

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

In the Matter of:

Kevin C. Schuller, M.D.,
License No. MD.28925,

Respondent.

Case No. 2010-159

**ORDER ON THE RESPONDENT'S
PETITION TO BE RELEASED FROM
CONDITIONS
(Public)**

This matter came before the State Board of Medical Examiners for South Carolina ("Board") for hearing on February 2, 2016, as a result of the Respondent's Petition to be released from certain terms and conditions imposed by a Final Order dated May 3, 2011 ("Final Order"). A quorum of Board members was present. The hearing was held pursuant to appropriate provisions of the S.C. Administrative Procedures Act, S.C. Code Ann. § 1-23-10 *et seq.* (2005, as amended). Because of certain confidential information presented, the hearing was closed. Chief Disciplinary Counsel Patrick Hanks, Esquire, appeared on behalf of the State. The Respondent appeared and was not represented by counsel. After considering the testimony and other evidence presented, the Board voted to release Respondent from certain conditions, and modify certain other conditions, of the Final Order, as set forth below.

FINDINGS OF FACT

1. The Final Order imposed certain restrictions and penalties upon Respondent, as fully set forth in the Final Order.
2. Respondent has complied with the conditions imposed by the Final Order since its issuance. Respondent has not practiced medicine since 2010.
3. The evidence presented demonstrates that Respondent is safe to return to the practice of medicine, subject to certain restrictions and conditions.

CONCLUSIONS OF LAW

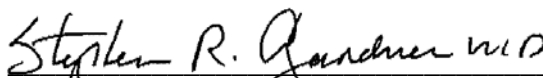
In a hearing on a request for modification of a previous order, the burden of proof is on the Respondent to provide new or additional evidence that a modification of the prior order by the Board is appropriate. Respondent submitted satisfactory evidence that modification of the previous order is appropriate. Further, the Board concludes that the public interest is protected by the safeguards ordered herein. For these reasons, the Board concludes that modification of the Order is appropriate, as set forth below.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that based upon the evidence and testimony presented at the hearing, the practice restrictions imposed by the Final Order are hereby modified as follows:

1. Respondent may treat both male and female patients; however, Respondent must have a chaperone present with female patients at all times and must document the chaperone's presence during the patient encounter in accordance with the Code of Ethics.
2. Respondent must obtain a physician mentor/supervisor with whom he can discuss difficult or challenging patients and who can assist in improving Respondent's insight into high-risk situations.
3. Respondent must submit to a polygraph examination every six months. During the examinations, Respondent must respond to questions regarding whether he has engaged in any inappropriate behavior with patients.
4. Before his return to practice, Respondent must demonstrate clinical competency by 1) participating in a residency program; or 2) submitting to an evaluation of his medical competency by the UCSD PACE Program in San Diego, CA, or by another Board-approved program.
5. All other practice restrictions contained in the Final Order are vacated.

AND IT IS SO ORDERED.

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



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

March 25, 2016