

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: GUYTON SHAWN REGISTER, M.D.
License Number: 0101-244062
Case Number: 188885, 203083

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Medicine (“Board”) held a virtual formal administrative hearing on April 9, 2021, to inquire into evidence that Guyton Shawn Register, M.D., may have violated certain laws and regulations governing the practice of medicine in the Commonwealth of Virginia.

Guyton Shawn Register, M.D. did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated March 16, 2021, the Board sent a Notice of Formal Hearing (“Notice”) to Dr. Register notifying them that a formal administrative hearing would be held on April 9, 2021. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On July 9, 2008, the Board issued License Number 0101-244062 to Guyton Shawn Register, M.D. to practice Medicine in the Commonwealth of Virginia. Said license was summarily suspended by the Board on March 16, 2021. At all times relevant hereto, said license was in full force and effect.

2. Dr. Register is unfit for the performance of his professional obligations and duties and unable to practice with reasonable skill and safety.

a. On July 3, 2018, Dr. Register was admitted to a psychiatric facility under a Temporary Detention Order (“TDO”), upon transfer from the emergency department of a medical facility, pursuant to an Emergency Custody Order (“ECO”) and Emergency Protective Order (“EPO”) obtained by his wife earlier that day.

b- g. See Confidential Exhibit.

h. On February 18, 2020, Dr. Register, driving alone in his vehicle, struck a disabled vehicle parked on the side of the road in Richland County, South Carolina. Responding Emergency Medical Technicians observed that he appeared to be under the influence of “something,” but not alcohol, with slurred speech and constricted pupils. On the front seat of Dr. Register’s vehicle, an officer from the South Carolina Highway Patrol found a soft cooler containing the following controlled substances prescribed to the respective individuals:

Individual A	dextroamphetamine oxycodone
Individual B	diazepam itraconazole prednisone
Individual C	risperidone clonidine bupropion

i. Following field sobriety tests, which revealed multiple indicators of impairment, Dr. Register was charged with the following misdemeanors: Driving Under the Influence (“DUI”), First Offense; Possession of Other Controlled Substances in Schedule I-V, First Offense; and Operating a Vehicle that is not Registered and Licensed.

3. Dr. Register unlawfully prescribed and obtained controlled substances for his unauthorized use and without a bona fide practitioner-patient relationship for the individuals the controlled substances were purportedly prescribed to. Such actions are felony offenses as defined in Virginia Code §§ 18.2-250 and 18.2-258.1.

a. On February 18, 2018, when arrested in Richland County, South Carolina for DUI, possession of controlled substances, and driving an unregistered and unlicensed vehicle, Dr. Register was in possession of multiple prescription medications prescribed for other individuals. South Carolina Highway Patrol found dextroamphetamine and oxycodone, which were prescribed for Individual A, in Dr. Register's pocket. In his car, Dr. Register was in possession of diazepam, itracanazole, and prednisone, which were prescribed to Individual B, and risperidone, clonidine, and bupropion, which were prescribed to Individual C.

b. Although Dr. Register stated that Individual B had been his patient since 2019 and Individual C had been his patient since 2017, he could not produce any records to verify practitioner-patient relationships. Dr. Register claimed to have treated Individuals B and C at Pacificus Fortitudinis, in Roanoke, Virginia, but no business license for this practice was found with the Clerk and Tax Compliance Deputy of the Roanoke City Business License Office.

c. According to the Prescription Monitoring Program ("PMP") and pharmacy records, Dr. Register filled prescriptions written in the names of Individuals A, B, and C at multiple locations in South Carolina. The patient telephone number provided to a pharmacy by Dr. Register for the prescriptions for Individual B and Individual C was Dr. Register's alleged work number. The patient address provided to the pharmacy for Individual B by Dr. Register, 3735 Franklin Road, Roanoke, Virginia, was not a place of business but a UPS store at which Dr. Register had an account. An address provided to a pharmacy by Dr. Register for the facility where he had purportedly treated Individual A

and Individual C, 2018 Electric Road, Roanoke, Virginia, was, once again, not a place of business but another UPS store at which Dr. Register merely had an account. Dr. Register listed this same “address” as his Pacificus Fortitudinis office address on his Virginia Board of Medicine Practitioner Profile.

d. Dr. Register stated to the South Carolina State Patrol that the pills found in his car were his patients’ medication. Dr. Register claimed that he dispenses medication to the patients, “because they don’t properly take their medication.”

4. Dr. Register engaged in conduct of a sexual nature that a reasonable patient would consider lewd and offensive.

a. Patient A stated to the DHP investigator on September 15, 2020, that he had been treating with Dr. Register for approximately two years for anxiety-related issues. Patient A reported several incidents of inappropriate behavior.

i. Dr. Register telephoned Patient A at home and after hours several times about missed appointments. Patient A believed this behavior was inappropriate and so informed Dr. Register.

ii. During treatment, Dr. Register instructed Patient A to maintain a journal documenting the number of times Patient A masturbated. Patient A was concerned by this request as he reported that he was not seeing Dr. Register for any sex-related issues. Patient A did not follow Dr. Register’s instructions.

iii. At Patient A’s last appointment, Dr. Register asked Patient A what he could do to “satisfy him.” Patient A did not know what Dr. Register meant by that statement. Patient A reported that Dr. Register’s legs were wide open in his chair, and that he moved his chair closer to Patient A’s chair while repeatedly looking down at his crotch and then up at Patient A. Patient A reported that

he felt as if Dr. Register was, “inviting him.” Patient A found the encounter very stressful. Dr. Register additionally asked Patient A if Patient A was “satisfied sexually.”

b. Following a complaint by Patient A to the medical facility related to Dr. Register’s conduct, Dr. Register was disciplined by the medical facility and was required to complete a boundaries class in October 2018. As part of the disciplinary procedure, he was also mandated to treat patients in the medical facility only, and not at satellite clinics, such as the pain clinic where he treated Patient A. The medical facility allowed Dr. Register to resign in lieu of termination on September 30, 2019, for refusing to undergo a drug screen.

5. Dr. Register prescribed narcotics to Individual A and Individual D between June 2018 and January 2020. Dr. Register did not have a bona fide practitioner-patient relationship with either Individual A or Individual D and did not prescribe the medications at issue for any demonstrable medicinal or therapeutic purpose.

a. Between February 2019 and November 2019, Dr. Register prescribed oxycodone to Individual A on five occasions and prescribed hydrocodone to Individual A on two occasions. Between June 2018 and June 2020, Register prescribed oxycodone to Individual D on fourteen occasions and prescribed hydrocodone to Individual D on four occasions.

b. Although Dr. Register claimed that Individual A, a girlfriend, had been his patient since 2014, the medical facility where Dr. Register had practiced since 2011 informed a DHP investigator that no medical records existed for Individual A.

c. Individual D, a former girlfriend, stated to a DHP investigator that she had never been a patient of Dr. Register’s, although he had written some “refill” prescriptions for her. Individual D denied ownership of the addresses and phone numbers that Dr. Register recorded on prescriptions he

wrote in her name. She was unfamiliar with multiple pharmacies where Dr. Register filled prescriptions in her name in Virginia, South Carolina, and Tennessee.

6. Dr. Register willfully refused to provide information and records as requested by the Board's representative pursuant to an investigation or to the enforcement of a statute or regulation.

a. A DHP investigator e-mailed Dr. Register on May 6, 2020, May 15, 2020, and June 10, 2020, requesting information and submitting questions for Dr. Register to answer during the course of the investigation. Dr. Register failed to answer any of the communications.

b. The investigator then sent a letter via UPS to Dr. Register, requesting treatment records from Pacificus Fortitudinis, Dr. Register's fake treatment facility. Dr. Register failed to answer this request. The investigator additionally sent a follow-up e-mail on July 17, 2020, and a letter on August 11, 2020. Dr. Register failed to answer any of these communications.

c. On September 14, 2020, the investigator e-mailed Dr. Register, repeating the requests sent in previous e-mails and letters, and advising Dr. Register that the telephone numbers he had provided the investigator were out of service. The investigator again requested that Dr. Register get in touch with him. No response was received.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Dr. Register's health records or health services.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-2915(A)(4), (13), and (14).

2. Finding of Fact No. 3 constitutes violations of Virginia Code §§ 54.1-2915(A)(8), (10), (17) and 54.1-3303.

3. Finding of Fact No. 4 constitutes violations of Virginia Code §§ 54.1-2915(A)(3), (13),

(16), (18) and (19) and 18 VAC 85-20-100 of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, and Chiropractic.

4. Finding of Fact No. 5 constitutes violations of Virginia Code §§ 54.1-2915(A)(3), (13), (16) and (17) and 54.1-3303 and 54.1-3408.

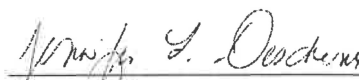
5. Finding of Fact No. 6 constitutes violations of Virginia Code § 54.1-2915(A)(12) and (18) and 18 VAC 85-20-105 of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, and Chiropractic .

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS that the license of Guyton Shawn Register, M.D., to practice medicine in the Commonwealth of Virginia, is REVOKED.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



Jennifer Deschenes, J.D., M.S.
Deputy Executive Director
Virginia Board of Medicine

ENTERED AND MAILED ON: 4/26/2021

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.