

IN THE MATTER OF  
THE COMPLAINT AGAINST  
KEITH E. KESLER, D.O.

BEFORE THE  
TEXAS STATE BOARD OF  
MEDICAL EXAMINERS

ORDER DENYING MODIFICATION REQUEST

On the 8 day of April, 2005, came on to be heard before the Texas State Board of Medical Examiners (the "Board"), duly in session, the matter of the license of Keith E. Kesler, D.O. ("Respondent").

On March 2, 2005, Respondent appeared in person, without counsel, before Representatives of the Board to petition the Board for modification of an Agreed Order ("Order") entered on December 12, 2003, pertaining to Respondent's Texas medical license No. G-9758, a copy of which is attached as exhibit "A" and incorporated herein, and to address issues related to Respondent's compliance with the terms and conditions of the Order.

The Board's Representatives were Paulette Southard, a member of the Board, and Richard Strax, M.D., a member of the District Review Committee. Karrie Key represented Board staff.

Upon the recommendation of the Board's Representatives, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order.

FINDINGS OF FACT

The Board finds that:

A. Prior History:

1. On December 12, 2003, an Agreed Order was entered revoking Respondent's license. The revocation was stayed and Respondent was placed on probation for ten years. Respondent is required, inter alia, to practice in a group or institutional setting, and he may not prescribe any controlled substances or dangerous drugs with addictive potential or potential for abuse.

2. Respondent seeks reinstatement of his prescribing privileges.

B. Status of Compliance with current Order as of March 2, 2005:

1. Respondent has served over two years of his ten-year order.
2. Respondent is in compliance with the terms and conditions of the Order.

C. Recommendation:

Based on the above Findings of Fact and information available at the hearing on March 1, 2005, the Board's representatives recommended that Respondent's petition for modification be denied.

Although the panel members were very positive about the efforts of Respondent, they felt that Respondent had not been under the Order a sufficient amount of time to merit reinstatement of his prescribing privileges.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:


1. The Board has jurisdiction over this matter and Respondent pursuant to the Act.
2. 22 TEX. ADMIN. CODE §187.43 authorizes the Board to consider petitions for Modification/Termination of Agreed Orders and Disciplinary Orders.

ORDER

Based on the available information, the above Findings of Fact and Conclusions of Law, and the recommendation of the Board's Representatives, the Board ORDERS that Respondent's petition for modification is hereby denied.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 8 day of April, 2005.

  
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Lee S. Anderson, M.D., President  
Texas State Board of Medical Examiners