

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

IN THE MATTER OF:

TODD ENGLER, M.D.
License No. MMD.19546

OIE # 2012-325, 2014-255, 2014-428, 2015-
223

Respondent.

FINAL ORDER
(PUBLIC)

This matter came before the State Board of Medical Examiners for South Carolina (“Board”) for a hearing on February 6, 2017, to consider the Memorandum of Agreement and Stipulations signed by the above named respondent (“Respondent”) on January 18, 2017 (“MOA”).

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) (1976, 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, Esquire, Assistant Disciplinary Counsel, represented the State. Respondent appeared and was represented by Jamie L. Walters, Esquire.

The Board considered the facts stipulated in MOA, the admissions of violations in the MOA, the testimony of Respondent, and two Affidavits of an Investigator with the Office of Investigations and Enforcement, South Carolina Department of Labor Licensing and Regulation, of a good faith estimate of investigative costs totaling \$420.00 incurred in this matter.

EVIDENCE

State’s Exhibit #1 – MOA and all Exhibits thereto
State’s Exhibit #2 – Affidavit of Costs of \$220.00
State’s Exhibit #3 – Affidavit of Costs of \$200.00

FINDINGS OF FACT

Respondent stipulated in the MOA to certain facts, including those stated in paragraphs 1–6 below, which the Board adopts:

1. Respondent admits that at all times relevant to these matters, he was duly licensed and registered to practice medicine in South Carolina. Respondent graduated from the USC School of Medicine in 1996. He completed his residency in Psychiatry in 2000. He is Board Certified in Psychiatry. He has been licensed in South Carolina since 1996. At the time of the allegations he was working at Comprehensive Behavioral Care in Columbia, South Carolina. Respondent's license is currently suspended.

2012-325

2. Respondent admits that he began treating patient K.H. for opioid dependence, major depressive disorder and anxiety disorder in August 2010. At this time, patient K.H. was receiving counseling and therapy for drug dependency and addiction issues from a certified addictions counselor. Respondent admits that he did not return calls and written inquiries made by the addictions counselor to discuss the patient's drug dependency treatment plan.

3. Respondent admits that an expert for the Board found that he did not provide the minimum standard of care to patient K.H. by neglecting to maintain better communication with patient's addictions counselor; by failing to document patient's Xanax abuse or explain his treatment choice for gradual outpatient tapering of the medication (versus inpatient detoxification); by failing to outline a written treatment plan and treatment goals for a patient with a history of substance abuse; and by failing to explain the need for prescribing Zoloft, Depakote, and Desyrel to the patient.

2014-255

4. Respondent admits that on or about June 3, 2014, he was arrested and charged with Possession of a Schedule II Drug, Simple Possession of Marijuana, Possession With Intent to Distribute Methamphetamine, and Possession with Intent to Distribute Methamphetamine within a half mile of a School. As a result of this arrest, the Board of Medical Examiners issued an Order of Temporary Suspension.

5. Respondent admits that on or about August 15, 2014, he was arrested and charged with three (3) counts of Distribution. On or about February 18, 2016, Respondent pled guilty to two (2) counts of Distribution. All other charges from the June and August arrests were *nolle prossed*. He was sentenced to three (3) years suspended upon the service of eighteen (18) months of probation and fined \$1,000.00.

2014-428 & 2015-223

6. Respondent admits that as a result of his arrest and the suspension of his medical license, his practice, Comprehensive Behavioral Care, closed. Respondent failed to provide notice to his patients of the closing or provide them procedures for obtaining medical records from the practice.

7. Respondent indicated that since his suspension, he has been working odd jobs and that he has completed some Continuing Medical Education courses to stay current.

CONCLUSIONS OF LAW

1. Respondent admitted in the MOA that his conduct in this matter constitutes sufficient grounds for disciplinary or corrective action under South Carolina Code of Laws Ann. § 40-1-110 *et seq.* and South Carolina Code of Laws Ann. § 40-47-110 *et seq.* in that he violated certain provisions of the South Carolina Medical Practice Act, including the following:

- a. S.C. Code Ann. § 40-47-110(B)(3), in that Respondent violated a federal, state, or local law involving alcohol or drugs or committed an act involving a crime of moral turpitude;
- b. 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;
- c. S.C. Code Ann. § 40-47-110(B)(14), in that Respondent violated a provision of the Medical Practice Act or a regulation or order of the Board;
- d. S.C. Code Ann. § 40-47-110(B)(23), in that Respondent failed to provide pertinent and necessary medical records to another physician or patient in a timely fashion when lawfully requested to do so by a patient or lawfully designated representative of a patient; and
- e. S.C. Code Ann. § 40-47-113(A), in that Respondent prescribed drugs to an individual without 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. In this matter, the Board concludes that the public interest mandates that Respondent's license should be suspended until such time as Respondent may reappear before the Board. Respondent may reappear no earlier than the August 2017 board meeting. Further, the Board concludes that Respondent should complete a minimum of One Hundred (100) hours of Continuing Medical Education courses in psychiatry to maintain clinical competency. These courses must meet the requirements outlined in the South Carolina Medical Practice Act.

5. The sanctions imposed are consistent with the purpose of these proceedings and have 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.

6. The sanctions imposed are designed not to punish the physician, 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. Respondent has violated the Medical Practice Act.
3. Respondent is hereby issued a public reprimand.
4. Respondent shall remain suspended until:
 - a. He completes 100 hours of Continuing Medical Education courses in psychiatry. These courses must meet the requirements as outlined in the South Carolina Medical Practice Act;
 - b. He reappears before the Board to demonstrate that he is qualified to return to the practice of medicine; and
 - c. He complies with any and all other conditions imposed by the Board.

5. Respondent may reappear before the Board no sooner than its August 2017 board meeting to demonstrate his compliance with the requirements of this Order and to seek the reinstatement of his license.

AND IT IS SO ORDERED.

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

BY:



Jeffrey A. Welsh, M.D.

Acting President of the Board

March 3, 2017