

**BEFORE THE BOARD OF MEDICAL EXAMINERS
STATE OF MONTANA**

In the Matter of JOHN PETERS, M.D. , Medical Doctor, License No. 7239.	Case No. 2015-MED-LIC-1105 FINAL ORDER BY DEFAULT
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Giving primary consideration to the sanctions necessary to protect and compensate the public and secondary consideration to sanctions necessary to rehabilitate John Peters, M.D. (Licensee), the Montana Board of Medical Examiners (Board), by a preponderance of the evidence, enters the following:

FINDINGS OF FACT

1. The Department of Labor and Industry (Department) sent Licensee a Notice of Proposed Board Action and Opportunity for Hearing (Notice) by United States Postal Service (USPS) certified mail to the address on file with the Board, as authorized by Mont. Code Ann. § 37-1-309(1). See, Exhibit A attached hereto.

2. USPS returned the certified mail receipt indicating receipt of the Notice at Licensee's address on file with the Board. Ex. A.

3. The Notice provided an opportunity for a hearing if requested within 20 days of receipt of the Notice. More than 20 days have passed since Licensee's receipt of the Notice and there has been no receipt by the Board of a hearing request. Ex. A.

4. On or about November 21, 1992, the Montana Board of Medical Examiners (Board) issued Dr. Peters (Licensee) a Medical Doctor license, number 7239. Licensee's license is active through March 31, 2017.

5. The complaint against Licensee was filed on November 30, 2015, by a physician who had treated him and alleged that Dr. Peters' ability to practice competently may have been compromised by Dr. Peters' age, and the effects of a fall resulting in a significant head injury. The complainant added that Dr. Peters planned to resume the practice of medicine in Bozeman Montana.

6. The Department forwarded Licensee a copy of the complaint and directed him to respond in writing. In his response to the complaint dated January 6, 2016, Licensee acknowledged that he had suffered a head injury in a recent fall, but denied any lingering impairment. Licensee, a psychiatrist, asserted that he continued to treat a few patients including encounters through computer video interactions. Licensee confirmed that he would like to return to Bozeman to resume practicing psychiatry. Licensee reported that he had undergone an evaluation while he was being treated for his head injury and that evaluation found no medical issues.

7. On February 26, 2016, the Screening Panel met on Licensee's case. Licensee was given notice and appeared personally. The Screening Panel explained that the evaluation Licensee had undergone was not sufficient. The Screening Panel discussed the advisability of appropriate testing including neurocognitive testing to assure that Licensee was capable of practicing medicine with a reasonable degree of skill and safety. The Panel agreed that all such testing should be arranged through and monitored by the Montana Professional Assistance Program (MPAP) which could name the professional or professionals it deemed qualified to perform such testing. Licensee signed a Cessation of Practice Agreement on March 31, 2016, under which he would voluntarily discontinue his practice while undergoing that testing. The

Cessation of Practice Agreement remained in effect unless Licensee breached the agreement or the Screening Panel learned new information indicating discipline was warranted.

8. Mike Ramirez (Ramirez) the director of MPAP referred Licensee for a Neuropsychological Evaluation which was completed in April of 2016. The Evaluation signed by Jeffery M. Cory PHD on April 29, 2016 stated: “The results of this evaluation have documented the presence of a Major Neurocognitive Disorder in Dr. Peters.” With regard to Licensee’s ability to practice, the evaluation stated: “In that regard, it is my opinion that the results of this evaluation indicate that in the interest of public safety and individual patient welfare, Dr. Peters no longer possesses the neuropsychological capacity to engage in his clinical practice as a physician here in Montana.”

9. Licensee disagreed with this evaluation and requested from the Screening Panel on June 17, 2016, the opportunity to obtain another evaluation from a psychiatrist or MD neurologist. The Screening Panel agreed, and instructed Mike Ramirez from the MPAP to refer Dr. Peters to a provider capable of conducting that evaluation.

10. On October 14, 2016, Ramirez informed the Screening Panel that he had recommended three providers to Licensee. Licensee did not want to obtain an evaluation from the first two providers because they were not psychiatrists. Licensee felt that only a psychiatrist could determine whether a fellow psychiatrist was safe to practice. Mike Ramirez recommended an evaluator who is a psychiatrist, and did not hear from Licensee again.

11. Ramirez said that before he lost contact with Licensee, Licensee had insisted that he had a dozen patients he would like to continue to follow. Mike Ramirez explained that Licensee was unable to see his own limitations despite compelling evidence to the contrary.

12. On November 4, 2016, the Screening Panel found reasonable cause to believe Licensee violated statutes, rules, and standards applicable to his Medical license and moved to initiate disciplinary proceedings. The Screening Panel further found that public health, safety, or welfare imperatively requires emergency action and summarily suspended Licensee's Medical license to practice in the State of Montana.

13. In reaching its decision the Screening Panel relied upon the following: Licensee has a mental disability that makes him unable to safely practice Medicine. Licensee does not understand that he has this disability and intends to practice. Licensee's Cessation of Practice Agreement is no longer in effect now that the Screening Panel has taken action. Licensee also failed to follow through with getting a third evaluation.

Based upon the above Findings of Fact, the Board makes the following Conclusions of Law:

CONCLUSIONS OF LAW

1. The Board has subject matter jurisdiction and legal authority to bring this action under Mont. Code Ann. §§ 37-1-131, 37-1-136, 37-1-307, 37-1-309 and Title 37, chapter 3.

2. Pursuant to Mont. Code Ann. § 37-1-309(3), a licensee's failure to request a hearing within 20 days of receipt of the Notice constitutes a default on the charge or charges allowing the Board to enter a decision based on the facts available to it.

3. Respondent's conduct violated Mont. Code Ann. § 37-1-316(11), having a physical or mental disability that renders the licensee unable to practice the profession or occupation with reasonable skill and safety.

Based upon the above Findings of Fact and Conclusions of Law, the Board enters the following Final Order:

FINAL ORDER

Licensee's Montana license shall be **immediately REVOKED** to practice as a Medical Doctor in the state of Montana. Mont. Code Ann. § 37-1-312(1)(a). Pursuant to Mont. Code Ann. § 37-1-312(4), any and all documentation of licensure must be returned to the Board of Medical Examiners in person or by mail within 24 hours of receiving this revocation notice.

Documents may be mailed to the Board at the following address:

Board of Medical Examiners
301 South Park Avenue
PO Box 200514
Helena, MT 59620-0514

DATED this 20th day of January, 2016^{7th ed.}



Presiding Officer
Montana Board of Medical Examiners


CERTIFICATE OF SERVICE

I certify I served a true and accurate copy of the foregoing *FINAL ORDER BY DEFAULT* via United States Postal Service, first-class postage prepaid, on the following:

JOHN PETERS MD
904 NORTH SHERIDAN STREET
UNIT 11
PLENTYWOOD MT 59254

Courtesy copy sent to Power of Attorney for Licensee:
LISA STANLEY
10172 MEADOWBRIAR LANE
HIGHLANDS RANCH CO 80126

DATED this 23rd day of January, 2016.



Department of Labor and Industry

**BEFORE THE BOARD OF MEDICAL EXAMINERS
STATE OF MONTANA**

<p>In the Matter of</p> <p>JOHN PETERS, MD,</p> <p>Medical Doctor, License No. 7239.</p>	<p>Case No. 2015-MED-LIC-1105</p> <p style="text-align:center">EXHIBIT A AFFIDAVIT OF SARAH J. BRADEN</p>
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I, Sarah J. Braden, state as follows:

1. I am a citizen of the United States, over 18 years of age, a resident of Lewis and Clark County, Montana, and employed by the Montana Department of Labor and Industry (Department) as Supervising Paralegal for the Office of Legal Services. In my position, I direct legal support staff to effect service of process upon a licensee pursuant to Mont. Code Ann. § 37-1-309(1).
2. The statements below are based upon legal support staff's review of the Department's file and database pursuant to Montana statutes regarding service of process.
3. On November 9, 2016, the Department mailed a Notice of Proposed Board Action and Opportunity for Hearing (Notice) to John Peters, M.D. (Licensee) at his address on file with the Board of Medical Examiners (Board) by United States Postal Service (USPS), certified mail receipt no. 7015 0640 0007 2072 0670 / GC 9590 9403 0557 5173 3480 65.
4. USPS returned the certified mail receipt indicating that the Notice was received at Licensee's address on file with the Board on November 21, 2016.
5. The Notice provided an opportunity for a hearing if requested within 20 days of receipt of the Notice. More than 20 days have passed since Licensee's receipt of the Notice and no request for a hearing has been received.

6. I have no knowledge of or reason to believe Licensee is an incompetent person, minor, or a member of the military or naval services of the United States now or within six months preceding commencement of this action.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 3rd day of January, 2016.



Sarah J. Braden

Peter Bovingdon
Special Assistant Attorney General
DEPARTMENT OF LABOR AND INDUSTRY
Office of Legal Services
301 South Park Avenue
P.O. Box 200514
Helena, MT 59620-0514
Telephone: (406) 841-2312
Fax: (406) 841-2313
E-mail: *dlibsdllegalservices@mt.gov*

**BEFORE THE BOARD OF MEDICAL EXAMINERS
STATE OF MONTANA**

<p>In the Matter of the Proposed Disciplinary Treatment of the License of</p> <p>JOHN PETERS, MD,</p> <p>Medical Doctor, License No. 7239.</p>	<p>Case No. 2015-MED-LIC-1105</p> <p>NOTICE OF PROPOSED BOARD ACTION, SUMMARY SUSPENSION, AND OPPORTUNITY FOR HEARING</p>
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TO: JOHN PETERS MD
904 NORTH SHERIDAN STREET
UNIT 11
PLENTYWOOD MT 59254

On November 4, 2016, the Screening Panel of the Montana Board of Medical Examiners (the Screening Panel) considered information presented by the Montana Department of Labor and Industry (Department) and directed this *Notice of Proposed Board Action, Summary Suspension, and Opportunity for Hearing* (Summary Suspension Notice) be served upon you.

SUMMARY SUSPENSION ORDER

Summary suspension of a license is authorized by **Mont. Code Ann. § 2-4-631**, which provides:

- (1) When the grant, denial, renewal, revocation, suspension, annulment, withdrawal, limitation, transfer, or amendment of a license is required by law to be preceded by notice and opportunity for hearing, the provisions of this chapter concerning contested cases apply.

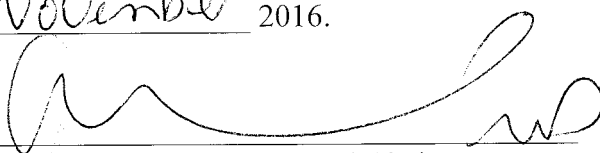
(3) Whenever notice is required, no revocation, suspension, annulment, withdrawal, or amendment of any license is lawful unless the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action. If the agency finds that public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Due to the nature and circumstances of the factual assertions set forth below, the Screening Panel finds that public health, safety, or welfare imperatively requires emergency action.

IT IS ORDERED that the Medical Doctor license of John Peters, M.D., to practice in the state of Montana be **IMMEDIATELY AND SUMMARILY SUSPENDED** for an indefinite period pending further investigative and disciplinary proceedings or other resolution of this matter.

Licensee shall return all documentation of licensure in person or by mail to the Board office within 24 hours of receiving this Summary Suspension Notice.

DATED this 7 day of November 2016.



Anna Earle, M.D., Screening Panel Chair
Chair, Screening Panel
MONTANA BOARD OF MEDICAL EXAMINERS

A. FACT ASSERTIONS

1. On or about November 21, 1992, the Montana Board of Medical Examiners (Board) issued Dr. Peters (Licensee) a Medical Doctor license, number 7239. Licensee's license is active through March 31, 2017.

2. The complaint against Licensee was filed on November 30, 2015, by a physician who had treated him and alleged that Dr. Peters' ability to practice competently may have been compromised by Dr. Peters' age, and the effects of a fall resulting in a significant head injury. The complainant added that Dr. Peters planned to resume the practice of medicine in Bozeman Montana.

3. The Department forwarded Licensee a copy of the complaint and directed him to respond in writing. In his response to the complaint dated January 6, 2016, Licensee acknowledged that he had suffered a head injury in a recent fall, but denied any lingering impairment. Licensee, a psychiatrist, asserted that he continued to treat a few patients including encounters through computer video interactions. Licensee confirmed that he would like to return to Bozeman to resume practicing psychiatry. Licensee reported that he had undergone an evaluation while he was being treated for his head injury and that evaluation found no medical issues.

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Program (MPAP) which could name the professional or professionals it deemed qualified to perform such testing. Licensee signed a Cessation of Practice Agreement on March 31, 2016, under which he would voluntarily discontinue his practice while undergoing that testing. The Cessation of Practice Agreement remained in effect unless Licensee breached the agreement or the Screening Panel learned new information indicating discipline was warranted.

5. Mike Ramirez (Ramirez) the director of MPAP referred Licensee for a Neuropsychological Evaluation which was completed in April of 2016. The Evaluation signed by Jeffery M. Cory PHD on April 29, 2016 stated: “The results of this evaluation have documented the presence of a Major Neurocognitive Disorder in Dr. Peters.” With regard to Licensee’s ability to practice, the evaluation stated: “In that regard, it is my opinion that the results of this evaluation indicate that in the interest of public safety and individual patient welfare, Dr. Peters no longer possesses the neuropsychological capacity to engage in his clinical practice as a physician here in Montana.”

6. Licensee disagreed with this evaluation and requested from the Screening Panel on June 17, 2016, the opportunity to obtain another evaluation from a psychiatrist or MD neurologist. The Screening Panel agreed, and instructed Mike Ramirez from the MPAP to refer Dr. Peters to a provider capable of conducting that evaluation.

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8. Ramirez said that before he lost contact with Licensee, Licensee had insisted that he had a dozen patients he would like to continue to follow. Mike Ramirez explained that Licensee was unable to see his own limitations despite compelling evidence to the contrary.

9. On November 4, 2016, the Screening Panel found reasonable cause to believe Licensee violated statutes, rules, and standards applicable to his Medical license and moved to initiate disciplinary proceedings. The Screening Panel further found that public health, safety, or welfare imperatively requires emergency action and summarily suspended Licensee's Medical license to practice in the State of Montana.

10. In reaching its decision the Screening Panel relied upon the following: Licensee has a mental disability that makes him unable to safely practice Medicine. Licensee does not understand that he has this disability and intends to practice. Licensee's Cessation of Practice Agreement is no longer in effect now that the Screening Panel has taken action. Licensee also failed to follow through with getting a third evaluation.

B. ASSERTIONS OF LAW

1. The Board has subject matter jurisdiction and legal authority to bring this action under Mont. Code Ann. §§ 37-1-131, 37-1-136, 37-1-307, 37-1-309, and Title 37, ch. 3. For disciplinary purposes, the Board retains jurisdiction over the license for two years after lapse. Mont. Code Ann. § 37-1-141.

2. Based on the foregoing fact assertions, the Screening Panel found reasonable cause to believe Licensee violated each of the following statutes, rules, or standards, justifying disciplinary proceedings:

Montana Code Annotated

§ 37-1-316. Unprofessional conduct. The following is unprofessional conduct for a licensee or license applicant governed by this part:

. . .

(11) having a physical or mental disability that renders the licensee or license applicant unable to practice the profession or occupation with reasonable skill and safety.

In addition, pursuant to Mont. Code Ann. §§ 2-4-631(3) and 37-1-307(1)(d), the Screening Panel may summarily suspend a licensee if it finds public health, safety, or welfare imperatively requires emergency action.

C. STATEMENT OF RIGHTS AND PROCEDURES

1. You may request a hearing to determine whether your license should remain suspended pending further proceedings to contest these charges and present evidence and arguments on whether the suspension or revocation should be made permanent. To exercise your right to a hearing, you must send a written request within 20 days of your receipt of this Summary Suspension Notice, addressed as follows:

Compliance Unit Supervisor
Business Standards Division
Department of Labor and Industry
301 South Park Avenue
P.O. Box 200514
Helena, MT 59620-0514

2. Failure to request a hearing within 20 days of the receipt of this Notice constitutes a default and allows the Board to enter a Final Order of discipline against you on the basis of the facts available to it.

3. If you request a hearing within 20 days, the Commissioner of Labor and Industry will appoint an impartial hearings examiner to conduct the hearing. The hearings examiner will notify you and the Department of the time and place of the hearing. You have the right to appear in person or by or with counsel.

4. Procedural and substantive requirements governing this matter may be found at Mont. Code Ann. Title 2, ch. 4, pt. 6 (Montana Administrative Procedure Act); Title 37, ch. 1, pt. 1 and 3; and Title 37, ch. 3, including the right to a hearing before an impartial hearings examiner, the right to present evidence and testify and confront and cross-examine witnesses at the hearing, the right to be represented by legal counsel, the right to subpoena witnesses, and the right to request judicial review and appeal.

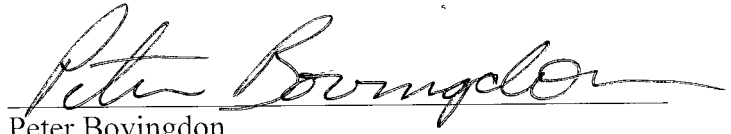
5. After a proposed decision of a hearings examiner, a default, or a stipulated agreement, the Board will issue a Final Order imposing one or any combination of the sanctions under rules adopted by the Board under Mont. Code Ann. §§ 37-1-136 and 37-1-312(1) as follows:

- a. revocation of the license;
- b. suspension of the license for a fixed or indefinite term;
- c. restriction or limitation of the practice;
- d. satisfactory completion of a specific program of remedial education or treatment;
- e. monitoring of the practice by a supervisor approved by the disciplining authority;
- f. censure or reprimand, either public or private;
- g. compliance with conditions of probation for a designated period of time;
- h. payment of a fine not to exceed \$1,000.00 for each violation (deposited in the state general fund);
- i. denial of a license application; and/or
- j. refund of costs and fees billed to and collected from a customer.

6. You may request judicial review of a Final Order of the Board entered after consideration of a proposed decision of a hearings examiner by filing a petition in district court within 30 days of the issuance of a Final Order.

7. In lieu of a hearing, you may enter into a stipulated agreement resolving potential or pending charges that include one or more sanctions authorized by law.

DATED this 9 day of November 2016.



Peter Bovingdon
Special Assistant Attorney General
DEPARTMENT OF LABOR AND INDUSTRY

CERTIFICATE OF SERVICE

I certify I served a true and accurate copy of the foregoing ***NOTICE OF PROPOSED BOARD ACTION, SUMMARY SUSPENSION, AND OPPORTUNITY FOR HEARING*** by placing it in the United States Postal Service mail, certified with return receipt requested and postage prepaid, addressed to the following:

JOHN PETERS MD
904 NORTH SHERIDAN STREET
UNIT 11
PLENTYWOOD MT 59254

Courtesy copy sent to Power of Attorney for Licensee:
LISA STANLEY
10172 MEADOWBRIAR LANE
HIGHLANDS RANCH CO 80126

DATED this 9th day of November 2016.



Department of Labor and Industry