

**REQUEST FOR PERMANENT WITHDRAWAL OF
APPLICATION FOR RESTORATION OF MEDICAL LICENSURE
STATE OF OHIO
JAMES O. ROYDER, D.O.**

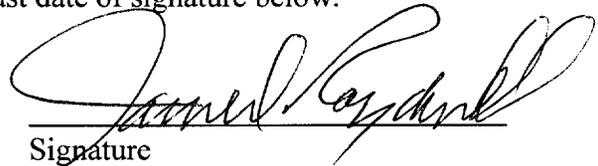
I, JAMES O. ROYDER, D.O., hereby request that my pending application for restoration of my certificate to practice medicine and surgery in the State of Ohio be withdrawn.

Further, I agree that I will not at any time apply for restoration of my certificate to practice medicine and surgery in the State of Ohio, and that any such attempted reapplication shall be considered null and void and shall not be processed by the State Medical Board of Ohio.

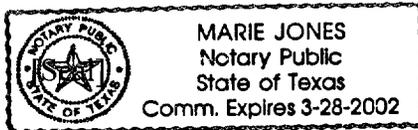
I, JAMES O. ROYDER, D.O., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

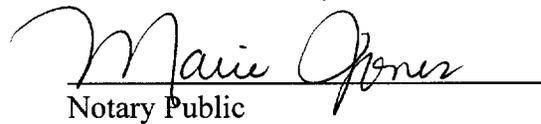
I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings in accordance with R.C. Chapter 119 and R.C. 4731.22 for the matters described in the Notice of Opportunity for Hearing dated June 14, 2000. I further stipulate and admit the allegations contained in paragraphs one (1) through four (4) of said Notice, which is attached hereto as Exhibit A and incorporated herein by this reference.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this Request for Permanent Withdrawal of Application for Restoration shall be accepted and become effective upon the last date of signature below.

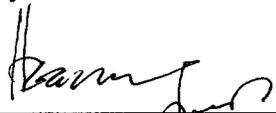

Signature

Sworn to before me and subscribed in my presence this 15th day of September, 2000.

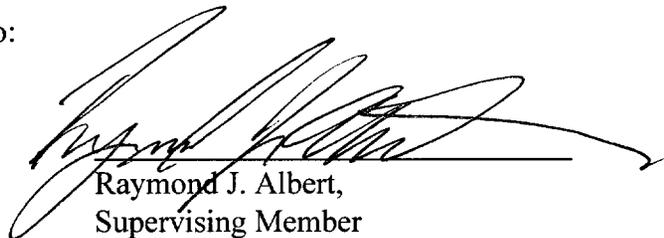



Notary Public

Accepted by the State Medical Board of Ohio:



Anand G. Garg, Secretary
Secretary



Raymond J. Albert,
Supervising Member

OCTOBER 10, 2000
Date

OCTOBER 10, 2000
Date



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

June 14, 2000

James Otis Royder, D.O.
703 Francis Street
Lancaster, TX 75146

Dear Doctor Royder:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

1. On or about September 15, 1999, you submitted an application to restore your license to practice medicine and surgery to the State Medical Board of Ohio (hereinafter "Application"). Your license, which was issued on November 30, 1984, was suspended by operation of law for nonpayment of renewal fees on December 12, 1986. The Application is currently pending.
2. The "Additional Information" Section of the Application contained the following instructions for you to follow in applying for restoration of your license:

If you answer "YES" to any of the following questions, you are required to furnish complete details, including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper.

Further, you signed the Affidavit and Release of Applicant of the Application, which included the following certification:

I ... hereby certify under oath that I am the person named in this application for restoration of my license to practice medicine or osteopathic medicine in the State of Ohio; that all statements I have or shall make with respect thereto are true[.]

- (a) In the "Additional Information" Section of the Application you answered "YES" to the following question:

Mailed 6-15-00

10. Have you ever been requested to appear before any board, bureau, department, agency, or other body, including those in Ohio, concerning allegations against you?

Although you reported the disciplinary action taken against you by the Texas State Board of Medical Examiners (hereinafter "Texas Board") in 1996 in response to this question, you failed to report that on or about July 15, 1997, you entered into a Settlement Agreement with the Missouri State Board of Registration for the Healing Arts (hereinafter "Missouri Board") which disciplined your medical license in Missouri.

3. On or about July 12, 1996, the Texas Board entered into an Agreed Order with you, a copy of which is attached hereto and incorporated herein, which reprimanded you and placed restrictions on your Texas license for a three (3) year period including, for example, a prohibition against your treating patients for intractable pain using dangerous drugs or controlled substances unless there was a legitimate medical purpose for said drugs. The Agreed Order was in part based on findings by the Texas Board that the United States Drug Enforcement Administration and the Texas Department of Public Safety determined, after inspections conducted in 1993 and 1994, that you had failed to comply with state and federal drug laws, including by your own admission, but not limited to, a shortage of cocaine in solution.
4. Further, on or about July 15, 1997, the Missouri Board entered into a Settlement Agreement with you, a copy of which is attached hereto and incorporated herein, which placed restrictions on your Missouri license for a three (3) year period including probationary terms similar to those imposed by the Texas Board and also required you to maintain a record of all controlled substances prescribed, dispensed, ordered, or administered by you.
5. Further, on or about May 16, 1983, the United States Navy indefinitely restricted your privileges at the United States Naval Regional Medical Center, Subic Bay, Republic of the Philippines, based in part on competency issues involving at least six patients. Those restrictions prohibited you from "function[ing] independently in the Emergency Room until [your] level of competence in Emergency Medicine is improved by virtue of additional training and demonstrated ability[]" and required that your "[o]utpatient medical records [are] to be monitored by [the Director of Clinical Services]."

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of

medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, the Texas Board Agreed Order and Missouri Board Settlement Agreement, as alleged in paragraphs (3) and (4) above, individually and/or collectively, constitute “[a]ny of the following actions taken by the state agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Further, the limitation of your privileges by the United States Navy, as alleged in paragraph (5) above, individually and/or collectively, constitutes “[t]he revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice,” as that clause is used in Section 4731.22(B)(24), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to

James Otis Royder, D.O.

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register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG/bjs

Enclosures

CERTIFIED MAIL #P 152 983 707

RETURN RECEIPT REQUESTED

Duplicate mailing to: 4500 Dublin Road
Columbus, OH 43221

CERTIFIED MAIL # P 152 983 062

RETURN RECEIPT REQUESTED

cc: Paul J. Coval, Esq.

CERTIFIED MAIL # Z 496 164 999

RETURN RECEIPT REQUESTED

TEXAS STATE MEDICAL BOARD
DEC 13 1999

D-2829

IN THE MATTER OF
THE LICENSE OF
JAMES O. ROYDER, D.O.

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§
§

BEFORE THE
TEXAS STATE BOARD
OF MEDICAL EXAMINERS

AGREED ORDER

On this the 22nd day of June, 1996, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session the matter of the license of James O. Royder, D.O. ("Respondent"). On March 29, 1996, Respondent appeared in person with counsel, John E. Taylor, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board.

The Board was represented at the Informal Settlement Conference/ Show Compliance Proceeding by Thomas D. Kirksey, M.D. and Margaret L. Ford, Ed.D., members of the Board. Upon recommendation of the Board's representatives, and with the consent of Respondent, the Board makes the following findings of fact and conclusions of law and enters this Order as set forth herein:

FINDINGS OF FACT

1. Respondent, James O. Royder, D.O., holds Texas Medical license D-2829.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.

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3. Respondent is certified by the American Osteopathic Board of General Practice.
4. Respondent has been in the practice of medicine for approximately 30 years.
5. Respondent is 65 years old.
6. During 1993 and 1994, Respondent was in solo practice in Hurst, Texas, specializing in pain management, physical medicine, and rehabilitation.
7. On or about June 10, 1993, an inspection and inventory of controlled substances maintained in Respondent's medical practice office, and of records maintained in relation to such controlled substances, was conducted by the United State Drug Enforcement Administration (DEA).
8. As a result of the inspection and inventory conducted on or about June 10, 1993, the DEA determined that Respondent had failed to comply with State and Federal drug laws.
9. On or about April 20, 1994, an inspection and inventory of controlled substances maintained in Respondent's medical practice office, and of records maintained in relation to such controlled substances, was conducted by the Department of Public Safety (DPS).
10. As a result of the inspection and inventory conducted on or about April 20, 1994, the DPS determined that Respondent had failed to comply with State and Federal drug laws.
11. Respondent has entered into this Agreed Order pursuant to the provisions of Sections 4.02(h) and (i) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b.

DEC 13 1999

12. While not admitting that he has violated the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, Respondent has chosen to avoid the expense and difficulties associated with litigation by entering into this Agreed Order, and agreeing to comply with the terms and conditions set forth herein.

13. Respondent neither admits nor denies that the allegations are true as alleged or that the allegations support a violation of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b; however, Respondent agrees to comply with the terms and conditions set forth herein.

14. Respondent has not previously been the subject of disciplinary action by the Board.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes the following:

1. Respondent has violated Section 3.08(4)(A) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, which authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of any act that is in violation of the laws of the State of Texas if the act is connected with Respondent's practice of medicine.

2. Section 4.02(h) of the Act authorizes the Board to resolve and make a disposition of this matter through an agreed order.

3. Section 4.02(i) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Civil Evidence for purposes of civil litigation.

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4. Section 4.12 of the Act authorizes the Board to impose the remedial measures and sanctions set forth below.

Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent's Texas medical license is hereby RESTRICTED under the following terms and conditions for three (3) years from the date of the signing of this Agreed Order by the presiding officer of the Board:

1. Respondent shall not treat any patient for intractable pain, which includes prescribing, ordering, administering, or dispensing dangerous drugs or controlled substances for pain, unless for a legitimate medical purpose if based upon accepted scientific knowledge of the treatment of pain not in contravention of applicable state or federal laws, and unless he complies with the following guidelines:

(A) After a documented medical history, which may be provided orally or in writing by the patient, and physical examination by the physician providing the medication including an assessment and consideration of the pain, physical and psychological function, any history and potential for substance abuse, coexisting diseases and conditions, and the presence of a recognized medical indication for the use of a dangerous drug or controlled substance;

(B) Pursuant to a written treatment plan tailored for the individual needs of the patient by which treatment progress and success can be evaluated with stated objectives such as pain relief and/or improved physical and psychosocial function. Such a written treatment plan shall consider pertinent medical history and physical examination as well as the need for further testing, consultations, referrals, or use of other treatment modalities;

(C) The physician should discuss the risks and benefits of the use of controlled substances with the patient or guardian;

(D) Subject to documented periodic review of the care by the physician at reasonable intervals in view of the individual circumstances of the patient in regard to progress toward reaching

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treatment objectives which takes into consideration the course of medications prescribed, ordered, administered, or dispensed as well as any new information about the etiology of the pain;

(E) Complete and accurate records of the care provided as set forth in subparagraphs (A)-(D) of this paragraph should be kept. When controlled substances are prescribed, names, quantities prescribed, dosages, and number of authorized refills of the drugs should be recorded, keeping in mind that pain patients with a history of substance abuse or who live in an environment posing a risk for medication misuse or diversion require special consideration. Management of these patients may require closer monitoring by the physician managing the pain and consultation with appropriate health care professionals.

2. Respondent shall become familiar with and comply with all statutes, rules, and regulations, both State and Federal, pertaining to the prescribing, administering, dispensing, supplying, storing, and disposal of dangerous drugs and controlled substances.

3. Respondent shall refrain from the prescription or administration of any drug for any patient unless the drug is medically indicated and is prescribed in therapeutic doses. Respondent shall not prescribe, administer, or dispense any drug with a potential for abuse to any person unless there is a legitimate medical and therapeutic need after the Respondent has taken an appropriate medical history and conducted an examination which is clinically adequate to determine a proper diagnosis and course of treatment. Respondent shall conduct adequate follow-up examinations on all patients to determine whether the course of treatment, including the prescribing of drugs, is appropriate for the medical condition of the patient and to determine if the drug regimen being prescribed or administered should be modified in any way.

4. Respondent shall personally appear before the Board, a committee of the Board, or panel of Board representatives, upon written request mailed to Respondent's last known address on file with the Board

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at least ten (10) calendar days before the requested appearance date. Such appearances shall be for the purpose of reporting on and addressing issues related to Respondent's compliance with the terms and conditions of this Agreed Order.

5. To verify that Respondent has complied with and is in compliance with the terms and conditions of this Agreed Order, Respondent shall fully cooperate with the Board and the Board staff, including but not limited to, Board attorneys, investigators, compliance officers, consultants, and other such employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Agreed Order. Failure to cooperate as required by this paragraph and the terms of this Agreed Order shall constitute a basis for disciplinary action against Respondent pursuant to Sections 3.08, 4.01, and 4.11 of the Act.

6. Upon request by the Board or a member of the Board staff, Respondent shall immediately execute, and provide as needed, any and all medical releases as may be requested by the Board or Board staff to obtain copies of medical treatment records of Respondent to include, but not limited to, any such releases required to obtain treatment records of Respondent protected by 42 C.F.R. subchapter A, part 2, and any subsequent amendments. Failure to execute and provide such releases shall constitute a basis for disciplinary action against Respondent pursuant to Sections 3.08, 4.01, and 4.11 of the Act.

7. Respondent shall give a copy of this Agreed Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has applied for privileges, or applies for privileges.

8. Respondent shall ensure that any inquiries which are made by any person or entity through any means to Respondent or Respondent's

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employees regarding Respondent's Texas medical licensure status are answered by accurate reference to this Agreed Order.

9. The time period of this Order shall be extended for any period of time in which Respondent subsequently resides or practices medicine outside the State of Texas, is in official retired status with the Board, or for any period during which Respondent's license is subsequently cancelled for nonpayment of licensure fees. If Respondent leaves Texas to live or practice medicine elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. Upon Respondent's return to practice in Texas or Respondent's relicensure, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order when Respondent left the practice of medicine in Texas, retired, or had his license cancelled for nonpayment of licensure fees.

10. Respondent shall comply with all the provisions of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, and other statutes regulating the practice of medicine, as is required by law for physicians licensed by the Board.

11. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within ten (10) days of the address change. This information shall be submitted to the Verification Department and the Director of Hearings for 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 Sections 3.08, 4.01, and 4.11 of the Act.

12. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute a basis for disciplinary action by the Board against Respondent pursuant to Sections 3.08, 4.01, and 4.11 of the Act. Any violation of the terms, conditions, or

DEC 13 1999

requirements of this Order by Respondent shall constitute evidence of unprofessional or dishonorable conduct likely to deceive or defraud the public or injure the public.

13. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for 12 months following entry of this Order. If, after the passage of the 12 month 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. Petitions for modifying or terminating may be filed only once a year thereafter.

14. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and that Respondent is hereby reprimanded.

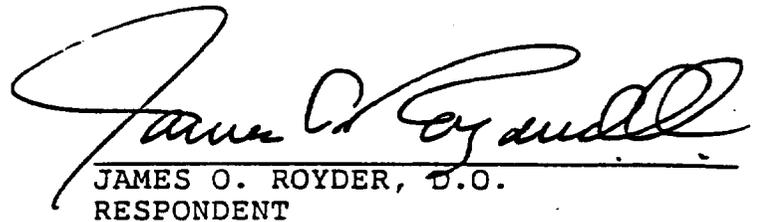
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

DEC 13 1999

I, JAMES O. ROYDER, D.O., 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: 17 June, 1996


JAMES O. ROYDER, D.O.
RESPONDENT

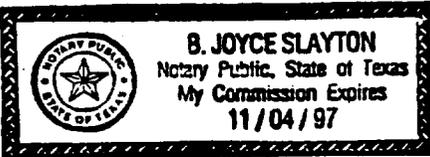
DEC 13 1999

STATE OF TEXAS
COUNTY OF TARRANT

§
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BEFORE ME, the undersigned Notary Public, on this day personally appeared James O. Royder, D.O. known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that he executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 17 day of JUNE, 1996.



(Notary Seal)

B. Joyce Slayton
Signature of Notary Public

B. JOYCE SLAYTON
Printed or typed name of Notary Public

My commission expires: 11-04-97

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 22nd day of June, 1996.

William H. Fleming, III, M.D.
President, Texas State Board of Medical Examiners

Rebman

STATE BOARD OF REGISTRATION)
 FOR THE HEALING ARTS,)
)
 Board,)
)
 v.)
)
 JAMES O. ROYDER, D.O.)
)
 Licensee.)

RECEIVED

JUL 7 '97

MISSOURI ATTORNEY GENERAL

Case No. HA01012820

RECEIVED

JUL 14 1997

BOARD OF HEALING ARTS BHA - LICENSURE

SETTLEMENT AGREEMENT

Comes now James O. Royder, D.O., (Licensee) and the State Board of Registration for the Healing Arts (the Board) and enter into this Agreement for the purpose of resolving the question of whether Dr. Royder's license as a physician or surgeon will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo Supp. 1995.

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these

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 MISSOURI ATTORNEY GENERAL

rights provided Licensee by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Agreement and agrees to abide by the terms of this document as they pertain to Licensee.

2. Licensee acknowledges that he may, at the time this Agreement is effective or within fifteen days thereafter, submit this Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitutes grounds for discipline of Licensee's license.

3. Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. Licensee hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case or this Agreement, or from the negotiation or execution of this Agreement.

5. The parties stipulate and agree that the disciplinary order agreed to by the Board and Licensee in Part II herein is based only on the Agreement set out in Part I herein. Licensee understands that the Board may take further disciplinary action against Licensee based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

STATE OF MISSOURI
OFFICE OF THE CLERK
18 SEP 11 PM 3:55

6. Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this Agreement as an open record of the Board as required by Chapters 334, 610, 620 and 621, RSMo, as amended.

I.

Based upon the foregoing, Board and Licensee herein jointly stipulate to the following:

JOINT PROPOSED FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts ("the Board") is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. James O. Royder, D.O. is licensed by the Board as a physician and surgeon, license number DO30333, which was first issued June 26, 1965. Respondent's certificate of registration is current, and was current at all times referenced herein.

3. On or about June 22, 1996, the Texas State Board of Medical Examiners entered an Agreed Order whereby Licensee's Texas license was disciplined.

4. Pursuant to the Texas disciplinary order, Licensee's license was restricted for a period of three (3) years from the date of the order.

5. Pursuant to the Texas disciplinary order, Licensee was disciplined as a result of the following conduct:

a. During 1993 and 1994, Licensee was in solo practice in Hurst, Texas, specializing in pain management, physical medicine and rehabilitation.

b. On or about June 10, 1993, an inspection and inventory of controlled substances maintained in Licensee's medical practice office, and of records

STATE BOARD OF REGISTRATION
HEALING ARTS
08 SEP 11 PM 3:26

maintained in relation to such controlled substances, was conducted by the United States Drug Enforcement Administration (DEA).

c. As a result of the inspection and inventory conducted on or about June 10, 1993, the DEA determined that Licensee had failed to comply with State and Federal drug laws.

d. On or about April 20, 1994, an inspection and inventory of controlled substances maintained in relation to such controlled substances, was conducted by the Department of Public Safety (DPS).

e. As a result of the inspection and inventory conducted on or about April 20, 1994, the DPS determined that Respondent had failed to comply with State and Federal drug laws.

JOINT PROPOSED CONCLUSIONS OF LAW

1. Based on the foregoing, Licensee's license is subject to disciplinary action pursuant to §§ 334.100.2(8) and (13), RSMo 1994, which provide:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

* * *

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of

98 SEP 11 PM 3:25

STATE OF MISSOURI
OFFICE OF THE CLERK

medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

* * *

(13) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

* * *

2. Licensee's conduct, as established by the foregoing facts, falls within the intendments of §§ 334.100.2(8) and (13) RSMo 1994.

3. Cause exists for Board to take disciplinary action against Licensee's licenses under §§ 334.100.2(8) and (13), RSMo 1994.

II.

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the State Board of Registration for the Healing Arts in this matter under the authority of Section 621.110, RSMo 1986. This Agreement will be effective immediately on the date entered and finalized by the Board.

A. Effective the date the Board enters into the Agreement:

1. The medical license, No. DO30333, issued to Licensee is hereby RESTRICTED for a period of three (3) years in that Licensee shall not treat any patient for intractable pain, which includes prescribing, ordering, administering, or dispensing dangerous drugs or controlled substances for pain, unless for a legitimate medical purpose

STATE BOARD OF REGISTRATION
98 SEP 11 PM 3:25

if based upon accepted scientific knowledge of the treatment of pain **not** in contravention of applicable state or federal laws, and unless he follows the following guidelines:

a. After a documented medical history, which may be provided orally or in writing by the patient, and following a physical examination by the Licensee, including an assessment and consideration of the pain, physical and psychological function, any history and potential for substance abuse, co-existing diseases and conditions, and the presence of a recognized medical indication for the use of a dangerous drug or controlled substance;

b. Pursuant to a written treatment plan tailored for the individual needs of the patient by which treatment progress and success can be evaluated with stated objectives such as pain relief and/or improved physical and psychosocial function. Such a written treatment plan shall consider pertinent medical history and physical examination as well as the need for further testing, consultations, referrals or use of other treatment modalities;

c. Licensee shall discuss the risks and benefits of the use of controlled substances with the patient or guardian and document the same in the patient's record;

d. Subject to documented periodic review of the care by the Licensee at reasonable intervals in view of the individual circumstances of the patient in regard to progress toward reaching treatment objectives which takes into consideration the course of medications prescribed, ordered, administered, or dispensed as well as any new information about the etiology of the pain;

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e. Complete and accurate records of the care provided as set forth in paragraphs (a)-(d) of this section shall be maintained by the Licensee. During the disciplinary period, Licensee shall retain duplicate copies of all controlled substance prescriptions, written or authorized by the Licensee, including original telephone prescriptions or telephone authorizations for refills. These copies shall be kept in a file separate from patient charts or files, and shall be maintained in chronological order. Retaining prescription copies only in patients charts or files shall not be in compliance with this paragraph, and shall be deemed a violation of this Agreement. Licensee shall immediately, and without delay, produce this file, containing duplicate copies of all controlled substance prescriptions, for inspection and copying upon request by the Board or its representative;

f. During the disciplinary period, Licensee shall maintain a record of all controlled substances prescribed, dispensed, ordered, or administered by Licensee, showing all the following:

- (1) name and address of the patient;
- (2) date;
- (3) character and quantity of controlled substance involved; and
- (4) diagnosis and purpose for which the controlled substance was furnished.

Licensee shall keep these records in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the Board's designee upon request; and

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g. Licensee shall refrain from prescribing or administering any drug for any patient unless the drug is medically indicated and is prescribed in therapeutic doses. Licensee shall not prescribe, administer or dispense any drug with a potential for abuse to any person unless there is a legitimate medical and therapeutic need after Licensee has taken an appropriate medical history and conducted an examination which is clinically adequate to determine a proper diagnosis and course of treatment. Licensee shall conduct adequate follow-up examinations on all patients to determine whether the course of treatment, including the prescribing of drugs, is appropriate for the medical condition of the patient and to determine if the drug regimen being prescribed or administered should be modified in any way.

2. During the disciplinary period, Licensee shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.

3. During the disciplinary period, Licensee shall keep the Board informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Board in writing within ten (10) days of any change in this information.

4. During the disciplinary period, Licensee shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain Licensee's license in a current and active state.

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STATE OF MISSOURI
DEPARTMENT OF HEALTH
DIVISION OF PROFESSIONAL REGULATION

5. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary Agreement.

6. During the disciplinary period, Licensee shall appear in person for interviews with the Board or its designee upon request.

7. Licensee shall submit written reports to the Board by no later than January 1 and July 1 during each year of the disciplinary period on forms provided by the Board, stating truthfully whether there has been compliance with all the conditions of this Agreement. It is the Licensee's responsibility to see that the reports are submitted. Failure of the Board to provide the reporting forms shall not relieve the Licensee of the obligation to make the required reports.

8. Prior to returning to Missouri to practice medicine, Licensee shall provide the Board with written notification of Licensee's intent to return to Missouri to practice medicine. Licensee shall deliver this written notification to the Board at least ninety (90) days prior to returning to Missouri. Also, prior to practicing medicine in Missouri, Licensee shall personally appear before the Board if requested. Under no circumstances shall Licensee practice medicine in Missouri until Licensee has complied with all the requirements of this paragraph, including personally appearing before the Board if requested, and Licensee has been notified in writing by the Board that practice in Missouri may commence.

9. Licensee shall notify, within fifteen (15) days of the effective date of this Agreement, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and

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all other facilities where Licensee practices or has privileges of Licensee's disciplinary status. Notification shall be in writing and Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.

10. For purposes of this Agreement, unless otherwise specified in this Agreement, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this Agreement shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

11. In the event the State Board of Registration for the Healing Arts determines that Licensee has violated any term or condition of this Agreement, the Board may in its discretion, vacate this Agreement and impose such further discipline as the Board shall deem appropriate.

12. This Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by Licensee not specifically mentioned in this document.

B. Upon the expiration of the disciplinary period, Licensee's license shall be fully restored if all requirements of law have been satisfied; provided however, that in the event the State Board of Registration for the Healing Arts determines that Licensee has violated any term or condition of this Agreement, the Board may in its discretion, vacate this Agreement and impose such further discipline as the Board shall deem appropriate.

STATE OF MISSOURI
DEPT. OF HEALTH
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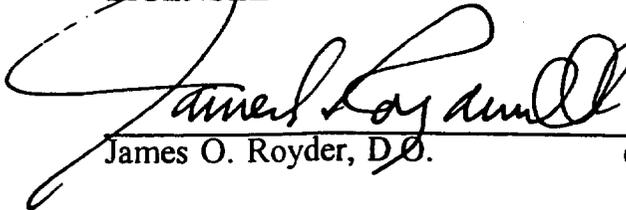
C. No additional order shall be entered by this Board pursuant to the preceding paragraph of this Agreement without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this Agreement occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Licensee agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this Agreement has occurred.

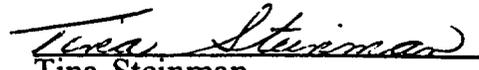
D. If the Board determines that the Licensee has violated a term or condition of the disciplinary period which violation would also be actionable in a proceeding before the Administrative Hearing Commission or in the circuit court, the Board may elect to pursue any lawful remedies afforded it and is not bound by this Agreement in its election of remedies concerning that violation.

E. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

BOARD


James O. Royder, D.O. 7/1/97
date


Tina Steinman 7/15/97
Executive Director date

Attorneys for Licensee date

JEREMIAH W. (JAY) NIXON
Attorney General

STATE OF MISSOURI
SEP 1 11 3:25
OFFICE OF THE CLERK

Lawrence G. Rebman

Lawrence G. Rebman
Assistant Attorney General

Broadway State Office Building
Post Office Box 899
Jefferson City, MO 65102
(573) 751-1444

Attorneys for Board

EFFECTIVE THIS 15 DAY OF July, 1997.

98 SEP 11 PM 3:25
OFFICE OF THE ATTORNEY GENERAL