

BEFORE THE SOUTH CAROLINA STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

Regina Ann Castel, MD

Medical License No. 22479

OIE #2004-177

OGC #2006-0035

Licensee.

**AMENDED
FINAL ORDER
(PUBLIC)**

This matter came before the Board of Medical Examiners (the Board) for a hearing on November 5, 2007, as a result of the Notice and Complaint served upon the Respondent, filed on March 13, 2006. A quorum of Board members was present. The hearing was held pursuant to S.C. Code Ann. §§40-47-200 and 211 to determine whether sanctions should be imposed. The state was represented by Paula Magargle, Assistant General Counsel of the South Carolina Department of Labor, Licensing and Regulation. Respondent appeared and was represented by Aaron J. Kozloski, Esquire of Columbia.

The Respondent was charged with violation of S.C. Code Ann. §§40-47-200(3), (7), (8) (Supp.2004), and S.C. Code of Regs. 81-60(A)(Supp.2004).

In its Amended Final Order and Decision of October 26, 2009, the Administrative Law Court vacated the Board's Order to the extent it required the Respondent to be monitored by the S.C. Recovering Professionals Program (RPP).

FINDING OF FACT

Based upon the preponderance of the evidence on the whole record, the Board finds the facts of the case to be as follows:

1. The Respondent is a physician who is duly licensed to practice in South Carolina, and she was so licensed at all times relevant to the matters alleged in the Complaint.
2. The Respondent has spent an appreciable amount of time working in the country of Brazil and has indicated possibility of returning in the future.
3. On or about June 24, 2004, Respondent was suspected of being impaired by alcohol or drugs while she was working in locum tenens status through MedSource Consultants at Patrick B. Harris Hospital in Anderson, South Carolina. At the hearing before the Medical Disciplinary Commission, the State provided testimony

from two witnesses, employees of Patrick B. Harris, who stated that the Respondent smelled of alcohol and that her speech was slurred. It was requested that the Respondent submit to testing for alcohol and/or drugs. Though ambivalent, Respondent agreed and was taken to Anderson Hospital for testing. The Respondent tested positive for alcohol with a blood/alcohol level of 0.11%.

4. The State's witness, Dr. Gilbert Freeman, medical consultant for the South Carolina Recovering Professional Program (RPP) was presented and qualified as an expert in addictionology. Dr. Freeman testified that the level of alcohol in Respondent's system at the time of the test could indicate that Respondent has recently consumed a small amount of alcohol or that she consumed a large amount earlier. He opined that within a reasonable degree of medical certainty, it was his expert opinion that the Respondent was impaired on June 24, 2004. He further opined that the Respondent should not have been treating patients since her judgment, clarity of thinking and muscular coordination would have been impaired. Dr. Freeman did acknowledge that he never examined the Respondent and has no knowledge of her physical characteristics, however he asserted that studies have shown that one hundred percent (100 %) of individuals with a blood/alcohol level of 0.10 are impaired. It is noted the Respondent treated no patients on the day in question.
5. On June 2, 2004, the Respondent's work hour began at 8:30 a.m., but she overslept and arrived late to work. The report of her suspected impaired condition was received at approximately 10:30 a.m. The Respondent saw no patients on June 24, 2004.
6. The Respondent does not dispute that she consumed alcohol on June 24, 2004. According to the Respondent, a few days prior to the incident in question, while she was on duty at Patrick B. Harris, she sustained a fall which resulted in a painful leg injury. The Respondent did not seek medical treatment for the injury due to lack of insurance. After three nights of not being able to sleep because of the intense pain, she used alcohol to self medicate. Respondent contends that she consumed the alcohol very early in the morning to help her sleep. She denies having an ongoing problem with alcohol, and presented a report from an evaluation performed on April 17, 2007 at MUSC Institute of Psychiatry. The report states the evaluator saw no evidence of alcohol or other substance misuse, and no treatment was recommended.
7. The Board finds that the Respondent was impaired by alcohol when she reported for work at the Patrick B. Harris Psychiatric Hospital on June 24, 2004, and therefore violated the Board's Practice Act.
8. The Respondent, by and through her counsel, submitted argument before the Board that the Disciplinary Panel Report failed to contain any mitigating or aggravating factors or circumstances to be considered by the Board.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this matter, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §§40-1-110 and 40-47-110 (1976), as amended, has the authority to order the revocation or suspension of a license to practice medicine or osteopathy, publicly or privately reprimand the holder of a license, or take other reasonable action short of revocation or suspension, such as requiring the licensee to undertake additional professional training subject to the direction and supervision of the Board or imposing restraint upon the medical or osteopathic practice of the licensee as circumstances warrant until the licensee demonstrates to the Board adequate professional competence. Additionally, pursuant to S.C. Code Ann. §§40-47-120 the Board may require the licensee to pay a fine of up to twenty-five thousand dollars and the costs of the disciplinary action.

2. The Respondent violated S.C. Code Ann. §§40-47-200(F)(7) (Supp. 2004) by reporting to work while impaired by alcohol on June 24, 2004, and violated the following principle of ethics adopted by the State Board of Medical Examiners and published in its regulations:

Regulation 81-60(A) - a physician shall be dedicated to providing competent medical service with compassion and respect for human dignity.

3. The Respondent violated S.C. Code Ann. §§40-47-200(F)(8) (Supp. 2004) in that the Respondent is guilty of engaging in dishonorable, unethical, or unprofessional conduct that is likely to deceive, defraud, or harm the public, as shown by evidence that Respondent reported to work at the Patrick B. Harris Psychiatric Hospital on June 24, 2004, while she was impaired by alcohol.

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 physicians against the countervailing concern that society be protected from professional ineptitude and misconduct.

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

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

1. The Respondent shall be and is hereby issued a public reprimand.
2. The Respondent shall pay to the Board, the sum of One Thousand One Hundred Sixty-Three dollars and Seventy Five cents (\$1,163.75), the administrative costs of this matter, within one year from the effective date of this Order. No fine is imposed

upon the Respondent.

- 3. Correspondence and copies of reports and notices required herein shall be directed to the South Carolina State Board of Medical Examiners, Post Office Box 11289, Columbia, South Carolina 29211-1290
- 4. The Order shall take effect immediately upon service of the order upon the Respondent or Respondent's counsel.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS

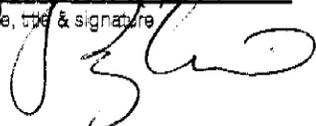
BY: *Louis E. Costa II, MD*
Louis E. Costa II, MD
 President of the Board

12-16, 2009.

CERTIFICATE OF SERVICE BY MAIL

This is to certify that the undersigned has this date served this AFC in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party (ies) or their attorney (s), to the following address: P.O. Box 11289, Columbia, SC 29211

This 16 day of December, 2009
 By: *Shirley Barber*
 Printed name, title & signature



CERTIFICATE OF SERVICE BY MAIL

This is to certify that the undersigned has this date served this AFC in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party (ies) or their attorney (s), to the following address: 210 East Lakeshore, Simpsonville, SC 29681

This 16 day of December, 2009
 By: *Shirley Barber*
 Printed name, title & signature



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

In the Matter of:

Regina Ann Castel, MD

License # 22479

OIE #2004-177

Respondent

**ADMINISTRATIVE SUSPENSION
OF LICENSE**

WHEREAS, On or about December 16, 2009, Respondent was issued an Amended Final Order by the South Carolina Board of Medical Examiners which required Respondent to pay administrative costs in an amount of One Thousand One Hundred Sixty Three Dollars and Seventy Five Cents within six (6) months of the effective date of the order; and

WHEREAS, on or about March 2, 2011, the Board reported that Respondent failed to remit the amount due (\$1,163.75) as called for in the Amended Final Order; and

WHEREAS, Respondent is in violation of the Amended Final Order of the Board.

THEREFORE, pursuant to the terms of the Amended Final Order dated December 16, 2009, Respondent's license is hereby suspended indefinitely pending compliance.

_____, 2011
March 7



Louis E. Costa, II, M.D.
President of the Board

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

In the Matter of:

**Regina Ann Castel
License # 22479**

Respondent

ORDER OF REINSTATEMENT

WHEREAS, the South Carolina Board of Medical Examiners, hereinafter referred to as the Board, ordered an **Administrative Suspension of License**, dated March 7, 2011, whereby Respondent's license to practice in South Carolina was suspended for failure to pay administrative costs of her disciplinary action and;

WHEREAS, Respondent has now paid the amount due (\$1,163.75) as called for in the Board of Medical Examiners Amended Final Order;

THEREFORE, **IT IS ORDERED** that Respondent's license to practice in this State is hereby reinstated, effective immediately.

IT IS FURTHER ORDERED that, pursuant to the South Carolina Freedom of Information Act, this Order is a public document.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS

Effective Date: July 26, 2011

BY: *Louis E. Costa II, D.M.D., M.D.*
LOUIS E. COSTA, II, D.M.D., M.D.
President of the Board



South Carolina Board of Medical Examiners
 110 Centerview Drive
 Post Office Box 11289
 Columbia, SC 29211-1289
 OPEN BY ADDRESSEE ONLY

CONFIDENTIAL

**RETURN RECEIPT
 REQUESTED**

*RECEIVED
 12/26
 7/2/11*

REGINA ANN CASTEL
 [REDACTED]
 PITTSBURGH, PA [REDACTED]

CERTIFIED MAIL™



7005 0390 0005 0214 9874



\$ 05.59⁰⁰

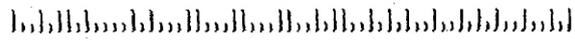
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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

REGINA ANN CASTEL
 [REDACTED]
 PITTSBURGH, PA [REDACTED]

2. Article Number

(Transfer from service label)

7005 0390 0005 0214

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 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

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4. Restricted Delivery? (Extra Fee)

 Yes