

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

**IN THE MATTER OF:**

**MICHAEL STEVEN LOOSE**

License No.: MMD.23819

Case No.: 2011-104

Respondent.

**CONSENT AGREEMENT**

By agreement of the State Board of Medical Examiners for South Carolina (hereafter "Board") and the above named Respondent, the following disposition of this matter is entered pursuant to the provisions of the South Carolina Administrative Procedures Act, South Carolina Code of Laws Ann. § 1-23-320(f) (1976, as amended). The Respondent, admitting the allegations herein and agreeing to the sanctions as set forth below, agrees to waive the authorization and filing of the Formal Complaint, as required by §§ 40-47-116 and 40-47-117, and further waives the formal hearing procedures and disposes of this matter pursuant to §1-23-320(f), in lieu of, *inter alia*, a Panel Report of the Medical Disciplinary Commission. The Respondent also agrees to waive his right to thirty (30) days notice of this proceeding:

**FINDINGS OF FACT**

1. Respondent admits that he was duly licensed to practice medicine in South Carolina under license number MMD.23819. The Respondent is subject to the jurisdiction of the Board pursuant to section 40-47-111.
2. Respondent admits that he currently lives in Napa, California.
3. Respondent admits that on or about December 26, 2010, he entered into a Stipulated Settlement and Disciplinary Order with the Medical Board of California regarding his California medical license.
4. Respondent agrees that in the Stipulated Settlement and Disciplinary Order he admitted to and the California Board found and concluded the following:
  - a. Respondent is subject to disciplinary action under section 2234 for violation of section 2239(a) in that he was convicted of a felony involving the consumption of alcohol. The circumstances are as follows:
  - b. On or about November 22, 2007, a California Highway Patrol officer attempted to stop a car the officer had seen repeatedly drifting between lanes and onto the right

shoulder. The subject did not pull over in response to the officer's emergency lights and siren, but abruptly turned and began rapidly accelerating, fleeing along surface streets at speeds of up to 120 miles per hour, running stop signs, and sometimes driving in the opposing lane. The car eventually crashed into a concrete bridge abutment. The driver, later identified as Respondent, was taken to a nearby hospital for treatment of his injuries. At the hospital, Respondent was arrested for driving under the influence of alcohol and reckless driving while evading a police officer. Laboratory testing of Respondent's blood sample taken at the hospital revealed a blood alcohol concentration of .22%.

- c. On May 13, 2008, Respondent was criminally charged in Napa Superior Court with violation of Vehicle Code section 2800.2 (Evading An Officer by Driving with Willful Disregard for Public Safety), a felony, and Vehicle Code Sections 23152(a) (Driving Under the Influence of Alcohol) and 23152(b) (Driving with a Blood Alcohol Amount of .08% or Higher), both misdemeanors.
- d. On August 21, 2008, Respondent entered into a nolo contendere plea to the felony charge of evading an officer and to the misdemeanor of driving with a blood alcohol of .08% or higher. Respondent was sentenced for these crimes on October 29, 2008, which sentence included a jail term, a fine, and five years probation to the court.
- e. On or about December 23, 2008, in a prior action, the Medical Board of California issued Citation Number 20-2008-196234 and ordered Respondent to pay a fine of \$750 and correct his failure to report the felony conviction described hereinabove, as required by Business and Professions Code section 802.1.
- f. The Medical Board of California implemented the following sanctions against Respondent:
  - i. Dr. Loose's Physician's and Surgeon's certificate is revoked; the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:
  - ii. Respondent shall abstain completely from the personal use of possession of controlled substances, as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition. Within 15 calendar days of receiving any lawful prescription medications, respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name and strength; and issuing pharmacy name, address, and telephone number.
  - iii. Respondent shall abstain completely from the use of products or beverages containing alcohol.

- iv. Respondent shall immediately submit to biological fluid testing, at respondent's expense, upon the request of the Board or its designee. Respondent shall, by effective date of this order, contract with a laboratory or service approved in advance by the Board or its designee that will conduct random, unannounced, observed urine testing a minimum of four times per month. The contract shall require that the results of the urine testing be transmitted by the laboratory or service directly to the Board or its designee within 4 hours of the results becoming available. Failure to maintain this arrangement with the laboratory or service during the period of probation is a violation of probation. A certified copy of any laboratory test results may be received in evidence in any proceedings between the Board and the Respondent. Failure to submit to or comply with the time frame for submitting to, or failure to complete, the required biological fluid testing is a violation of probation.
- v. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance of the Board or its designee. Failure to successfully complete the course during the first year of probation is a violation of probation. An ethics course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision. Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.
- vi. Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval the name and qualifications of a board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall undergo and continue treatment, including any modifications to the frequency of psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary. The psychotherapist shall consider any information provided by the Board or its designee and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board or its designee. Respondent shall cooperate in providing the psychotherapist any information and documents that the psychotherapist may deem pertinent. Respondent shall have the treating psychotherapist submit quarterly status reports to the Board or its designee. The Board or its designee may require Respondent to undergo psychiatric evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of probation, Respondent is found to be mentally unfit to resume the practice of medicine without restrictions, the Board shall retain continuing

jurisdiction over Respondent's license, and the period of probation shall be extended until the Board determines that Respondent is mentally fit to resume the practice of medicine without restrictions. Respondent shall pay the cost of all psychotherapy and psychiatric evaluations. Failure to undergo or continue psychotherapy treatment, or comply with an required modification in the frequency of psychotherapy, is a violation of probation.

#### CONCLUSIONS OF LAW

1. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary or corrective action under South Carolina Code of Laws Ann. §§ 40-47-111 and 40-47-110(B)(3)(Supp. 2008). Respondent hereby waives any further conclusions of law with respect to this matter.
2. Respondent has full knowledge that he has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. Respondent understands and agrees that by entering into this Consent Agreement he voluntarily relinquishes any right to judicial review of Board action(s), which may be taken concerning any related matters. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. Respondent understands and agrees that a representative of the General Counsel's Office and Respondent may be present during presentation of this Consent Agreement to the Board. Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter.

**THEREFORE, IT IS ORDERED, WITH THE RESPONDENT'S CONSENT, THAT:**

1. Respondent's medical license in this State shall be placed in a probationary status pending his full compliance with the terms and conditions set forth herein below.
2. Respondent shall completely comply with all the requirements of the Medical Board of California Stipulated Settlement and Consent Order dated December 26, 2010. Further, upon completion of all the requirements of the Medical Board of California Stipulated Settlement and Consent Order, Respondent must provide proof of compliance with all of the requirements of the Medical Board of California Stipulated Settlement and Consent Order.
3. Respondent shall notify the South Carolina Medical Board in writing of any change in his residence or practice addresses within ten (10) days of the change.

4. Respondent shall, within ten (10) days of an event, advise the South Carolina Medical Board in writing of any changes in his address, practice, hospital privileges, professional status, or compliance with this agreement. Correspondence and copies of reports and notices mentioned herein shall be directed to:

SC LLR – Office of Licensure & Compliance  
ATTN: Compliance Manager – Board of Medical Examiners  
Post Office Box 12517  
Columbia, SC 29211

5. Respondent understood and agreed that he had full knowledge that he has the right to a hearing and has been represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. The Respondent understands and agrees that by entering into this Consent Agreement he voluntarily relinquishes any right to judicial review of this or any other Board action(s) that may be taken concerning this and any related matters.
6. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the South Carolina Medical Board and shall continue in full force and effect until specifically ordered otherwise by the South Carolina Medical Board.
7. Respondent understands and agrees that this Agreement is a public document under the S.C. Freedom of Information Act, and 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 Data Bank, and the Healthcare Integrity and Protection Data Bank in accordance with Pub. L. 99-660.
8. Respondent understands and agrees that if the Respondent fails to meet the conditions agreed to in this Consent Agreement, the Respondent's license may be immediately administratively suspended pending compliance. Non-compliance may result in further discipline. Any license law violations by the Respondent constitute a failure to meet the conditions of this Consent Agreement.
9. Respondent understands and agrees that a representative of the Office of General Counsel and the Respondent and his counsel may be present during presentation of this Consent Agreement to the Board. The Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the South Carolina Medical Board to adjudicate this matter.

AND IT IS SO ORDERED.

SOUTH CAROLINA BOARD OF MEDICAL EXAMINERS

July 24, 2012

Date

*Louis E. Costa II, D.M.D., M.D.*

LOUIS E. COSTA, II, D.M.D., M.D.  
President of the Board

WE CONSENT:

*[Signature]*

MICHAEL STEVEN LOOSE  
Respondent

*7/11/12*

Date

Witness or Attorney for Respondent

Date

*[Signature]*

Suzanne Hawkins  
Assistant General Counsel  
S.C. Department of Labor, Licensing and Regulation

*7.18.12*

Date

*\* NO LONGER LICENSED IN SOUTH CAROLINA*