

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

BEFORE THE  
TEXAS MEDICAL BOARD

ORDER DENYING MODIFICATION REQUEST

On the 2nd day of June, 2006, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Keith E. Kesler, D.O. ("Respondent").

On April 5, 2006, 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 hereto 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 John W. Pate, Jr., M.D., a member of the Board, and Nancy Seliger, a member of the District Review Committee. Katie Johnsonius 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. Respondent has had two prior Agreed Board Orders relating to his abuse of addictive drugs. The first, entered in 1986, was terminated three years early, in 1988. The second, entered in 1994, was modified to allow the Respondent full prescribing privileges after two years and nine months, two years and three months before the original order would terminate.

2. In December, 2001, Respondent reported that he had relapsed in 1999, and that because of the relapse he had been involved in an inappropriate relationship with a patient from approximately the time that he relapsed until he entered treatment in October, 2001. 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 to practice in a group or institutional setting, and he may not prescribe any controlled substances or dangerous drugs. Additionally, Respondent agreed not to request termination of the Order for a minimum of seven years from the date on which the Order was entered by the Board.

3. The longest period of sobriety that Respondent has enjoyed in the period between the 1986 Order and the 1999 relapse is seven years.

4. Respondent seeks reinstatement of full prescribing privileges.

B. Status of Compliance with current Order as of April 6, 2006:

1. Respondent has completed two years and three months 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 5, 2006, the Board's representatives recommended that Respondent's petition for modification be denied.

Although the panel members were very positive about the Respondent's efforts and progress, 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.

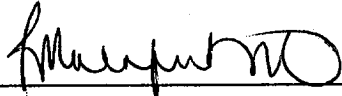
2. 22 TEX. ADMIN. CODE §187.43 authorizes the Board to consider petitions for Modification/Termination of Agreed Orders and Disciplinary Orders.

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 Medical Board on this 2nd day of June, 2006.

  
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Roberta M. Kalafut, D.O., President  
Texas Medical Board