

IN THE MATTER OF
THE LICENSE OF
JOHN DORLAND GRIFFITH, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 26 day of August, 2016, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of John Dorland Griffith, M.D. (Respondent).

On July 6, 2016, Respondent appeared in person with counsel, Jerry McKenney, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were George Willeford, M.D., a member of the Board, and Sharon Barnes, a member of a District Review Committee (Panel). Ann Skowronski represented Board staff.

BOARD CHARGES

Board Staff charged that Respondent failed to adhere to the treatment guidelines in the prescribing of pain medications to several chronic pain patients. It was also alleged that Respondent failed to maintain adequate documentation of his care and treatment of those patients. Last, Board Staff charged that Respondent failed to adequately supervise his two delegates.

BOARD HISTORY

Respondent has not previously received a disciplinary order from the Board.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:

- a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the Act) or the Rules of the Board.
- b. Respondent currently holds Texas Medical License No. F5924. Respondent was originally issued this license to practice medicine in Texas on December 12, 1979. Respondent is also licensed to practice in Kentucky.
- c. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry and Neurology, a member of the American Board of Medical Specialties.
- d. Respondent is 84 years of age.

2. Specific Panel Findings:

- a. Respondent delegated prescriptive authority to two nurse practitioners. Respondent failed to adequately supervise his delegates. Specifically, Respondent never signed a prescriptive authority agreement with his delegates at a pain clinic.
- b. Respondent failed to adhere to the guidelines related to the treatment of several patients' chronic pain.
- c. Respondent also failed to maintain adequate documentation of the treatment provided to several of his chronic pain patients.
- d. Respondent failed to meet the standard of care for his chronic pain patients in that he lacked diligence in the provision of pain treatment and medical recordkeeping for the care he provided.

3. Mitigating Factors:

In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:

- a. In his 36 years practicing as a physician in Texas, Respondent has not ever had a previous disciplinary action taken by the Board.
- b. Respondent worked at the pain clinic for only nine weeks.
- c. Shortly after Respondent started at the clinic, he notified the clinic owners that he was resigning.
- d. Respondent does not plan to practice medicine in Texas. He has a job offer in Kentucky. Respondent has informed the Kentucky Board about this investigation.
- e. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a Board rule, specifically Board Rules: 165.1, which requires the maintenance of adequate medical records; and 170.3, regarding the treatment of chronic pain.
3. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare, as further defined by Board Rule 190.8(1)(C), failure to use proper diligence in one's professional practice.
4. Section 164.053(a)(8) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to supervise adequately the activities of those acting under Respondent's supervision.
5. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.

6. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

7. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Respondent shall not practice in Texas until (a) Respondent requests permission in writing to resume practice in Texas, (b) personally appears before the Board to orally petition for permission to resume such practice, and (c) provides sufficient evidence and information, which in the discretion of the Board adequately indicates that Respondent is physically, mentally, and otherwise competent to safely practice.

- a. At least 30 days before resuming practice in Texas, Respondent must petition the Board in writing and appear in person before an ISC Panel.
- b. The ISC Panel can impose any terms or conditions necessary to protect public health and safety.
- c. Respondent shall not practice in Texas until the recommendations by the future ISC Panel are adopted by the full Board.

Upon an adequate showing before the Board that Respondent is able to safely practice, Respondent shall be granted permission to practice in Texas under such terms and conditions and for such time that the Board in, its discretion, determines are necessary to adequately protect the public.

2. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance

Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

3. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

4. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

5. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

6. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

7. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for one year following the date of the entry of this Order. If, after the passage of the one-year period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

(SIGNATURE PAGES FOLLOW)

I, JOHN DORLAND GRIFFITH, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: August 8th, 2016.

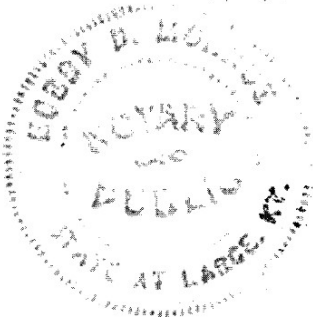
John Dorland Griffith
JOHN DORLAND GRIFFITH, M.D.
Respondent

STATE OF Kentucky §
COUNTY OF Christian §
§

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 8th day of August, 2016.

Bobby D. Monette #542188
Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
26 day of August, 2016.



Michael Arambula, M.D., Pharm.D., President
Texas Medical Board