

G-9758

IN THE MATTER OF	) (	BEFORE THE
	) (	
THE LICENSE OF	) (	TEXAS STATE BOARD
	) (	
KEITH KESLER, D.O.	) (	OF MEDICAL EXAMINERS

ORDER

On the 10th day of June, 1994, came on to be heard before representatives of the Texas State Board of Medical Examiners ("the Board"), the petition of Keith Kesler, D.O., ("Petitioner") requesting modification of a Board Order entered on January 14, 1994 and pertaining to Petitioner's Texas medical license G-9758.

Petitioner appeared in person without counsel before representatives James H. Clark, Jr., a member of the Board, and Vicente Tavaréz, M.D., a District Review Committee member. Information concerning the petition was considered and Petitioner argued for modification of the Order.

Petitioner has been accepted in a psychiatric residency program at Austin State Hospital, to begin on July 1, 1994. Pursuant to the terms of his Order, Petitioner requested modification of the January 14, 1994 Order for permission to reapply for his Drug Enforcement Administration (DEA) Controlled Substances Registration Certificate and his Texas Department of Public Safety (DPS) Controlled Substances Registration Certificate.

Based on the information presented, the change in circumstances, and in order to facilitate Petitioner's psychiatric residency training, the Board representatives recommend that the modification request be GRANTED.

Based on the available information and the recommendation of the Board representatives, the Board ORDERS that the Petition is GRANTED and the Order is hereby MODIFIED as follows:

1. Respondent is granted permission to reapply to the Drug Enforcement Administration ("DEA") and the Texas Department of Public Safety ("DPS") for controlled substance registration certificates for Schedules IV and V. The granting or denying of any such application shall be within the authority and discretion of the DEA and DPS. In the event Respondent is authorized to prescribe controlled substances, Respondent shall not possess, administer, dispense, or prescribe any such controlled substances except Schedule IV and V controlled substances for purposes of treatment of patients in the context of Respondent's psychiatric residency program with the Austin State Hospital.

2. Respondent shall not treat or otherwise serve as physician, prescribe, dispense or administer controlled substances or any other drugs that may be subject to abuse for Respondent or any member of Respondent's immediate family. Respondent may administer to Respondent or to Respondent's immediate family only such drugs as are prescribed by other physicians, and in compliance with the orders and directions of such other physicians.


3. Separate from patient records, Respondent shall maintain a file consisting of a copy of every prescription written by Respondent for controlled substances, and for dangerous drugs which have potential for abuse, including, but not limited to, Stadol, Nubain, Phenergan, Talwin, Propofol, Soma, Toradol, Butalbital, or their generic equivalents, by date issued. This file of prescription copies shall be available for inspection by representatives of the Board during regular office hours without notice. Respondent shall not telephone any prescription to a pharmacy for controlled substances or dangerous drugs which have potential for abuse. In the event Respondent is granted authority to prescribe controlled substances, the provisions of this paragraph shall apply to his prescribing of such substances.

4. Respondent shall be monitored or supervised by the Director of the Austin Psychiatric Residency Program. Respondent shall meet and confer with the Director, who will monitor Respondent's medical practice, record keeping, patient charts, and counsel with Respondent about any deficiencies in office procedures, record keeping, or management of patients. The Director shall make recommendations to Respondent as to corrections to be made, and shall make reports directly to the Board every three months, beginning in October, 1994, or at such other times as the Board may request, until such time as the Board terminates this requirement in writing. The Executive Director of the Board may appoint another physician to monitor Respondent's practice. A copy of this Order shall be provided to the selected physician as his authority to report directly to the Board. Any costs or expenses incurred by the supervising physician shall be the responsibility of Respondent and may not be passed on to patients.

All other provisions of the January 14, 1994 Order remain in full force and effect until superseded by a subsequent Order of the Board.

THIS IS A PUBLIC RECORD.

Signed and entered on this the 22nd day of June, 1994.



John M. Lewis, M.D.

President, Texas State Board of

Medical Examiners