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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

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Department of State

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

File No.: 15-49-13241

vs.

Rikki Lynn Halavonich, M.D.,
Respondent

Docket No: 2229-49-15

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and **Rikki Lynn Halavonich, M.D.** ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), *as amended*, 63 P.S. §§ 422.1-422.53; the Medical Care Availability and Reduction of Error ("Mcare") Act, Act of March 20, 2002, P.L. 154, No. 13, *as amended*, 40 P.S. §§ 1303.101-1303.910; and/or the Act of July 2, 1993, P.L. 345, No. 48 ("ACT 48"), *as amended*, 63 P.S. §§ 2201-2207.

LICENSURE STATUS

2. At all relevant and material times, Respondent held the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no. MD445125, which was originally issued on February 24, 2012, and which expired on December 31, 2014.

STIPULATED FACTS

3. The Respondent admits that the following allegations are true:
 - a. Absent additional Board action, Respondent's license may be continually reactivated, renewed, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees.
 - b. Respondent's last known office address, as on file with the Board is:
6916 Climbing Ivy Way, Knoxville, TN 37918
 - c. At all relevant and material times, Respondent was authorized to practice as a physician in the State of South Carolina.
 - d. On or about August 31, 2015, the South Carolina State Board of Medical Examiners ("South Carolina Board") issued a Final Order In the Matter of Rikki Lynn Halavonich, M.D., Respondent.
 - e. A true and correct copy of the South Carolina Board's August 31, 2015 Final Order is attached as **Exhibit A** and is incorporated by reference.
 - f. The South Carolina Board issued a public reprimand and ordered Respondent to pay a fine of \$3000.00.

ALLEGED VIOLATIONS

4. The Commonwealth alleges that the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; or impose a civil penalty under Section 908 of the Mcare Act, 40 P.S. §§ 1303.908, and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at Section 41(4), 63 P.S. § 422.41(4), in that Respondent had a license to practice the profession disciplined by the proper licensing authority of another state.

PROPOSED ORDER

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. The Board finds that it is authorized to suspend or revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; or impose a civil penalty under Section 908 of the Mcare Act, 40 P.S. §§ 1303.908, and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at Section 41(4), 63 P.S. § 422.41(4), in that Respondent had a license to practice the profession disciplined by the proper licensing authority of another state.

CIVIL PENALTY

b. A **CIVIL PENALTY** of one thousand dollars (\$1,000.00) is levied upon Respondent. Respondent shall tender the full sum of one thousand dollars (\$1,000.00) with this executed Consent Agreement and shall be paid by certified check, cashier's check, attorney's check, or money order issued by a usual, customary, and reputable issuer (e.g. U.S. Postal Money Order, Western Union Money Order, etc.). Payment shall be made payable to the "Commonwealth of Pennsylvania," and shall be valid for a period of at least one hundred eighty (180) days. Respondent agrees that payment shall only be made by one of the methods indicated above and shall not be made by uncertified personal or corporate check.

c. This Order constitutes disciplinary action by the Board and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action by the Board.

d. This case shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

7. Respondent waives the filing of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and knowingly and voluntarily waives the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

8. Respondent acknowledges that she is aware that she has the right to consult with, and/or be represented by, private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. Respondent had an opportunity to consult with Attorney Daniel G. Giaquinto, regarding this Consent Agreement.

WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS

9. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may arise or have arisen during the negotiation, preparation and/or presentation of this Consent

Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for the limited purpose of recommending a sanction, based on those assumed facts, that would be acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at hearing unless otherwise separately stipulated. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

NO MODIFICATION OF ORDER

10. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

AGREEMENT NOT BINDING ON OTHER PARTIES

11. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues an Order approving and adopting this Consent Agreement.

EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT

12. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

AGREEMENT DOES NOT PREVENT ADDITIONAL DISCIPLINE BASED ON OTHER COMPLAINTS

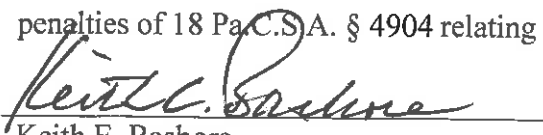
13. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement;

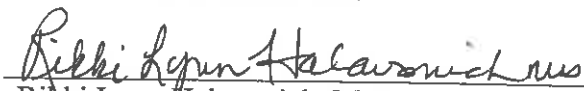
ENTIRE AGREEMENT

14. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

VERIFICATION OF FACTS AND STATEMENTS

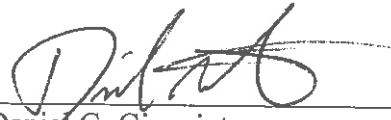
15. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.


Keith E. Bashore
Prosecuting Attorney


Rikki Lynn Halavonich, M.D.
Respondent

DATED: 3/2/16

DATED: 2/24/16



Daniel G. Giaquinto
Attorney for Respondent

DATED: 3/1/16

**EXHIBIT
A**

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE STATE BOARD OF MEDICAL EXAMINERS FOR SOUTH CAROLINA**

IN THE MATTER OF:

Rikki Lynn Halavonich, M.D.
License No. MMD.26224

OIE # 2012-306

Respondent.

FINAL ORDER
Public

This matter came before the State Board of Medical Examiners for South Carolina (Board) for a hearing on August 3, 2015, to consider the Memorandum of Agreement and Stipulations (MOA) signed by the above named respondent (Respondent). In the MOA, Respondent acknowledged the State was prepared to file a Formal Complaint, and Respondent waived the authorization and filing of a Formal Complaint as well as formal hearing procedures and elected to dispose of the matter pursuant to S.C. Code Ann. § 1-23-320(f) (2005, as amended) in lieu of, *inter alia*, a Panel Report of the Medical Disciplinary Commission.

A quorum of the Board was present. The hearing was held pursuant to S.C. Code Ann. §§40-1-90, 40-47-116 and the provisions of the Administrative Procedures Act, S.C. Code Ann. §1-23-10, *et seq.* (1976 as amended) to determine what sanctions, if any, were appropriate. After due consideration, the Board decided to impose the sanctions stated in this Order.

Prentiss Shealey, Assistant Disciplinary Counsel, represented the State. Respondent appeared and was represented by T. Micah Leddy, Esquire.

The Board considered the facts stipulated in the MOA, the admissions of violations in the MOA, the testimony of Respondent, and the Affidavit of Althea Myers, Chief Investigator, Office of Investigations and Enforcement, South Carolina Department of Labor Licensing and Regulation, of a good faith estimate of investigative costs of \$1500.00 in this matter.

EVIDENCE

State's Exhibit #1 – Memorandum of Agreement

State's Exhibit #2 – Affidavit of Costs

FINDINGS OF FACT

Respondent stipulated in the MOA to the facts stated in paragraphs 1-2 below, which the Board adopts, as well as stipulating to other confidential information known to him and the Board:

1. Respondent graduated from the University of Alabama at Birmingham School of Medicine in 2001. Respondent completed her residency in psychiatry at the Medical University of South Carolina in 2005. Respondent was issued her South Carolina medical license in 2004. Before moving to Tennessee, Respondent practiced at Low Country Psychiatry in Charleston, South Carolina. Respondent was issued a Tennessee medical license on November 29, 2010. Respondent's South Carolina medical license expired on June 6, 2011.

2. Respondent wrote three (3) prescriptions for controlled substances for two (2) South Carolina patients while living in Tennessee. At the time, her South Carolina medical license, DHEC license, and South Carolina DEA license were expired.

A. On or about September 7, 2011 and October 7, 2011, Respondent wrote patient DK prescriptions for Methylphenidate 10 mg (90). Respondent began treating Patient DK in November of 2009. Respondent saw patient DK at Low Country Psychiatry on the September 7, 2011. She did not see the patient before writing the October prescription.

B. On or about September 13, 2011, Respondent wrote patient BB a prescription for Nuvigel 250 mg (30). Respondent did not have a chart on Patient BB. Patient BB was an acquaintance of Respondent and he called and asked her to prescribe the Nuvigel after his doctor closed his practice. This prescription was intended to keep him in supply of the drug he was previously prescribed until his new patient appointment with the next doctor.

CONCLUSIONS OF LAW

1. Respondent admitted in the MOA that her conduct in this matter constitutes sufficient grounds for disciplinary or corrective action under South Carolina Code of Laws Ann. § 40-47-110 *et seq.* in the following particulars:

A. Respondent violated S.C. Code Ann. § 40-47-110(B)(9) in that Respondent engaged in dishonorable, unethical, or unprofessional conduct that is

likely to either deceive, defraud, or harm the public.

B. Respondent violated S.C. Code Ann. § 40-47-113 in that it is unprofessional conduct for a licensee initially to prescribe drugs to an individual without first establishing a proper physician-patient relationship.

2. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §§ 40-47-110 and 40-1-110 (2011), has the authority to cancel, fine, suspend, revoke, issue a public reprimand or private reprimand, or restrict, including probation or other reasonable action, such as requiring additional education or training or limitation on practice, the authorization to practice of a person who has engaged in misconduct. Additionally, the Board may require the licensee to pay a fine of up to twenty-five thousand dollars. S.C. Code Ann. §40-47-120 (2011).

3. Additionally, the Board may require the licensee to pay the costs of the disciplinary action. S.C. Code Ann. §§ 40-1-170 and 40-47-170 (2011).

4. The sanction imposed is consistent with the purpose of these proceedings and has been made after weighing the public interest and the need for the continuing services of qualified medical doctors against the countervailing concern that society be protected from professional ineptitude and misconduct.

5. The sanction imposed is designed not to punish the licensee, but to protect the life, health, and welfare of the people at large.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The MOA is accepted.
2. The Respondent has violated the Medical Practice Act.
3. Respondent is hereby Publicly Reprimanded.
4. Respondent is assessed \$1500.00 in administrative costs to be paid within six months of the date of this Order.
5. Respondent is fined \$3,000.00 to be paid within six months of the date of this Order.
6. If Respondent seeks reinstatement of her license to practice medicine in South Carolina, she must do the following:
 - a. Complete all requirements of Respondent by the Board;

- b. Prohibited from prescribing controlled substances for six months.

AND IT IS SO ORDERED.

**STATE BOARD OF MEDICAL EXAMINERS
FOR SOUTH CAROLINA**

BY: Stephen R. Gardner M.D.
Stephen R. Gardner, M.D.
President of the Board

August 31, 2015

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Rikki Lynn Halavonich, M.D.,
Respondent

File No.: 15-49-13241

Docket No: 2229-49-15

ORDER

AND NOW, this 19th day of April, 2016, the STATE BOARD OF
MEDICINE ("Board") approves and adopts the foregoing Consent Agreement and incorporates
the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution
of this matter.

This Order shall take effect immediately.

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS



Ian J. Harlow
Commissioner

For the Commonwealth:

For the Respondent:

Date of mailing:

BY ORDER:
STATE BOARD OF MEDICINE



Marilyn J. Heine, M.D.
Chair

Keith E. Bashore, Prosecuting Attorney
2601 North Third Street
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April 22, 2016