuant to the rules promulgated under section 16245(6), as a condition of reinstatement, a disciplinary subcommittee, upon the recommendation of a board or task force, may impose a disciplinary or corrective measure authorized under this part and require that the licensee attend a school or program selected by the board or task force to take designated courses or training to become competent or proficient in those areas of practice in which the board or task force finds the licensee to be deficient. The board or task force may require a statement on a form approved by it from the chief administrator of the school or program attended or the person responsible for the training certifying that the licensee has achieved the required competency or proficiency.

(2) As a condition of reinstatement, a board or task force shall place the licensee on probation for 1 year under conditions set by the board or task force. If a licensee whose license has been revoked cannot apply for reinstatement for 5 years after the date of revocation, then, as a condition of reinstatement, the board or task force shall require the licensee to take and pass the current licensure examination.

(3) A board or task force shall not reinstate a license suspended or revoked for grounds stated in section 16221(b)(i), (iii), or (iv) until it finds that the licensee is mentally or physically able to practice with reasonable skill and safety to patients. The board or task force may require further examination of the licensee, at the licensee's expense, necessary to verify that the licensee is mentally or physically able. A licensee affected by this section shall be afforded the opportunity at reasonable intervals to demonstrate that he or she can resume competent practice in accordance with standards of acceptable and prevailing practice.

EXHIBITS

Petitioner offered the following exhibits for consideration at the hearing:

<u>Exhibit</u>	<u>Description</u>
1	Resume of Petitioner
2	Petitioner's Medical School Diploma
3	Petitioner's Physician Educational Limited License for the State Of Michigan effective August 1, 2006
4	Health Professional Recovery Program Monitoring Agreement and Status Report
5	Updated Monitoring by First Lab
6	Affidavit of Thomas Haynes, MD
7	Discharge Summary from The William J. Farley Center at Williamsburg Pl.
8	Follow up Drug Screens 2005
9	Material and Drug Screens re: North Carolina 2001-2005
10	Professional Documents
11	North Carolina Consent Order August 16, 2006

- 12 Quarterly Evaluations for Petitioner in Resident Program at Wayne State University and Detroit Medical Center.
- 13 Curriculum Vitae for Petitioner's Witness Dr. Susan M. Stein

Respondent did not offer any exhibits for consideration at the hearing:

FINDINGS OF FACT

On May 3, 2006 Petitioner filed with the Board an application for an educational limited medical license in the State of Michigan. Petitioner included additional information with the application, (and admitted by Petitioner at this hearing) as follows:

a. On December 23, 1995, the New York State Board for Professional Medical Conduct, hereinafter New York Board, issued a Surrender Order, which accepted Petitioner's voluntary surrender of his license to practice medicine in the State of New York. Petitioner's surrender of his license was based on a Statement of Charges issued by the New York Board on December 4, 1995. The Statement of Charges set forth Petitioner's history of substance abuse issues, and his misrepresentations on residency and fellowship applications and on a licensure application.

b. On March 13, 1996, the Rhode Island Board of Medical Licensure and Discipline, hereinafter Rhode Island Board, issued a Consent Order, which accepted Petitioner's voluntary surrender of his license to practice medicine in Rhode Island. The Consent Order was based on the aforementioned New York Board action.

c. On March 23, 1996, the North Carolina Medical Board, hereinafter, North Carolina Board, issued an Order of Summary Suspension of License and Notice of Charges against Petitioner as a result of the aforementioned actions in New York and Rhode Island. On March 23, 1999, the North Carolina Board issued a Notice of Dismissal

in resolution of the matter, based on Petitioner's voluntary surrender of his license to practice medicine in North Carolina.

d. On February 21, 2001, the North Carolina Board issued a Consent Order which reinstated Petitioner a license to practice medicine. The Consent Order required that Petitioner maintain compliance with his North Carolina Physicians Health Program monitoring agreement, and abstain from all mood-altering substances.

e. On December 19, 2002, the North Carolina Board issued a Consent Order, suspending Petitioner's license indefinitely, bases on his continued substance abuse issues.

f. On January 10, 2006, while Petitioner's license remained suspended, the North Carolina Board issued a Consent Order which reprimanded Petitioner and required him to abstain from all mood- altering substances based upon his continued history of substance abuse.

On August 1, 2006, Petitioner was granted an educational limited medical license by the State of Michigan Medical Board based, in part, on positive reports of Petitioner's recovery status from the North Carolina Physicians Health Program and a recommendation from the Health Professional Recovery Program, hereinafter HPRP. On July 14, 2006, Petitioner entered into a non-disciplinary monitoring agreement with the HPRP.

Petitioner participated in a medical residency program with Wayne State University/Detroit Medical Center from approximately August 1, 2006 through the date of this hearing.

On August 16, 2006, the North Carolina Board issued a Consent Order which continued the December 2002 suspension of Petitioner's license for a minimum period of 24 months.

CONCLUSIONS OF LAW

The principles that govern judicial proceedings also apply to administrative hearings. 8 Callaghan's Michigan Pleading & Practice (2d ed) § 60.48, p.230. The burden of proof is upon Petitioner to prove, by clear and convincing evidence that the requirements for reinstatement have been met. 1996 AACRS, R 338.1624.

GOOD MORAL CHARACTER

The Code defines good moral character at Section 16106 by referencing the Licensing of Former Offenders Act, 1974 PA 381, as amended, MCL 338.41 *et seq.*; MSA 18.1208 *et seq.* That statute provides, in pertinent part:

"Sec. 1. (1) The phrase 'good moral character', or words of similar import, when used as a requirement for an occupational or professional license ... shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.

"Sec. 2. A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, by a licensing board or agency as proof of a person's lack of good moral character. It may be used as evidence in the determination, and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he or she has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that he or she is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he or she seeks to be licensed."

Dr. Thomas Haynes in his affidavit of June 4, 2007 (Exhibit 6), states he believes that Petitioner is of good moral character and supports Petitioner's effort for reinstatement of his medical license.

Petitioner, was evaluated, from August 1, 2006 through February 28, 2007 (Exhibit 12), in his residency program at Wayne State University/ Detroit Medical Center and was found conscientious and consistently choosing the right thing. Dr. Schiener wrote that Petitioner is hard working and conscientious.

Petitioner is found to have satisfied the good moral character requirement.

ABILITY TO PRACTICE

Petitioner, was evaluated, from August 1, 2006 through February 28, 2007 (Exhibit 12), in his residency program at Wayne State University/Detroit Medical Center was found to have the ability to practice medicine. In Exhibit 12, Petitioner was found to be a "very well trained physician familiar with treatment issues in addiction...."

It is found that Petitioner has the ability to practice medicine.

GUIDELINES

Before Petitioner's license can be reinstated, Petitioner must demonstrate, by clear and convincing evidence that the criteria in the guidelines promulgated under Section 16245(6) and adopted by the Department on November 4, 1996 have been satisfied. These guidelines provide as follows:

Unless otherwise provided, and in addition to other requirements set forth by statute, each applicant for reinstatement must establish his or her compliance with the following criteria, as applicable....

1. The applicant has participated in one or more community service or professional volunteer activities or programs since the revocation or suspension of his or her license or registration.

Petitioner participated as a lecturer in the 37th Annual Medical-Scientific Conference in May 4 -7, 2006 in San Diego, California. Petitioner spoke at workshop M on Sunday, May 7, 2006. Petitioner's topic was "Addiction Treatment Using Spirituality Enhanced Twelve Step Facilitation (TSF) and Network Therapy in Residential Treatment for Physicians and Other Professionals".

It is found that Petitioner has satisfied this guideline.

2. The applicant has successfully completed one or more substance abuse treatment programs, which may include inpatient or outpatient care at a substance abuse facility, regular attendance at Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings, AA/NA sponsorship, regular or random witnessed alcohol/drug urine or blood screens, individual or group counseling or therapy, Caduceus or other professional support group attendance, an agreement with his or her employer for monitoring, or ongoing review by a primary care physician knowledgeable and experienced in the treatment of chemical dependency. This criterion applies only if the applicant's license or registration was suspended or revoked due to a substance abuse violation.

As per Exhibit 7, Petitioner completed successfully treatment at The William J. Farley Center at Williamsburg Place.

Dr. Bela Shaw, in Exhibit 4, states Petitioner has been involved in monitoring agreement since July 14, 2006. Petitioner as part of his treatment attended weekly group therapy, individual sessions and meetings with his addictionist. Petitioner was found to be extremely compliant, following all recommendations and expectations without issue. All urine screens were clean to date.

It is found that Petitioner has satisfied this guideline.

3. The applicant has participated in inpatient or outpatient treatment for mental, psychological, emotional and/or physical disorders. This criterion applies only if the applicant's license or registration was revoked due to a mental, psychological, emotional and/or physical disorder.

Petitioner participated and successfully completed treatment at The William J. Farley Center (Exhibit 7).

It is found that Petitioner has satisfied this guideline.

4. The applicant has complied with all terms of his or her order of discipline, including payment of fines and costs as set forth in said order.

Petitioner has paid all fees to the HPRP that were due.

Petitioner has satisfied this guideline.

5. The applicant has successfully completed one or more continuing education programs during the period of suspension or revocation, or consumed current literature concerning the practice of his or her particular profession.

Petitioner has worked utilizing his limited educational license as a resident in the Wayne State University/Detroit Medical Center Program. As per Exhibit 12, Petitioner has demonstrated ability and knowledge.

Petitioner has satisfied this guideline.

6. The applicant has participated in didactic or clinical training, including remedial education in areas previously found deficient, or successfully completed an overall refresher course if the applicant has been out of practice for a significant period of time.

The quarterly evaluations in Exhibit 12, show that Petitioner has satisfied this guideline.

7. The applicant has submitted an assessment or evaluation of the applicant's professional skills and knowledge by an individual or entity who is trained or otherwise qualified to make such an evaluation.

The quarterly evaluations in Exhibit 12, show that Petitioner has satisfied this guideline.

8. The applicant desires in good faith to be restored to the privilege of practicing his or her profession in Michigan.

Petitioner and the witness have made clear to the undersigned Administrative Law Judge that Petitioner very much wishes to have his license restored.

PUBLIC INTEREST

According to Dr. Thomas Haynes's affidavit (Exhibit 6), there is "such a dire need for professional services to treat the addicted population in this state, there is an obvious need for Dr. Sappington's services".

It is found that it is in the public interest to restore Petitioner's medical license.

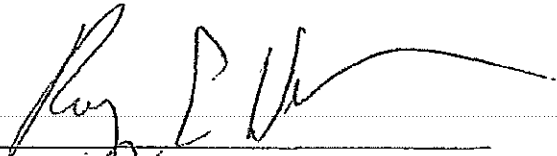
PROPOSED DECISION

The undersigned Administrative Law Judge finds that Petitioner has satisfied the guidelines for reinstatement and it is in the public interest to reinstate Petitioner's medical license.

If a party chooses to file Exceptions to this Proposal for Decision, the Exceptions must be filed within fifteen (15) days after the Proposal for Decision is issued and entered. If an opposing party chooses to file a Response to the Exceptions, it must be filed within five (5) days after Exceptions are filed. All Exceptions and Responses to Exceptions must be filed with the:

State Office of Administrative Hearings and Rules
Michigan Department of Labor & Economic Growth
Cadillac Place Annex
3026 W. Grand Blvd., Suite 2-700
Detroit, MI 48202

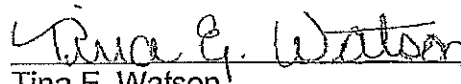
and served on all parties to the proceeding.



Roger E. Winkelman
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 25th day of September, 2007.



Tina E. Watson
State Office of Administrative Hearings and Rules

E. Patrick Murray
Murray Law Firm, PLLC
110 South Main Street
Mt. Clemens, MI 48043

Jack Blumenkopf
Department of Attorney General
Health Professionals Division
3030 W. Grand Boulevard
Cadillac Place, 10th Floor
Detroit, MI 48226

John Shannon Sappington, M.D.
WSU Dept. of Psychiatry
2761 E. Jefferson Ave.
Detroit, MI 48207

Bureau of Health Professions
c/o Robert C. Miller
Ottawa Building, 1st Floor
P.O. Box 30670
Lansing, MI 48909

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE

In the Matter of the
application for full licensure to
practice medicine of

JOHN SHANNON SAPPINGTON, M.D.
License Number: 43-01-088849

File Number: 43-07-104853

NOTICE OF INTENT TO DENY
APPLICATION FOR LICENSURE

NOW COMES the Michigan Board of Medicine, hereafter Board, by its authorized representative, Melanie B. Brim, Director, Bureau of Health Professions, hereafter Bureau, to provide notice of its intent to deny the application for full licensure to practice medicine in the state of Michigan of John Shannon Sappington, M.D., hereafter Applicant, for the following reasons:

1. "Good moral character" is defined at Section 1 of 1974 PA 38, as amended; MCL 338.41 et seq, as the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.

2. Section 6107(3) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; provides, in pertinent part, as follows:

"Substance abuse" is defined as the taking of alcohol or other drugs at dosages that place an individual's social, economic, psychological, and physical welfare in potential hazard or to the extent that an individual loses the power of self-control as a result of the use of alcohol or drugs, or while habitually under the

influence of alcohol or drugs, endangers public health, morals, safety, or welfare, or a combination thereof.

3. On May 3, 2006, Applicant filed with the Board an application for an educational limited medical license in the state of Michigan. Applicant included additional information with the application, as follows:

- a. On December 23, 1995, the New York State Board for Professional Medical Conduct, hereafter New York Board, issued a Surrender Order, which accepted Applicant's voluntary surrender of his license to practice medicine in New York. Applicant's surrender of licensure was based on a Statement of Charges issued by the New York Board on December 4, 1995. The Statement of Charges set forth Applicant's history of substance abuse issues, and his misrepresentations on residency and fellowship applications and on a licensure application. A copy of the New York Board documents, marked Exhibit A, is attached and incorporated.
- b. On March 13, 1996, the Rhode Island Board of Medical Licensure and Discipline, hereafter Rhode Island Board, issued a Consent Order, which accepted Applicant's voluntary surrender of his license to practice medicine in Rhode Island. The Consent Order was based on the aforementioned New York Board action. A copy of the Rhode Island Board document, marked Exhibit B, is attached and incorporated.
- c. On March 23, 1996, the North Carolina Medical Board, hereafter North Carolina Board, issued an Order of Summary Suspension of License and Notice of Charges against Applicant as a result of the aforementioned actions in New York and Rhode Island. On March 23, 1999, the North Carolina Board issued a Notice of Dismissal in resolution of the matter, based on Applicant's voluntary surrender of his license to practice medicine in North Carolina.
- d. On February 21, 2001, the North Carolina Board issued a Consent Order which reinstated Applicant a license to practice medicine. The Consent Order required that Applicant maintain compliance with his North Carolina Physicians Health Program monitoring agreement, and abstain from all mood-altering substances.
- e. On December 19, 2002, the North Carolina Board issued a Consent Order, suspending Applicant's license indefinitely, based on his continued substance abuse issues.

- f. On January 10, 2006, while Applicant's license remained suspended, the North Carolina Board issued a Consent Order which reprimanded Applicant and required him to abstain from all mood-altering substances, based on his continued history of substance abuse. A copy of the pertinent North Carolina Board documents, marked Exhibit C, are attached and incorporated.

4. On August 1, 2006, Applicant was granted an educational limited medical license by the Board based, in part, on positive reports of Applicant's recovery status from the North Carolina Physicians Health Program and a recommendation from the Health Professional Recovery Program, hereafter HPRP. (On July 14, 2006, Applicant had entered into a non-disciplinary monitoring agreement with the HPRP.)

5. On August 16, 2006, the North Carolina Board issued a Consent Order which continued the December 2002 suspension of Applicant's license for a minimum period of 24 months. The suspension was based on Applicant's continued substance abuse issues. A copy of the North Carolina Board Consent Order, marked Exhibit D, is attached and incorporated.

6. On November 3, 2006, Applicant filed with the Board an application for full licensure to practice medicine in the state of Michigan.

NOTICE IS HEREBY GIVEN that it is the intention of the Board to deny Applicant's application for full licensure to practice medicine for the reasons that:

- a. Applicant's conduct, as set forth above, evidences a conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully practice the health profession, in violation of section 16221(a) of the Public Health Code, supra.

- b. Applicant's conduct, as set forth above, evidences substance abuse, contrary to section 16221(b)(ii) of the Public Health Code, supra.
- c. Applicant's conduct, as set forth above, indicates that Applicant suffers from a mental or physical inability reasonably related to and adversely affecting Applicant's ability to practice in a safe and competent manner, contrary to section 16221(b)(iii) of the Public Health Code, supra.
- d. Applicant's conduct, as set forth above, evidences a lack of good moral character, in violation of section 16221(b)(vi) of the Public Health Code, supra.
- e. The disciplinary actions in New York, Rhode Island, and North Carolina, as set forth above, constitute final adverse administrative actions by a licensure, registration, disciplinary, or certification board involving the holder of a license or registration regulated by another state or a territory of the United States, in violation of section 16221(b)(x) of the Public Health Code, supra.
- f. Applicant's conduct, as set forth above, evidences a failure to meet one or more of the requirements for licensure under section 16174 of the Public Health Code, supra, in violation of section 16221(l) of the Public Health Code, supra.

FURTHER NOTICE IS GIVEN that, in accordance with 1996 AACs, R 338.1624(3), Applicant bears the burden of proving, by a preponderance of the evidence, that Applicant meets the requirements for licensure set forth in section 16174 of the Public Health Code, supra.

FURTHER NOTICE IS GIVEN that, upon written request, Applicant shall be given an opportunity for a hearing, at which testimony and evidence may be presented on the Board's intent to deny Applicant's application for licensure, provided that WITHIN 20 DAYS FROM THE DATE APPLICANT RECEIVES THIS NOTICE,

Applicant files a written demand for hearing addressed to the Michigan Department of Community Health, Bureau of Health Professions, P. O. Box 30670, Lansing, MI 48909.

FURTHER NOTICE IS GIVEN that if Applicant fails to request a hearing as indicated above, the within Notice of Intent to Deny shall be deemed the FINAL ORDER of the Board DENYING Applicant's application for full licensure to practice medicine in the state of Michigan.

MICHIGAN BOARD OF MEDICINE

By Melanie B. Brim
Melanie B. Brim, Director
Bureau of Health Professions

DATED: May 21, 2007

Attachments

This is the last and final page of a Notice of Intent to Deny Application for Licensure in the matter of John Shannon Sappington, M.D., File Number 43-07-104853, before the Michigan Board of Medicine, consisting of five pages, this page included.

PMM

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JOHN SHANNON SAPPINGTON, M.D.

SURRENDER
ORDER

BPMC #95-312

Upon the Application of JOHN SHANNON SAPPINGTON, M.D. (Respondent)
to Surrender his/her license as a physician in the State of New York, which
application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby
adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of
physicians in the State of New York; it is further

ORDERED, that this order shall take effect as of the date of the personal
service of this order upon Respondent, upon receipt by Respondent of this order via
certified mail, or seven days after mailing of this order via certified mail, whichever is
earliest.

SO ORDERED.

DATED: 23 December 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JOHN SHANNON SAPPINGTON, M.D.

APPLICATION TO
SURRENDER
LICENSE

STATE OF RHODE ISLAND)
COUNTY OF PROVIDENCE) ss.:

JOHN SHANNON SAPPINGTON, M.D., being duly sworn, deposes and says:

On or about May 7, 1992, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 188909 by the New York State Education Department.

My current address is 490 Angell Street, Apt. 201A, Providence, Rhode Island, 02906, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with five specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

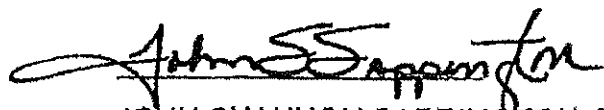
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to only the first specification in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

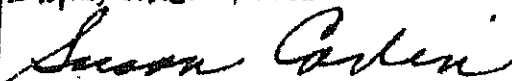
I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



JOHN SHANNON SAPPINGTON, M.D.
Respondent

Sworn to before me this

~~15th~~ day of Dec. , 1995



NOTARY PUBLIC

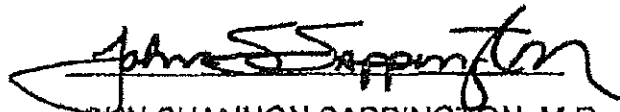
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JOHN SHANNON SAPPINGTON, M.D.

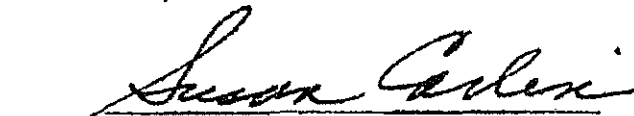
APPLICATION TO
SURRENDER
LICENSE

The undersigned agree to the attached application of the Respondent to surrender his license.


Date: 12/15/, 1995


JOHN SHANNON SAPPINGTON, M.D.
Respondent

Date: 12/15/, 1995


SUSAN CARLIN, ESQ.
Attorney for Respondent

Date: 12/19, 1995


IRENE M. KOCH
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 12/21, 1995

Anne Sailer

~~KATHLEEN M. TANNER~~
Acting Director
Office of Professional Medical Conduct

Date: 23 December, 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional Medical Conduct

EXHIBIT "A"

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JOHN SHANNON SAPPINGTON, M.D.

STATEMENT
OF
CHARGES

JOHN SHANNON SAPPINGTON, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 7, 1992, by the issuance of license number 188909 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Since on or before March, 1989, but in no case beginning later than June, 1994, Respondent's ability to practice medicine has been impaired for reasons including his being an habitual user of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects.
- B. Since on or before January, 1993, but in no case beginning later than June, 1994, Respondent practiced the profession while impaired by, at a minimum, alcohol and/or drugs. Examples of Respondent's practicing the profession while impaired include, but are not limited to, the following:
1. In or about June, 1994, while Respondent was a Resident in Psychiatry at New York University Medical Center, a sample of Respondent's urine, collected while he was on duty, tested positive for benzodiazapines.

2. In or about March, 1995, during which time Respondent was a Resident in Psychiatry at New York University Medical Center, Respondent was arrested and charged with criminal possession of a controlled substance, and a sample of Respondent's urine, collected shortly thereafter while he was on duty, tested positive for cocaine.

3. On several occasions, Respondent exercised poor judgement and/or engaged in inappropriate behavior with patients and staff.

C. Respondent knowingly and intentionally misrepresented facts including, but not limited to, the following:

1. In or about 1992, Respondent made inaccurate and/or misleading statement(s) and/or omission(s), and/or included inaccurate and/or misleading letter(s) of reference, when applying for a residency in Psychiatry at New York University Medical Center.
2. In or about 1995, Respondent made inaccurate and/or misleading statement(s) and/or omission(s), and/or included inaccurate and/or misleading letter(s) of reference, when applying for a residency in Child Psychiatry at Bradley Hospital in Rhode Island.
3. In or about April 1995, Respondent made inaccurate and/or misleading statement(s) and/or omission(s) when applying for a residency in psychiatry at University of Buffalo.

4. In or about April, 1995, Respondent made inaccurate and/or misleading statement(s) and/or omission(s) in discussions with a representative of the Office of Education of the American Psychiatric Association.
 5. In or about May, 1995, Respondent made inaccurate and/or misleading statement(s) and/or omission(s) when applying for a fellowship at University of Florida.
 6. In or about July, 1995, Respondent made inaccurate and/or misleading statement(s) and/or omission(s) on his application for a license to practice medicine in Rhode Island.
- D. In or about August, 1995, Respondent made several inappropriate and/or threatening telephone calls to the Director of Residency Training, Department of Psychiatry, New York University Medical Center, after Respondent had recently been dismissed from the Psychiatric Residency Program there.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

BEING AN HABITUAL USER OR HAVING A PSYCHIATRIC CONDITION WHICH IMPAIRS THE ABILITY TO PRACTICE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(8)(McKinney Supp. 1995) by being an habitual user of alcohol, or being dependent on or an habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect, or having a psychiatric condition which impairs the licensee's ability to practice, as alleged in the facts of the following:

1. Paragraph A.

SECOND SPECIFICATION

PRACTICING WHILE IMPAIRED

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(7)(McKinney Supp. 1995) by practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability, as alleged in the facts of the following:

2. Paragraphs B, B.1, B.2 and/or B.3.

THIRD SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by

N.Y. Educ. Law §6530(2)(McKinney Supp. 1995) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

3. Paragraphs C, C.1, C.2, C.3, C.4, C.5 and/or C.6.

FOURTH SPECIFICATION

WILFULLY MAKING A FALSE REPORT

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(21)(McKinney Supp. 1995) by willfully making or filing a false report as alleged in the facts of the following:

4. Paragraphs C, C.1, C.2, C.3, C.4, C.5 and/or C.6.

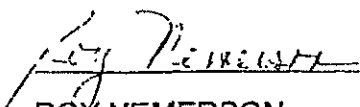
FIFTH SPECIFICATION

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1995) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

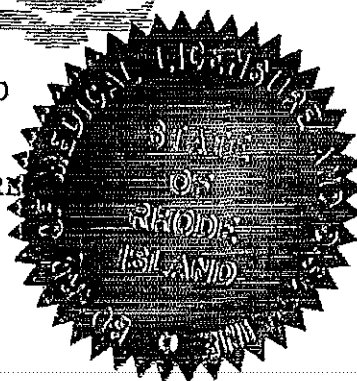
5. Paragraph D.

DATED: December 4, 1995
New York, New York


ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE



No. C96-014

In the matter of:
John Sappington, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.2 of the General Laws of the State of Rhode Island, 1956, as amended, a notification of Suspension was filed by the State of New York with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") charging John Sappington, M.D., Respondent, with violations of Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. An investigation was conducted by the Board.

The following constitutes the Investigating Committee's Findings of Fact with respect to the professional performance of the Respondent.

Findings of Fact

1. On or about December 4, 1995, the Respondent's license to practice medicine in the State of New York was suspended by Summary Order.

2. Certain charges were filed by the State of New York on December 4, 1995 that alleged, inter alia, a dependence upon controlled substances and making false statement on various applications for licensure and/or privileges.
3. In lieu of a hearing on the charges, the Respondent entered into an agreement to surrender his license with the State of New York, Department of Health, on December 23, 1995 admitting that his ability to practice medicine was impaired.
4. Subsequently, the Respondent's license to practice medicine was Summarily Suspended by the State of Rhode Island due to inaccurate statements made on the State of Rhode Island application for licensure and for actions in the States of New York and in Rhode Island that constitute an immediate danger to the public health.

The parties agree as follows:

(1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license number 9034 and Limited License number 0015879.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and

understands that it is a proposal of Investigating Committee II of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as

a result of the presentation of this
Consent Order.

(5) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee is described by statute. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(6) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further

disciplinary action.

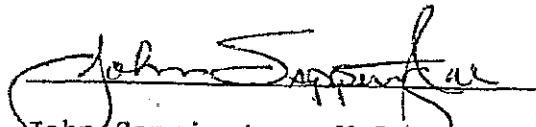
(9) The Board of Medical Licensure and Discipline finds the Respondent to be in violation of Rhode Island General Laws 5-37-5.1(5) and 5-37-5.1(21) for "unprofessional conduct."

(10) The Respondent voluntarily surrenders licenses, MD 9034 and training license 0015879.


Signed this
1996.

12th

day of MARCH


John Sappington, M.D.

Ratified by the Board of Medical Licensure and Discipline at
a meeting held on 13 March 1996.


Patricia A. Nolan, M.D., M.P.H.
Chairperson
Board of Medical Licensure and
Discipline

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	ORDER OF SUMMARY SUSPENSION
John Shannon Sappington, M.D.,)	OF LICENSE
)	
Respondent.)	

This matter is before the North Carolina Medical Board (hereinafter Board) upon information that John Shannon Sappington, M.D. (hereinafter Dr. Sappington), has surrendered his license to practice medicine in New York following a Commissioner's Order and Notice of Hearing dated December 4, 1995, by the New York State Department of Health State Board for Professional Medical Conduct prohibiting Dr. Sappington from practicing medicine and alleging that his "ability to practice medicine has been impaired for reasons including his being an habitual user of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects[,] and that Dr. Sappington has surrendered his license to practice medicine in Rhode Island following a Summary Suspension effective February 13, 1996, by the State of Rhode Island and Providence Plantations Department of Health, Board of Medical Licensure and Discipline, concluding "that the continuation in the

practice of medicine by [Dr. Sappington] constitutes an immediate danger" It appears to the Board that Respondent may be unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of alcohol, drugs, chemicals, or any other type of material or by reason of any physical or mental abnormality within the meaning of N.C. Gen. Stat. § 90-14(a)(5).

The Board finds that the public health, safety, or welfare requires emergency action. The Board therefore ORDERS, pursuant to N.C. Gen. Stat. § 150B-3(a), that Respondent's license to practice be SUSPENDED effective immediately, or on service of the certified copy of this Order at the last known address of the licensee, whichever is later.

This the 23rd day of March, 1996.

NORTH CAROLINA MEDICAL BOARD

By:

Ernest B. Spangler, M.D.
Ernest B. Spangler, M.D.
President

Attest:

Bryant D. Paris, Jr.
Bryant D. Paris, Jr.
Executive Director

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
John Shannon Sappington, M.D.,)	NOTICE OF CHARGES
)	
Respondent.)	

TO: John Shannon Sappington, M.D.

You are hereby given notice that the North Carolina Medical Board (hereinafter Board) has preferred and does hereby prefer against you the following charges:

1. The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes.

2. You are a Physician licensed by the Board on May 21, 1994, license number 94-00628.

3. The Board is informed and therefore believes that on or about December 4, 1995, the New York State Department of Health State Board for Professional Medical Conduct (hereinafter New York Board) issued a Commissioner's Order and Notice of Hearing against you prohibiting you from practicing medicine.

4. The Board is informed and therefore believes that by an Application to Surrender License dated December 15, 1995, you applied for permission to surrender your license to practice medicine in New York, admitting guilt to the charge of "committing professional misconduct as defined in N.Y. Educ. Law §6530(8) (McKinney Supp. 1995) by being an habitual user of alcohol, or being dependent on or an habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect, or having a psychiatric condition which impairs [your] ability to practice, . . ."

5. The Board is informed and therefore believes that on or about February 13, 1996, the State of Rhode Island and Providence Plantations, Department of Health, Board of Medical Licensure and Discipline (hereinafter Rhode Island Board) entered a Summary Suspension of your license.

6. The Board is informed and therefore believes that sometime after February 13, 1996, you surrendered your license to practice medicine in Rhode Island.

First Charge

7. As evidenced by the above-described admission, and perhaps by other behavior yet to come to the Board's attention,

you are unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of alcohol, drugs, chemicals, or any other type of material or by reason of any physical or mental abnormality within the meaning of N.C. Gen. Stat. § 90-14(a)(5), and grounds exist under that section of the General Statutes for the Board to annul, suspend, revoke, condition, or limit your license to practice medicine and surgery issued to you by the Board.

Second Charge

8. The above-mentioned surrenders of your licenses to the New York Board and the Rhode Island Board are the acceptances of a license to practice medicine voluntarily relinquished by a physician or relinquished by stipulation, consent order, or other settlement in response to or in anticipation of the filing of administrative charges against your license and therefore is an action against your license to practice medicine by the licensing authority of any jurisdiction within the meaning of N.C. Gen. Stat. § 90-14(a)(13), and grounds exist under that section of the General Statutes for the Board to annul, suspend, revoke, condition, or limit your license to practice medicine and surgery issued to you by the Board.

Notice

You are further given notice hereby that you will be given an opportunity to be heard concerning the above charges or complaint at a place and time to be hereafter designated by the Board, at which place and time you may appear personally and through counsel, may cross examine witnesses and present evidence in your own behalf. You may, if you desire, file written answers to the charges and complaints preferred against you within 30 days after the service of this notice.

This the 23rd day of March, 1996.

NORTH CAROLINA MEDICAL BOARD

By:

Ernest B. Spangler, M.D.
Ernest B. Spangler, M.D.
President

ATTEST:

Bryant D. Paris, Jr.
Bryant D. Paris, Jr.
Executive Director

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

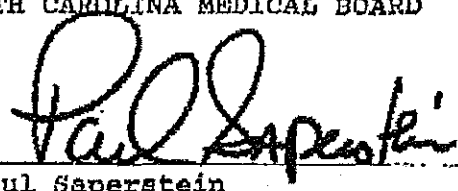
In re:)
)
John Shannon Sappington, M.D.,) NOTICE OF DISMISSAL
)
Respondent.)

John Shannon Sappington, M.D., Respondent (hereinafter Dr. Sappington), having surrendered his license, the North Carolina Medical Board hereby DISMISSES WITHOUT PREJUDICE the above-captioned contested case initiated by Notice of Charges dated March 23, 1996, against Dr. Sappington.

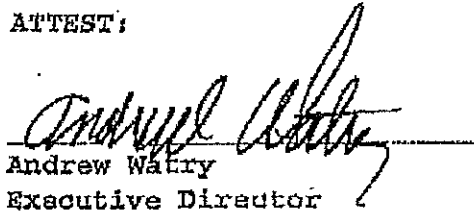
By order of the North Carolina Medical Board, this the 23
day of January, 1999.

NORTH CAROLINA MEDICAL BOARD

By:


Paul Saperstein
President

ATTEST:


Andrew Watry
Executive Director

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
John Shannon Sappington, M.D.) CONSENT ORDER
)
Respondent.)
)

This is before the North Carolina Medical Board (hereinafter Board) regarding the application of Respondent John Shannon Sappington, M.D. (hereinafter Dr. Sappington), for reinstatement of license number 94-00628.

Whereas the Board issued Dr. Sappington a license to practice medicine and surgery on May 21, 1994, pursuant to which he practiced psychiatry in Raleigh, North Carolina, and

Whereas Dr. Sappington has a problem with alcohol abuse, which resulted in the surrender of his license on or about January 5, 1999, and

Whereas Dr. Sappington sought and obtained continuing treatment for alcohol and substance abuse, and

Whereas Dr. Sappington is a participant in the North Carolina Physicians Health Program (hereinafter NCPHP) with a contract in which he commits not to consume controlled substances or drink alcohol and to follow the treatment recommended by NCPHP, and

Whereas Dr. Sappington admits grounds exist under N.C. Gen. Stat. § 90-14(a)(5) for the Board to deny his application for reinstatement of his license to practice medicine and surgery, and

Whereas Dr. Sappington met with a committee of the Board on at least two occasions, to discuss the above, and

Whereas it appears that Dr. Sappington has maintained his sobriety since April 12, 1999, and

Whereas it appears to the Board that Dr. Sappington is involved in an active recovery program with Alcoholics Anonymous and Caduceus, and programs recommended by NCPHP, and

Whereas Dr. Sappington has taken steps and has agreed to take further steps to ensure the Board and the people of North Carolina that he can safely practice medicine.

Now, therefore, with Dr. Sappington's consent, it is ORDERED that:

1. The Board shall issue Dr. Sappington a license to practice medicine to expire on the date shown thereon.

2. Unless lawfully prescribed for him by someone other than himself, Dr. Sappington shall remain involved in an active recovery program with Alcoholics Anonymous, Narcotics Anonymous, and Caduceus and shall refrain from the use or possession of all mind or mood altering substances and all controlled substances including but not limited to, sedatives, stimulants, pain medications, and he shall likewise refrain from the use of or possession of alcohol.

Dr. Sappington shall notify the Board in writing within ten (10) days of his use of such medication or alcohol. This notice shall include, but shall not be limited to, identification of the prescriber and of the pharmacy filling the prescription.

3. Upon request by the Board, Dr. Sappington shall supply urine, blood, hair, or any other bodily fluid or tissue sample the Board might reasonably require for the purposes of analysis to determine if he has consumed alcohol or any of the substances mentioned above. All costs of obtaining and analyzing such samples shall be borne by Dr. Sappington.

4. Dr. Sappington shall maintain his contract with the North Carolina Physicians Health Program (hereinafter NCPHP) and abide by its terms, including the payment of any fees required by NCPHP.

5. Dr. Sappington shall obey all laws.

6. Dr. Sappington shall notify the Board in writing of any change in his residence or practice addresses within ten (10) days of the change.

7. Dr. Sappington shall appear before the Board at its May 2001 meeting and at such times as directed by the Board.

8. If Dr. Sappington fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, revoke, condition, or limit Dr.

Sappington's license to practice medicine or to deny any application he might make in the future or then have pending for a license.

9. This Consent Order shall take effect immediately upon its execution by both Dr. Sappington and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

10. Dr. Sappington hereby waives any requirement under any law or rule that this Consent Order be served on him.

11. Upon execution by Dr. Sappington and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses, as required and permitted by law, including, but not limited to, the National Practitioners Data Bank and the Healthcare Integrity and Protection Data Bank.

By order of the North Carolina Medical Board this the 21st day of February 2001.

NORTH CAROLINA MEDICAL BOARD

By:


Elizabeth P. Kanof, M.D.
President

ATTEST:

Andrew Watry

Asst Executive Director

Consented to this the 21 day of February 2001.

John Shannon Sappington
John Shannon Sappington, M.D.

State of North Carolina

Wake County

I, Diana L. Edwards, a Notary Public for the above named County and State, do hereby certify that John Shannon Sappington, M.D. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal
This the 21st day of February, 2001.

Diana L. Edwards
Notary Public

(SEAL)

My Commission expires: 10-28-04

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
John Shannon Sappington M.D.,)	CONSENT ORDER
)	
Respondent.)	

This matter is before the North Carolina Medical Board (hereafter Board) regarding the Notice of Charges and Allegations dated September 19, 2002, against John Shannon Sappington, M.D. (hereafter Dr. Sappington). Dr. Sappington admits and the Board finds and concludes that:

Whereas the Board issued Dr. Sappington a license to practice medicine and surgery on May 21, 1994, license number 94-00628, and

Whereas during the times relevant herein, Dr. Sappington practiced psychiatry in the Linville, North Carolina area, and

Whereas Dr. Sappington has a history of substance abuse, the details of which are set forth in a Consent Order between Dr. Sappington and the Board dated February 21, 2001, and

Whereas one of the conditions of the February 2001 Consent Order was that Dr. Sappington refrain from the use or possession of all mind or mood altering substances and all controlled substances including but not limited to sedatives, stimulants,

pain medications, and alcohol, unless lawfully prescribed for him by someone other than himself, and

Whereas on August 2, 2002, at approximately 9:00 a.m. hospital staff notified Edward Green, Jr., President of Cannon Memorial Hospital, that they had been unable to contact Dr. Sappington for over twelve hours, and

Whereas at approximately 9:45 a.m., Dr. Green went to Dr. Sappington's office in an attempt to locate him, and

Whereas Dr. Sappington's office door was locked and Mr. Green called out to him, and

Whereas Dr. Sappington responded and advised Mr. Green he did not want to talk with him and refused to unlock the door, and

Whereas at approximately 11:00 a.m., Mr. Green returned to Dr. Sappington's office and unsuccessfully attempted to persuade Dr. Sappington to open the door, and

Whereas Mr. Green opened the office door with a passkey and upon entering the office observed Dr. Sappington sitting at his desk with his shirt and shoes off and his feet propped on the desk with his hands behind his head, and

Whereas Dr. Sappington advised Mr. Green, that on the previous day a patient left him three bottles of medication

containing Paxyl®, Klonopine® and Concerta® and Dr. Sappington admitted ingesting some Concerta®, and

Whereas on Monday August 5, 2002, Mr. Green suspended Dr. Sappington's hospital privileges, and

Whereas Dr. Sappington voluntarily surrendered his medical license on Monday August 5, 2002, and

Whereas the above-described conduct constitutes a violation of the Consent Order dated February 21, 2001, entered into between Dr. Sappington and the Board and constitutes unprofessional conduct within the meaning of N.C. Gen. Stat. 90-14(a)(6), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Sappington's license to practice medicine and surgery issued by the Board or to deny any application he might in the future make for a license to practice medicine, and

Whereas Dr. Sappington would like to resolve this case without the need for a hearing, and

Whereas Dr. Sappington acknowledges and agrees that the Board is a body duly organized under the laws of North Carolina and is the proper party to have brought this proceeding under the authority granted it in Article 1 of Chapter 90 of the North

Carolina General Statutes, and the rules promulgated pursuant thereto, and that the Board has jurisdiction over him and over the subject matter of this case, and

Whereas the Board is authorized by N.C. Gen. Stat. § 150B-41 (c) to resolve this matter by Consent Order, and

Whereas Dr. Sappington knowingly waives his right to any hearing on the charges brought in the Notice of Charges and Allegations dated September 19, 2001 and to any judicial review or appeal in this case, and

Whereas Dr. Sappington acknowledges he has read and understands this Consent Order and enters into it voluntarily, and

Whereas Dr. Sappington acknowledges that he is aware of his right to employ counsel in this matter and has retained Alan M. Schneider, of the law firm of Cheshire, Parker, Schneider, Bryan & Vitale to represent him in this matter, and

Whereas Dr. Sappington understands that this Consent Order is subject to the approval of the Board and Dr. Sappington agrees that he will not raise any objection or advance any argument that the Board or any of its members are disqualified from further participation in this case by reason of the review and consideration of this Consent Order, and

Whereas the Board determined it to be in the public interest to resolve this matter as set forth below;

Now, therefore, with Dr. Sappington's consent, it is ORDERED that:

1. Dr. Sappington's license to practice medicine in North Carolina is hereby SUSPENDED INDEFINITELY.

2. Dr. Sappington shall not apply for reinstatement of his medical license for a minimum of one year from the date of the execution of this Consent Order.

3. This Consent Order shall take effect immediately upon its execution by both Dr. Sappington and the Board and it shall continue in effect until specifically ordered otherwise by the Board.

4. Dr. Sappington hereby waives any requirement under any law or rule that this Consent Order be served on him.

5. Upon execution by Dr. Sappington and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required by and permitted by law including, but not limited to, the

Federation of State Medical Boards, the National Practitioner's
Data Bank, and the Healthcare Integrity and Protection Data
Bank.

This the 19th day of December, 2002.

NORTH CAROLINA MEDICAL BOARD

By: Buddy Garrett
Buddy Garrett, M.D.
President

ATTEST:

R. David Henderson
R. David Henderson
Interim Executive Director

Consented to this the 19 day of December, 2002.

John Shannon Sappington
John Shannon Sappington, M.D.

State of North Carolina

County of Wake

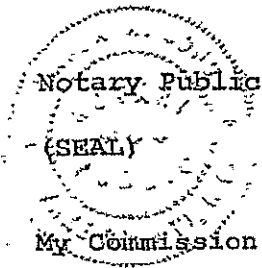
I, Wanda A. Long, a Notary Public for the
above named County and State, do hereby certify that John
Shannon Sappington, M.D. personally appeared before me this day
and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal
This the 19th day of December, 2002.

Wanda A. Long

Consent Order - Dr. Sappington

Page 6 of 7



My Commission expires: 4-18-2005

Consent Order - Dr. Sappington

Page 7 of 7

EXHIBIT C page 19 of 25

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
John S. Sappington, M.D.,)	CONSENT ORDER
)	
Respondent.)	

This matter is before the North Carolina Medical Board (hereafter Board) regarding information that John S. Sappington, M.D. (hereinafter Dr. Sappington) engaged in unprofessional conduct and obtained a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge. Dr. Sappington admits, and the Board finds and concludes, the following:

Whereas Dr. Sappington is a physician licensed by the Board on May 21, 1994, to practice medicine and surgery, license number 9400628, and

Whereas, during the times relevant herein, Dr. Sappington practiced psychiatry and addiction medicine, in Linville North Carolina, and

Whereas Dr. Sappington has a history of substance abuse, and

Whereas Dr. Sappington's license to practice medicine in North Carolina was indefinitely suspended by a Consent Order dated December 19, 2002, and

Whereas, on two occasions in 2003, Dr. Sappington inappropriately obtained Ritalin® (methyphenidate hydrochloride), a

Schedule II controlled substance, by altering a prescription for Prozac® (fluoxetine hydrochloride) issued to Dr. Sappington by another physician, and

Whereas the above described conduct constitutes unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a) (6) which is grounds for the Board to annul, suspend, revoke, condition, or limit his license to practice medicine and surgery or to deny any application he may make in the future, and

Whereas, subsequent to the conduct in question, Dr. Sappington successfully completed long term residential treatment at the Farley Center, and is currently receiving medical treatment for ADHD with non-stimulant medication.

Whereas Dr. Sappington acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case, and

Whereas Dr. Sappington knowingly waives his right to any hearing and to any judicial review or appeal in this case, and

Whereas Dr. Sappington acknowledges that he has read and understands this Consent Order and enters into it voluntarily, and

Whereas Dr. Sappington acknowledges that he has had the advice of counsel in connection with this matter, and

Whereas Dr. Sappington understands that this Consent Order is subject to the approval of the Board and Dr. Sappington agrees that he will not raise any objection or advance any argument that the

Board or any of its members are disqualified from further participation in this case by reason of the review and consideration of this Consent Order, and

Whereas Dr. Sappington's license to practice medicine continues to be indefinitely suspended pursuant to the December 2002 consent order, and

Whereas Dr. Sappington desires to resolve this matter without the need for more formal proceedings.

Now, therefore, with Dr. Sappington's consent, it is ORDERED that:

1. Dr. Sappington is hereby REPRIMANDED for his conduct.
2. Unless lawfully prescribed for him by someone other than himself, Dr. Sappington shall refrain from the use or possession of all mind- or mood-altering substances and all controlled substances. Dr. Sappington shall notify the Board in writing within ten (10) days of his use of such medication. This notice shall include, but shall not be limited to, identification of the prescribing physician and of the pharmacy filling the prescription.
3. Upon request by the Board, Dr. Sappington shall supply urine, blood, hair, or any other bodily fluid or tissue sample the Board might reasonably require for the purposes of analysis to determine if he has consumed any of the substances mentioned above. All costs of obtaining and analyzing such samples shall be borne by Dr. Sappington.

4. Dr. Sappington shall strictly adhere to and comply with the Board's position statement entitled, "Self-Treatment and Treatment of Family Members and Others With Whom Significant Emotional Relationships Exist."

5. Dr. Sappington shall obey all laws and he shall obey all regulations related to the practice of medicine.

6. Dr. Sappington shall notify the Board in writing of any change in his residence or practice addresses within ten (10) days of the change.

7. If Dr. Sappington fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, revoke, condition, or limit Dr. Sappington's license to practice medicine or to deny any application he might make in the future or then have pending for a license.

8. This Consent Order shall take effect immediately upon its execution by both Dr. Sappington and the Board and it shall continue in effect until specifically ordered otherwise by the Board.

9. Upon execution by Dr. Sappington and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be

subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required by and permitted by law including, but not limited to, the Federation of State Medical Boards, the National Practitioner's Data Bank, and the Healthcare Integrity and Protection Data Bank.

This the 17 day of February, 2006.

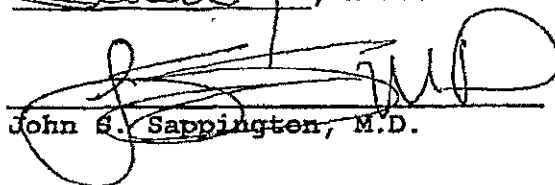
NORTH CAROLINA MEDICAL BOARD

By:

Robert C. Moffatt, M.D.

Robert C. Moffatt, M.D.
President

Consented to this the 10th day of January, 2006.


John S. Sappington, M.D.

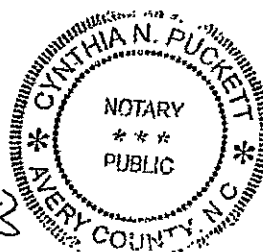
State of North Carolina

County of Avery

I, Cynthia N. Puckett, a Notary Public for the above named County and State, do hereby certify that John S. Sappington, M.D., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal
This the 10 day of February, 2006.

Cynthia N. Puckett
Notary Public
(SEAL)



My Commission expires: August 31, 2008

In re:

CONSENT ORDER

Respondent.

B's name. Dr. Sappington then gave the prescriptions to Person A or Person B, who used the prescriptions to obtain medications, including controlled substances, and

Whereas the above described conduct constitutes unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a) (6) which is grounds for the Board to annul, suspend, revoke, condition, or limit his license to practice medicine and surgery or to deny any application he may make in the future, and

Whereas Dr. Sappington acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case, and

Whereas Dr. Sappington knowingly waives his right to any hearing and to any judicial review or appeal in this case, and

Whereas Dr. Sappington acknowledges that he has read and understands this Consent Order and enters into it voluntarily, and

Whereas Dr. Sappington acknowledges that he has had the advice of counsel in connection with this matter, and

Whereas Dr. Sappington understands that this Consent Order is subject to the approval of the Board and Dr. Sappington agrees that he will not raise any objection or advance any argument that the Board or any of its members are disqualified from further participation in this case by reason of the review and consideration of this Consent Order, and

Whereas Dr. Sappington desires to resolve this matter without the need for more formal proceedings.

Now, therefore, with Dr. Sappington's consent, it is ORDERED that:

1. Dr. Sappington's license to practice medicine continues to be SUSPENDED INDEFINITELY pursuant to the December 2002 consent order.
2. Dr. Sappington may petition for reinstatement of his North Carolina medical license no sooner than twenty-four (24) months from the date of this ORDER.
3. At such time as Dr. Sappington may make petition for reinstatement of his medical license, the Board shall decide on the petition based on all the facts and circumstances available to it at the time the petition is submitted.
4. Upon request by the Board, Dr. Sappington shall supply urine, blood, hair, or any other bodily fluid or tissue sample the Board might reasonably require for the purposes of analysis to determine if he has consumed any of the substances mentioned above. All costs of obtaining and analyzing such samples shall be borne by Dr. Sappington.
5. Dr. Sappington shall obey all laws and he shall obey all regulations related to the practice of medicine.

6. Dr. Sappington shall notify the Board in writing of any change in his residence or practice addresses within ten (10) days of the change.

7. If Dr. Sappington fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, revoke, condition, or limit Dr. Sappington's license to practice medicine or to deny any application he might make in the future or then have pending for a license.

8. This Consent Order shall take effect immediately upon its execution by both Dr. Sappington and the Board and it shall continue in effect until specifically ordered otherwise by the Board.

9. Upon execution by Dr. Sappington and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required by and permitted by law including, but not limited to, the Federation of State

Medical Boards, the National Practitioner's Data Bank, and the
Healthcare Integrity and Protection Data Bank.

This the 16 day of August, 2006.

NORTH CAROLINA MEDICAL BOARD

By:

Robert C. Moffatt
Robert C. Moffatt, M.D.
President

Consented to this the 8th day of August, 2006.

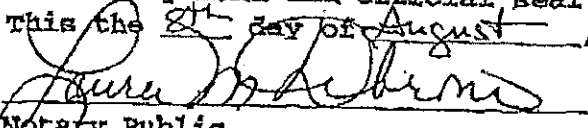
State of Michigan


John S. Sappington, M.D.

County of Wayne

I, Laura M. Dibrano, a Notary Public for the above named County and State, do hereby certify that John S. Sappington, M.D., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal
this the 8th day of August, 2006.


Notary Public
(SEAL)

My Commission expires: 12/31/2007

LAURA M. DIBRANO
Notary Public, Oakland County, MI
Acting in Wayne County, MI
My Commission Expires 12-31-2007