

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: THERESA MARIE MCKAY, M.D.
License No.: 0101-235178

CONSENT ORDER

The Virginia Board of Medicine ("Board") and Theresa Marie McKay, M.D., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. McKay to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings and conclusions in this matter:

1. Theresa Marie McKay, M.D. was issued license number 0101-235178 by the Board to practice medicine and surgery in the Commonwealth of Virginia on July 14, 2003. Said license is currently active and will expire on April 30, 2014, unless renewed or otherwise restricted.
2. Dr. McKay violated Section 54.1-2915.A(5) of the Code of Virginia (1950), as amended ("Code"), in that on or about January 17, 2013, the United States Army Medical Command at General Leonard Wood Army Community Hospital, Fort Leonard Wood, Missouri, (GLWACH), restricted Dr. McKay's clinical privileges. This action was taken due to Dr. McKay's mental illness which significantly affected her level of patient care when periodically untreated by medication. Prior to this restriction, on or about August 12, 2010, Dr. McKay's clinical privileges at GLWACH were summarily suspended due to her poor chart documentation, and declining mental health resulting in hospitalizations in March 2010, and August 2010.

3. On or about February 20, 2013, Dr. McKay's clinical privileges were approved, and a 12-month graduated return-to-practice plan was implemented requiring supervision and monitoring of both her clinical practice and her medical condition. Further, the plan requires her to be on call as an attending psychiatrist after the first six (6) months of supervision; complete a minimum of three (3) patient encounters per day over the first month of return to practice building up to a minimum of six (6) hours of clinical patient care/encounters for the remainder of the return to practice period; keep a log documenting all cases for submission for review by her rater and primary supervisor; complete all charts within twenty-four (24) hours of patient encounter; complete a minimum of five (5) hours of continuing medical education each month for a year-long period; and enroll in the BAMC Clinical Provider Oversight Program which will review her case monthly and determine if additional monitoring is needed.

4. By letter to the Board dated April 8, 2013, Dr. McKay stated she is currently assigned and working as a staff psychiatrist at Brooke Army Medical Center, San Antonio Texas (BAMC), where she evaluates, diagnoses and treats patients admitted to the in-patient ward, supervises medical students and residents, teaches students and residents, and reviews/conducts disability evaluations and evaluations for administrative separations from the military.

5. Dr. McKay stated that her mental health condition is stable, and she is compliant with her medication regimen.

CONSENT

I, Theresa Marie McKay, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to an informal conference before the Board;
 - b. the right to appear in person or by counsel, or other qualified representative before the agency; and
4. I waive all rights to an informal conference;
5. I admit the truth of the above Findings of Fact contained herein and agree not to contest the Findings of Fact, Conclusions of Law or any sanction in any future judicial or administrative proceedings where the Board is a party; and
6. I consent to the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the license of Theresa Marie McKay, M.D., be placed on the following TERMS and CONDITIONS:

1. Dr. McKay shall fully comply with the terms and conditions of the BAMC return-to-practice plan for return to practice and any addenda thereto. Dr. McKay shall advise this Board, in writing within ten (10) calendar days, of any changes to her return-to-

practice plan and provide a copy to the Board.

2. Within fifteen (15) days from entry of this Consent Order, Dr. McKay shall sign an authorization allowing for free communication between the Board and BAMC.

3. Dr. McKay is prohibited from practicing medicine and surgery in the Commonwealth of Virginia until she has provided verification acceptable to the Board of her successful completion of the terms and conditions of the supervision plan for return to practice or until she enters into a Recovery Monitoring Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP"), submits a copy of such contract to the Board, and receives written approval from the Board that she is permitted to practice in Virginia.

4. Upon receipt of verification acceptable to the Board verifying that Dr. McKay has completed her supervision plan or entered into a Recovery Monitoring Contract with HPMP, the Board authorizes the Executive Director to close this matter.

Violation of this Consent Order may constitute grounds for the suspension or revocation of the license of Dr. McKay. In the event Dr. McKay violates any of the terms and conditions of this Consent Order, an administrative hearing shall be convened to determine whether such action is warranted.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent 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:

for *William L. Harp*
William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

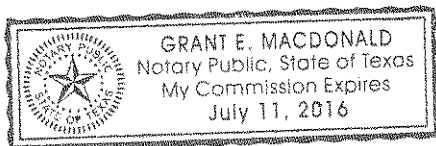
ENTERED: 8/26/13

SEEN AND AGREED TO:

Theresa Marie McKay
Theresa Marie McKay, M.D.

STATE OF TEXAS
COUNTY/CITY OF Bexar, San Antonio, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the State of Texas, at large, this 17 day of Aug, 2013, by, Theresa Marie McKay, M.D.



Grant E. Macdonald
Notary Public

Registration Number: 233677

My commission expires: 11 July 2016