

BEFORE THE VIRGINIA BOARD OF MEDICINE

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


ORDER OF SUMMARY SUSPENSION

Pursuant to Virginia Code § 54.1-2408.1(A), a quorum of the Board of Medicine ("Board") met by telephone conference call on March 16, 2021, after a good faith effort to convene a regular meeting of the Board had failed. The purpose of the meeting was to receive and act upon information indicating that Guyton Shawn Register, M.D., may have violated certain laws relating to the practice of medicine in the Commonwealth of Virginia, as more fully set forth in the "Notice of Formal Administrative Hearing and Statement of Allegations," which is attached hereto and incorporated by reference herein.

WHEREUPON, pursuant to its authority under Virginia Code § 54.1-2408.1(A), the Board concludes that a substantial danger to public health or safety warrants this action and **ORDERS** that the license of Guyton Shawn Register, M.D., to practice medicine in the Commonwealth of Virginia is **SUSPENDED**. It is further **ORDERED** that a hearing be convened within a reasonable time of the date of entry of this Order to receive and act upon evidence in this matter.

Pursuant to Virginia Code § 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 or copying on request.

FOR THE BOARD



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

ENTERED: 3/16/2021

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Guyton Shawn Register, M.D. ("Respondent"), was licensed to practice medicine in the Commonwealth of Virginia.
2. Respondent violated Virginia Code § 54.1-2915(A)(4), (13), and (14) in that he is unfit for the performance of his professional obligations and duties and unable to practice with reasonable skill and safety. Specifically:
 - a. On July 3, 2018, Respondent 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, Respondent, 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 Respondent appeared to be under the influence of "something," but not alcohol, with slurred speech and constricted pupils. On the front seat of Respondent'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, Respondent 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. Respondent violated Virginia Code §§ 54.1-2915(A) (8), (10), and (17) and 54.1-3303 in that, absent a bona fide practitioner-patient relationship, he unlawfully prescribed and obtained, for his unauthorized use, controlled substances, felony offenses as defined in Virginia Code §§ 18.2-250 and 18.2-258.1.

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

a. On September 30, 2019, when arrested in Richland County, South Carolina for DUI, possession of controlled substances and driving an unregistered and unlicensed vehicle, Respondent was in possession of the following prescription medication bottles, prescribed for: Individual A, dextroamphetamine and oxycodone (in Respondent's pocket); Individual B, diazepam, itracanazole, and prednisone; and Individual C, risperidone, clonidine, and bupropion.

b. Although Respondent 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 a practitioner-patient relationship. Respondent claimed to have treated Individuals B and C at Pacificus Fortitudinis, in Roanoke, Virginia, but no business license for this practice was found, according to the Clerk and Tax Compliance Deputy of the Roanoke City Business License Office.

c. According to the Prescription Monitoring Program ("PMP") and pharmacy records, Respondent filled prescriptions written in the names of Individuals A, B, and C at multiple

locations in South Carolina. The telephone number provided to a pharmacy by Respondent for the prescriptions for Individual B and Individual C was his alleged work number. The address provided to the pharmacy for Individual B by Respondent, 3735 Franklin Road, Roanoke, Virginia, was not a place of business but a UPS store at which Respondent merely had an account. An address provided to a pharmacy by Respondent 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 Respondent merely had an account. Respondent listed this same "address" as his Pacificus Fortitudinis office address on his Virginia Board of Medicine Practitioner Profile

d. According to Respondent's statement to the South Carolina State Patrol, "the pills [found in his car] are his patients' medication that he dispenses to them when they need to take them because they don't properly take their medication."

4. Respondent violated 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, Podiatry and Chiropractic in that he 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 Respondent for approximately two (2) years for anxiety-related issues. Patient A reported several incidents of inappropriate behavior, to include:

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

ii. According to Patient A, during treatment, Respondent instructed him to maintain a journal documenting the number of times he masturbated. Patient A was concerned by this

request as he reported that he was not seeing Respondent for any sexually-related issues. Patient A did not do as instructed by Respondent..

iii. According to Patient A, at that last session, Respondent asked Patient A what he could do to "satisfy him." He stated that Respondent's legs were wide open in his chair and he repeatedly moved his chair closed to Patient A's chair, while Respondent repeatedly looked down at his crotch and then up at Patient A. Patient A reported that he felt as if Respondent were, "inviting him," and he found it very stressful. Respondent then asked Patient A if he was "satisfied sexually."

b. According to the medical facility's counsel, Respondent was disciplined as a result of this complaint 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. Effective September 30, 2019, Respondent was terminated by the medical facility for refusing to undergo a drug screen.

5. Respondent violated Virginia Code §§ 54.1-2915(A)(3), (13), (16) and (17), 54.1-3303, and 54.1-3408 in that prior to his arrest in South Carolina in February 2020, Respondent prescribed narcotics to Individual A and Individual D between June 2018 and January 2020. Specifically:

a. Between February 2019-November 2019, Respondent prescribed to Individual A oxycodone on five (5) occasions and hydrocodone on two (2) occasions. Between June 2018-June 2020, Respondent prescribed to Individual D oxycodone on fourteen (14) occasions and hydrocodone on four (4) occasions.

b. Although Respondent claimed that Individual A, a girlfriend, had been his patient since 2014, the medical facility where Respondent 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 Respondent's, although he had written some "refill" prescriptions for her. Individual D denied ownership of addresses and phone numbers that Respondent recorded on prescriptions he wrote in her name. She was unfamiliar with multiple pharmacies where Respondent filled prescriptions in her name in Virginia, South Carolina, and Tennessee.

6. Respondent violated 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, Podiatry and Chiropractic in that he willfully refused to provide information and/or records as requested by the Board's representative pursuant to an investigation of a statute or regulation. Specifically:


a. A DHP investigator e-mailed Respondent requesting information and the answer to questions on May 6, 2020, May 15, 2020, and June 10, 2020, but Respondent failed to answer any of the communications.

b. The investigator then sent a letter via UPS to Respondent, requesting multiple treatment records from Pacificus Fortitudinis. Respondent failed to answer this request. A follow-up e-mail dated July 17, 2020, and an August 11, 2020, follow-up letter were also sent. No response was received.

c. On September 14, 2020, the investigator e-mailed Respondent, again requesting that he reply to all previous e-mails and letters, and advising Respondent that the telephone numbers he had provided the investigator were out of service. The investigator again requested that Respondent 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 Respondent's health records or health services.

See Confidential Attachment for the names of the individuals referenced above.



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

3/16/2021

Date