

**STATE OF OHIO
THE STATE MEDICAL BOARD
JOHN ANDERSON KING, D.O.
N.K.A. CHRISTOPHER WALLACE MARTIN
PERMANENT SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY**

I, John Anderson King, D.O., having been formally charged by issuance of Notices of Opportunity for Hearing on or about October 12, 2005, December 14, 2005, and March 8, 2006, am aware of my rights to representation by counsel and of having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, John Anderson King, D.O., do hereby voluntarily, knowingly, and intelligently permanently surrender my certificate to practice medicine and surgery, No. 34-004277, to the State Medical Board of Ohio [Board], thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 34-004277 or issuance of any other certificate pursuant to Chapters 4730, 4731, 4760, or 4762, Ohio Revised Code, on or after the date of signing this Permanent Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I, John Anderson King, D.O., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. I, John Anderson King, D.O., acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

It is expressly understood that this Permanent Surrender of Certificate is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

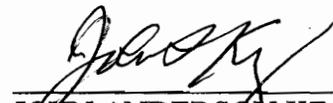
I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings, pursuant to Section 4731.22(B)(22) and 4731.22(B)(5) Ohio Revised Code, as set forth in the (3) Notices of Opportunity for Hearing issued to me by the Board on or about October 12, 2005, December 14, 2005, and March 8, 2006, copies of which are attached hereto and fully incorporated herein. I further admit to all the factual and legal allegations set forth in the October 12, 2005 and March 8, 2006 Notices. With respect to the December 14, 2005 Notice, I admit that I did not disclose that I was a resident for approximately three months

John Anderson King, D.O.
Permanent Surrender
Page 2 of 2

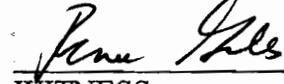
in 1985 at the Medical College of Georgia Hospitals, Augusta, Georgia, and that I represented that I was on vacation and employed in Alabama at that time. Additionally, I did not disclose that I served for approximately six months in 1986 in the Anesthesia Department at Monmouth Medical Center, Monmouth, New Jersey, and that I represented that I was employed in Alabama and Georgia at the time, as referenced in paragraphs (3) and (5) of the December 14, 2005 Notice. I further admit that I did not disclose that I had obtained licenses in Pennsylvania, West Virginia, Florida, and New Jersey, as referenced in paragraph 4 of the December 14, 2005, Notice.

Signed this 3rd day of Aug, 2006.


TERRI-LYNNE SMILES
Attorney for John Anderson King, D.O.


JOHN ANDERSON KING, D.O.
N.K.A. CHRISTOPHER WALLACE MARTIN


WITNESS


WITNESS

Sworn to and subscribed before me this _____ day of _____, 2006.

SEAL

NOTARY PUBLIC

(This form must be either witnessed OR notarized)


LANCE A. TALMAGE, M.D.
SECRETARY


RAYMOND J. ALBERT
SUPERVISING MEMBER

8-9-06
DATE

8/9/06
DATE

IN THE PROBATE COURT OF
HOUSTON COUNTY, ALABAMA

JOHN ANDERSON KING,

) In re: Change of Name of Adult

Petitioner.

) Docket No.: 2006-107

)

DECREE CHANGING NAME

This day came John Anderson King, whose date of birth is August 15, 1958, and filed a Petition for Name Change of Adult and in conformity with §12-13-1, Code of Alabama, 1975, praying that John Anderson King's name be changed to Christopher Wallace Martin, and it appearing to the Court that the facts stated in said declaration are true:

NOW THEREFORE, IT IS, CONSIDERED, ORDERED AND ADJUDGED that the said Declaration to be filed and recorded, and that the said John Anderson King be and henceforth shall be known by the name of Christopher Wallace Martin.

DONE THIS THE 14 day of March, 2006.

Luke Cooley
Honorable Luke Cooley,
Judge of Probate



State of Alabama, Houston County
I, Judge of Probate in and for said State and County, hereby certify that the within is a true and correct copy of Decree Changing Name as it appears on record in my office.
Given under my hand this 14th day of March, 2006
Luke Cooley
Judge of Probate

PROBATE 274 72 - 03/14/2006 08:27 AM
Luke Cooley, Probate Judge, Houston County, Alabama



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

March 8, 2006

John Anderson King, D.O.
11310 South Orange Blossom Trail, #232
Orlando, Florida 32837

Dear Doctor King:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] 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 you or place you on probation for one or more of the following reasons:

- (1) On or about October 12, 2005, the Board issued to you a Notice of Opportunity for Hearing. That matter is pending.
- (2) Further, on or about December 14, 2005, the Board issued to you a Notice of Opportunity for Hearing. That matter is pending.
- (3) On or about February 4, 2006, the Medical Licensure Commission of Alabama [Alabama Board] entered an Order publicly reprimanding your license to practice medicine or osteopathy in Alabama, assessing you an administrative fine in the amount of \$2,500.00, and ordering you to complete a course in medical ethics.

The conclusions of law included that you had committed fraud in applying for or procuring a license to practice medicine or osteopathy in the State of Alabama and that you made fraudulent and untrue statements to the Alabama Board. Copies of the Alabama Board Order and the related Administrative Complaint and Order Setting Hearing are attached hereto and incorporated herein.

The Alabama Board Order as alleged in paragraph (3) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, 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.

Mailed 3-9-06

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 days of the time of mailing of this notice.

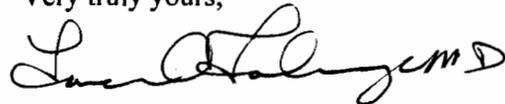
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at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

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



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4330 3990
RETURN RECEIPT REQUESTED

Robert W. Riley, Esq.
Riley & Associates, PLLC
329 Whittington Parkway, Suite 117
Louisville, Kentucky 40222

CERTIFIED MAIL # 7003 0500 0002 4333 3379
RETURN RECEIPT REQUESTED

Medical Conduct conducted an investigation of Dr. King because he had failed to notify the New York Board that Putnam General Hospital in West Virginia had suspended his privileges for spine procedures on June 5, 2003, and that the West Virginia Osteopathic Board, by Amended Order, had canceled his license. Correspondence between Dr. King and the New York Board indicate that Dr. King was well aware of the investigation. He acknowledged receipt of a draft Statement of Charges and a voluntary surrender of license form.

3. On August 26, 2004, the Michigan Board of Osteopathic Medicine and Surgery issued an Order of Summary Suspension of Dr. King's license to practice osteopathic medicine in Michigan. Such Order was served on Dr. King on September 2, 2004.

4. On October 30, 2004, when Dr. King signed the Alabama license renewal form for 2005, he knew he was the subject of an investigation by the New York Board, Office of Professional Medical Conduct, and that he was the subject of an investigation and formal disciplinary charges by the Michigan Board of Osteopathic Medicine and Surgery.

Based upon the foregoing findings of facts, the Medical Licensure Commission makes the following conclusions of law:

1. Dr. King has committed fraud in applying for or procuring a license to practice medicine or osteopathy in the State of Alabama, in violation of Alabama Code §34-24-360(1).

2. Dr. King has committed unprofessional conduct by knowingly making a false or fraudulent statement in connection with the practice of medicine or osteopathy, a violation of Alabama Code §34-24-260(2) and Medical Licensure Commission Rule 545-X-4.06(16).

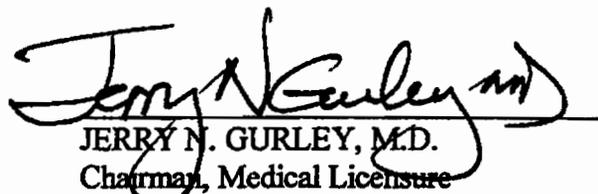
3. Dr. King has made fraudulent and untrue statements to the Medical Licensure Commission, a violation of Alabama Code §34-24-360(17).

Based upon the foregoing findings of fact and conclusions of law, the Medical Licensure

Commission makes the following Order:

1. Dr. King's license to practice medicine in Alabama is PUBLICLY REPRIMANDED.
2. Dr. King is assessed an administrative fine in the amount of \$2,500.00. Such fine is due and payable within thirty (30) days of this Order.
3. Dr. King shall successfully complete, within the calendar year 2006, a course in medical ethics, which shall be pre-approved by the Medical Licensure Commission.
4. Dr. King shall notify the Medical Licensure Commission, within ten (10) days, of any change in his practice location or in his residence.

Entered this 4th day of February, 2006.


JERRY N. GURLEY, M.D.
Chairman, Medical Licensure
Commission of Alabama

ALABAMA STATE BOARD OF)	
MEDICAL EXAMINERS,)	
)	BEFORE THE MEDICAL LICENSURE
Complainant,)	COMMISSION OF ALABAMA
)	
v.)	
)	CASE NO. 05-023
JOHN A. KING, D.O.)	
)	
Respondent.)	

ORDER SETTING HEARING

The Medical Licensure Commission has received the verified Administrative Complaint of the State Board of Medical Examiners filed in this cause. The Commission has determined that this matter is due to be set down for hearing under the provisions of §34-24-361, Code of Alabama 1975.

Accordingly, it is the Order of the Commission that this matter be set for hearing before the Commission on the 25th day of January, 2006 at 9:30 o'clock in the a.m. at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama. The Respondent, John A. King, D.O., is directed to respond to the allegations of the verified Complaint in the manner prescribed in Rule 545-X-3-.03 of the Rules and Regulations of the Medical Licensure Commission.

This hearing shall be conducted in accordance with §34-24-361(e), Code of Alabama 1975 and Chapter 3 of the Rules and Regulations of the Medical Licensure Commission concerning hearings in contested cases. The Respondent is entitled to be present at the hearing and to be represented by counsel, is entitled to cross examine witnesses presented by the

Complainant, and is entitled to present testimony and other evidence touching on the allegations contained in the Complaint.

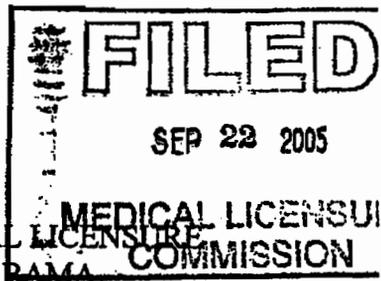
The Honorable Wayne Turner, attorney at law, is hereby appointed to act as Hearing Officer under the authority of Rule 545-X-3-.08 of the Rules and Regulations of the Medical Licensure Commission.

It is the further order of the Commission that a copy of the verified Complaint of the Alabama State Board of Medical Examiners and a copy of this Order is forthwith served upon the said John A. King, D.O., by personally delivering the same to him if he can be found within the State of Alabama or by certified mail, return receipt requested, to his last known address if he cannot be found within the State of Alabama. The Commission further directs that personal service of process shall be made by Ray Murray, who is designated as the duly authorized agent of the Medical Licensure Commission.

It is further ordered that the parties and their attorneys immediately check their calendars for scheduling conflicts. No requests for continuance based upon schedule conflicts of attorneys or parties will be considered unless such request is made prior to December 14, 2005

ORDERED at Montgomery, Alabama, this 28th day of September, 2005.


Jerry N. Gurley, M.D., Chairman
Medical Licensure Commission of Alabama



ALABAMA STATE BOARD OF
MEDICAL EXAMINERS,

Complainant,

vs.

JOHN A. KING, D. O.,

Respondent.

BEFORE THE MEDICAL LICENSURE
COMMISSION OF ALABAMA

CASE NO. 05- 023

ADMINISTRATIVE COMPLAINT

Comes now the Alabama State Board of Medical Examiners and submits herein its sworn petition pursuant to the authority of Ala. Code §34-24-361(e)(2002) and respectfully represents to the Medical Licensure Commission the following:

1. On July 24, 1985, the Respondent, John A. King, D. O., was duly licensed to practice medicine or osteopathy in the State of Alabama, having been issued license number DO.127.
2. The Board of Medical Examiners has conducted an investigation into the medical practice of Dr. King and, based on that investigation, has concluded that there exists probable cause to believe that the Respondent has committed the following violations of Ala. Code §34-24-360 (2002):
 - a. Fraud in applying for or procuring a license to practice medicine or osteopathy in the state of Alabama, a violation of Ala. Code §34-24-360(1);
 - b. Unprofessional conduct for knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or osteopathy, a violation of Ala. Code §34-24-360(2) and Medical Licensure Commission Rule 545-X-4-.06(16) and
 - c. Making any fraudulent or untrue statement to the Medical Licensure Commission, a violation of Ala. Code §34-24-360(17).

3. In support of the allegations of the violations of Ala. Code §§34-24-360(1), (2) and (17)(2002), the Board of Medical Examiners specifically alleges the following:

a. On or about October 30, 2004, Dr. King signed the Medical Licensure Commission's license renewal form for 2005. To question number 6 on the form, which asks, "To your knowledge, are you the subject of an investigation, or has a formal complaint against your license been filed by any licensing board/agency as of the date of this application within the past year," Dr. King answered, "No," but he added a caveat: "See Texas information, unsure how to answer." To this renewal form, Dr. King attached twenty-four (24) pages, which included information about an Agreed Order with the Texas Board of Medical Examiners, action by the West Virginia Board of Osteopathic Medicine, and information concerning an action by Putnam General Hospital in West Virginia. There was no information on the renewal form or in any of the accompanying documents about a disciplinary action by the Michigan Board of Osteopathic Medicine and Surgery or an investigation by the New York Medical Board, Office of Professional Medical Conduct.

b. In Fall 2004, the Alabama Board of Medical Examiners learned that the New York Medical Board was investigating Dr. King. On or about November 24, 2004, a subpoena was sent by the Alabama Board of Medical Examiners to the New York Office of Professional Medical Conduct for any and all investigative reports and files pertaining to Dr. King. On or about January 19, 2005, the Alabama Board of Medical Examiners received from the New York Office of Professional Medical Conduct a certified copy of documents concerning Dr. King. The certified documents from New York show that on July 14, 2004, New York Investigator Arnette contacted Mr. Robert Riley, Dr. King's attorney of record in several cases, who stated that Dr.

King might be interested in surrendering his New York license. On July 30, 2004, New York Investigator Arnette sent a letter to Mr. Riley, enclosing a license surrender form and a draft statement of charges alleging violations of New York statutes because Dr. King failed to notify the New York Medical Board that Putnam General Hospital in West Virginia had suspended his privileges for spine procedures on June 5, 2003, and that the West Virginia Osteopathic Board, by Amended Order, had canceled his license. The New York documents also contain a copy of a letter dated September 24, 2004, signed by Dr. King, which is addressed to Robert Bogan, Associate Counsel for the New York Office of Professional Medical Conduct. In his letter, Dr. King notified Dr. Bogan that he had a change in attorneys and that Robert Riley did not represent him in New York. The Alabama Board of Medical Examiners alleges that Dr. King had knowledge of the Statement of Charges and voluntary surrender of license form offered by New York, because Dr. King states in the September 24, 2004, letter, that he will not surrender and that, "regarding the allegations lodged against me by the state of New York, I would appreciate an opportunity to respond" Also, the New York documents contain a copy of a September 26, 2004, letter to New York Investigator Arnette which is signed by Dr. King. Information from New York also contains a copy of an August 26, 2004, letter to New York Investigator Arnette, signed by Dr. King, which disputes certain information in the Texas Agreed Order and information sent to the National Practitioner Data Bank.

c. In February 2005, the Alabama Board of Medical Examiners received certified copies from the Michigan Board of Osteopathic Medicine and Surgery which indicate that on August 26, 2004, the Michigan Board issued an Order of Summary Suspension concerning Dr. King's license to practice osteopathic medicine in the state of Michigan. The certified

documents also contain a record of service on Dr. King on September 2, 2004. The Michigan Board charged that Dr. King had failed to notify that Board of the Amended Order of West Virginia and the Agreed Order from Texas as required by Michigan statutes. Later, the Alabama Board of Medical Examiners received a transcript of the Michigan hearing which was held on January 4, 2005, and a copy of the Proposal for Decision by the Administrative Law Judge which was dated April 13, 2005. On June 27, 2005, the Michigan Board of Osteopathic Medicine and Surgery entered a Final Order, finding that Dr. King had violated Michigan statutes based on the final and adverse Texas Order of June 4, 2004. The Michigan Board suspended Dr. King's Michigan license for a period of six (6) months and one (1) day and assessed a fine of five hundred dollars (\$500.00).

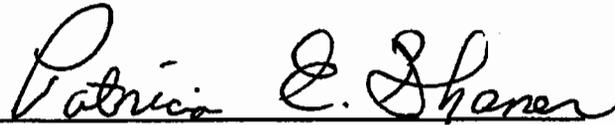
d. Documents received from the states of New York and Michigan show that, on October 30, 2004, when Dr. King signed the Alabama license renewal form for 2005, he knew that he was the subject of an investigation by the New York Board, Office of Professional Medical Conduct, and that he was the subject of an investigation and formal disciplinary charges by the Michigan Board of Osteopathic Medicine and Surgery. Consequently, when Dr. King answered "No" to question number 6 on the Alabama license renewal form for 2005, he answered falsely and violated Ala. Code §34-24-360(1), (2) and (17)(2002).

WHEREFORE, the foregoing premises considered, the Alabama State Board of Medical Examiners respectfully requests that the Medical Licensure Commission of Alabama take jurisdiction of this Administrative Complaint, set a hearing thereon, and cause notice of such hearing and a copy of this Administrative Complaint to be served upon the Respondent, John A. King, D. O., requiring that he appear and answer the allegations contained in this Administrative

Complaint in accordance with the Rules and Regulations of the Medical Licensure Commission. Further, the Board requests that, at the conclusion of the hearing, the Medical Licensure Commission revoke the license to practice medicine or osteopathy in Alabama of Dr. King and/or take other action which the Commission deems appropriate based upon the evidence presented for consideration.

This Administrative Complaint is executed for and on behalf of the Alabama State Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board contained in its Resolution adopted on August 17, 2005, a copy of which is attached hereto and incorporated herein.

EXECUTED this the 22nd day of September, 2005.



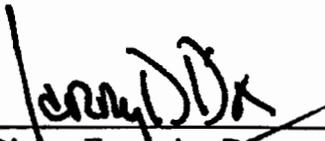
Patricia E. Shaner, General Counsel
Alabama Board of Medical Examiners
P. O. Box 946
Montgomery, AL 36101-0946
Telephone # (334) 242-4116
Facsimile # (334) 242-4155
Email: tshaner@albme.org



Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

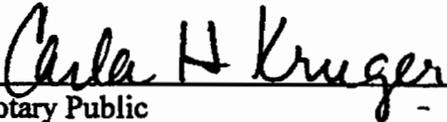
STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama Board of Medical Examiners, has examined the contents of the foregoing complaint and petition and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.



Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this the 22nd day of September, 2005.



Notary Public
My commission expires:

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

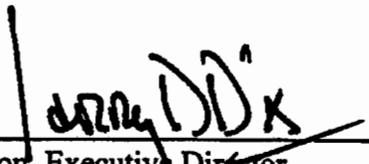
A F F I D A V I T

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

The Alabama State Board of Medical Examiners session on August 17, 2005, a quorum of the members of the Board being present, conducted an investigation in to the medical practice of John A. King, D. O. At the conclusion of the discussion, the Board adopted the following resolution:

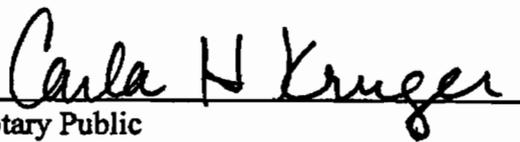
John A. King, D.O., Orlando, FL. After consideration of a legal review report, the Credentials Committee recommended filing an Administrative Complaint with the Medical Licensure Commission seeking disciplinary action based on the ground of falsifying his Alabama licensure renewal form. The motion was adopted.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 17th day of August, 2005.



Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this the 22nd day of September, 2005.



Notary Public
My commission expires: 10-1-07



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

December 14, 2005

John Anderson King, D.O.
11310 South Orange Blossom Trail, #232
Orlando, Florida 32837

Dear Doctor King:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] 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 you or place you on probation for one or more of the following reasons:

- (1) On or about October 12, 2005, the Board issued to you a Notice of Opportunity for Hearing. That matter is pending.
- (2) On or about December 23, 1986, you submitted to the Board an application for medical or osteopathic licensure [Licensure Application] in Ohio. In "Section 10: Affidavit of Applicant" after being duly sworn, you signed the Affidavit certifying the statements in your Licensure Application were strictly true in every respect.
- (3) In "Section 3: Postgraduate Training" of the Licensure Application, you were required to provide the dates and hospitals of all postgraduate training in the U.S., with the complete address, position, department and percentage of time spent in clinical and administrative duties. You submitted only the below postgraduate training information:

DATE mo/yr- mo/yr	HOSPITAL	COMPLETE ADDRESS	POSITION & DEPARTMENT	% CLINICAL	% ADMIN
07-01-84 to 07-01-85	Cuyahoga Falls General Hospital	1900 23 Street Cuyahoga Falls, Ohio 44223	Intern Rotating Internship	90%	10%
07-01-86 to Present	Western Reserve Care Systems	345 Oak Hill Avenue Youngstown, Ohio 44501	Resident Anesthesia Dept.	90%	10%

- (a) In fact, from on or about July 1, 1985 until you were released from your contract on or about October 18, 1985, you were employed full time as an Anesthesia Resident 2 at the Medical College of Georgia Hospitals, Augusta, Georgia.
- (b) Further, from on or about January 1, 1986, through on or about June 30, 1986, you served in the Anesthesiology Department of the Monmouth Medical Center, Monmouth, New Jersey.

Mailed 12-15-05

- (4) In "Section 4: Licensure Information" of the Licensure Application, you were required to list all states in which you are or have been fully licensed to practice medicine and surgery or osteopathic medicine and surgery, indicating the license number and the date it was issued. You provided information only for licenses to practice in the States of Alabama and Georgia.

In fact, on or about July 8, 1985, the Department of State, Bureau of Professional and Occupational Affairs, issued to you license number OS 005645L to practice in the State of Pennsylvania. At the time of the submission of your Licensure Application, you were or had been fully licensed to practice in Pennsylvania.

Further, on or about July 9, 1985, the West Virginia Board of Osteopathy issued to you license number 977 to practice in the State of West Virginia. At the time of the submission of your Licensure Application, you were or had been fully licensed to practice in the State of West Virginia.

Further, on or about September 7, 1985, the Florida Board of Osteopathic Medicine issued to you license number OS 4982 to practice in the State of Florida. At the time of the submission of your Licensure Application, you were or had been fully licensed to practice in the State of Florida.

Further, on or about April 1, 1986, the New Jersey State Board of Medical Examiners issued to you license number 25MB04775200 to practice in the State of New Jersey. At the time of the submission of your Licensure Application, you were or had been fully licensed to practice in the State of New Jersey.

- (5) In "Section 6: Resume" of the Licensure Application, you were required to list all activities from medical school graduation to the present time accounting for all time, working and non-working, including the percentage of working time spent in clinical and administrative duties.

You initially submitted only the below information:

DATES mo/yr- mo/yr	HOSPITAL OR UNIVERSITY	COMPLETE ADDRESS (including Street, Apartment, if applicable, City, State, Zip Code and Country (if not in the U.S.))	POSITION & DEPARTMENT	% CLINICAL	% ADMIN
07-01-84 to 07-01-85	Cuyahoga Falls General Hospital	1900 23 Street Cuyahoga Falls, Ohio 44223	Intern Rotating	90%	10%
07-01-85 to 08-10-85	Vacation				
08-15-86 [sic] to 06-30-86	Emergency Room Physician/Part time General Practice	3904 8th Court South Birmingham, Alabama 35222		75%	25%
07-01-86 to Present	Western Reserve Care Systems	345 Oak Hill Avenue Youngstown, Ohio 44501	Resident Anesthesia Dept.	90%	10%

Subsequently, on or about January 13, 1987, in response to the Board follow-up query occasioned by your submission without hospital names and complete addresses for the Birmingham, Alabama entry you resubmitted "Section 6: Resume" with the below changes:

DATES mo/yr-mo/yr	HOSPITAL OR UNIVERSITY	COMPLETE ADDRESS (including Street, Apartment, if applicable, City, State, Zip Code and Country (if not in the U.S.)	POSITION & DEPARTMENT	, % CLINICAL	% ADMIN

08-15-85 to 06-30-86	Emergency Room Physician/Part time General Practice	3904 8th Court South Birmingham, Alabama 35222		75%	25%

[added] Hospitals: Woodland Community Hospital, 1910 Cherokee Ave., S.W., Cullman, Alabama, 30555. Citizens Hospital, 604 Stone Ave., Drawer 888, Talledega, Alabama 35160. Cobb Memorial Hospital, P.O. Box 8, Royston, Georgia, 30662.					

- (a) Despite your representation of reported "vacation" during the period July 1, 1985 to August 10, 1985, in fact, from on or about July 1, 1985, until you were released from your contract on or about October 18, 1985, you were employed full time as an Anesthesia Resident 2 at the Medical College of Georgia Hospitals, Augusta, Georgia.
- (b) Further, despite your representation of reported "Emergency Room Physician/Part time General Practice" in Alabama and Georgia during the entire period August 15, 1985 to June 30, 1986, in fact, from on or about January 1, 1986, through on or about June 30, 1986, you served in the Anesthesiology Department of the Monmouth Medical Center, Monmouth, New Jersey.

Your acts, conduct, and/or omissions as alleged in paragraphs (2) through (5) 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, podiatric medicine and surgery, 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.

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 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 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 you or place you on probation.

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



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4333 3331
RETURN RECEIPT REQUESTED

Robert W. Riley, Esq.
Riley & Associates, PLLC
329 Whittington Parkway, Suite 117
Louisville, Kentucky 40222

CERTIFIED MAIL # 7003 0500 0002 4333 4130
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

October 12, 2005

John Anderson King, D.O.
11310 South Orange Blossom Trail
Orlando, Florida 32827

Dear Doctor King:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] 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 you or place you on probation for one or more of the following reasons:

- (1) On or about June 4, 2004, the Texas State Board of Medical Examiners [Texas Board] entered an Agreed Order accepting the permanent surrender of your Texas license to practice. A copy of the Texas Board Agreed Order is attached hereto and incorporated herein.
- (2) On or about August 26, 2004, the Michigan Bureau of Health Professions Board of Osteopathic Medicine and Surgery [Michigan Board], in File No. 51-04-95105, issued an Order of Summary Suspension [Michigan Board Order I], which summarily suspended your license to practice in Michigan. A copy of the Michigan Board Order I is attached hereto and incorporated herein.
- (3) On or about June 27, 2005, the Michigan Board, in File No. 51-04-95105, issued an Order [Michigan Board Order II] that dissolved the Michigan Board Order I, suspended your license to practice in Michigan for a minimum period of six months and one day, and imposed a fine in the amount of \$500.00.

Further, the Michigan Board noted the reinstatement of a license suspended for more than six months is not automatic and, should you seek reinstatement, you shall supply clear and convincing evidence to the Michigan Board that you are of good moral character, that you are able to practice with reasonable skill and safety, and that it is in the public interest for you to resume practice. A copy of the Michigan Board Order II, including the Proposal for Decision accepted by the Michigan Board Order II, is attached hereto and incorporated herein.

- (4) On or about July 13, 2005, the Virginia Department of Health Professions [Virginia Board] entered an Order suspending your license to practice in Virginia. A copy of the Virginia Board Order is attached hereto and incorporated herein.

Mailed 10-13-05

The Texas Board Agreed Order, as alleged in paragraph (1) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, 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 Michigan Board Order I, as alleged in paragraph (2) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, 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 Michigan Board Order II, as alleged in paragraph (3) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, 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 Virginia Board Order, as alleged in paragraph (4) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, 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.

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 days of the time of mailing of this notice.

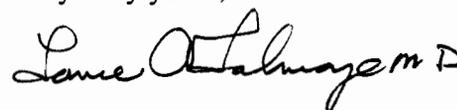
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at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

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



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4333 4932
RETURN RECEIPT REQUESTED

Robert W. Riley, Esq.
Riley & Associates, PLLC
329 Whittington Parkway, Suite 117
Louisville, Kentucky 40222

CERTIFIED MAIL # 7003 0500 0002 4333 4925
RETURN RECEIPT REQUESTED

JUL 02 2004

LICENSE NO. J-5803

IN THE MATTER OF
THE COMPLAINT AGAINST
JOHN ANDERSON KING, D.O.

BEFORE THE
TEXAS STATE BOARD OF
MEDICAL EXAMINERS

AGREED ORDER

On the 4th day of June, 2004, 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 John Anderson King, D.O. ("Respondent").

By the signature of Respondent on this Order, Respondent waives the right to appear at an Informal Show Compliance Proceeding and Settlement Conference pursuant to TEX. OCC. CODE, Title 3, Subtitle B, §164.004 and 22 TEX. ADMIN. CODE, §187.18 and all rights pursuant to TEX. GOV'T CODE, §2001.051 and §2001.054, including, but not limited to the right to notice and hearing, and instead agrees to the entry of this Order to resolve the matters addressed in this Order. Mark Martyn represented Board staff.

Upon the 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 Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. 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 TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon's 2002) (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. J-5803. Respondent was originally issued this license to practice medicine in Texas on June 22, 1994. Respondent is also licensed to practice in Tennessee, Alabama, Georgia, Florida, Kentucky, Indiana, Michigan, Ohio, Pennsylvania, New Jersey, New York, and Virginia.

JUL 02 2004

3. Respondent is primarily engaged in family practice. Respondent is Board certified in anesthesiology and in orthopedic surgery by the American Board of Physician Specialists.

4. Respondent is 45 years of age.

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

6. On June 5, 2003 Putnam General Hospital suspended Respondent's clinical privileges based on peer review findings related to spine surgery.

7. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. 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 of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on disciplinary action taken by Respondent's peers.

3. Section 164.061 of the Act and 22 TEX. ADMIN. CODE 196.1 authorizes the Board to accept the voluntary surrender of Respondent's Texas medical license.

4. 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 of Fact and Conclusions of Law, the Board **ORDERS** that:

1. Respondent's voluntary and permanent surrender of his Texas license should be and is hereby accepted by the Board.
2. Respondent's Texas license, number J-5903 is therefore permanently canceled.
3. Respondent shall immediately cease from the practice of medicine in Texas. Should Respondent practice after this date, it shall constitute a violation of this Order subjecting Respondent to disciplinary action by the Board or prosecution for practicing medicine without a license in Texas.

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.

I, JOHN ANDERSON KING, D.O., HAVE READ AND UNDERSTAND THE FORGOING 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: July 25 2004.


JOHN ANDERSON KING, D.O.
RESPONDENT

JUL 02 2004

05/26/2004 09:29
May-16-2004 10:01

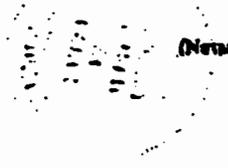
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PROVINCE BOARDS OF MEDICAL EXAMINERS

ROBERT COLEMAN DO:JD
010 300 7007

PAGE 06

STATE OF TENNESSEE
COUNTY OF MOHAWK

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this
25th day of JUNE, 2004.



(Notary Seal)

[Signature]
Signature of Notary Public
Lea H. Kuvraik
Printed or typed name of Notary Public
My commission expires 6/12/06

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical
Examiners on this 24 day of June, 2004.

[Signature]
Lee S. Anderson, M.D., President
Texas State Board of Medical Examiners

Page 4 of 4 Pages

STATE OF TEXAS
COUNTY OF TRAVIS

I, Rita Perkins, certify that I am an official assistant
custodian of records for the Texas State Board of
Medical Examiners and that this is a true and correct
Copy of the original as it appears on file in this office

Witness my official hand and seal of the Board, this
24 day of June, 2004

Rita Perkins
Rita Perkins
Public Information

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
DISCIPLINARY SUBCOMMITTEE

OHIO STATE MEDICAL BOARD

NOV 29 2004

In the Matter of

JOHN ANDERSON KING, D.O.

License Number: 51-01-014816

File Number: 51-04-95105

ORDER OF SUMMARY SUSPENSION

WHEREAS, an Administrative Complaint has been filed against the above-named Respondent as provided by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq; and

WHEREAS, after careful consideration of the documentation filed in said cause and after consultation with the chairperson of the Board of Osteopathic Medicine and Surgery pursuant to section 16233(5) of the Public Health Code, supra, the Department hereby finds that the public health, safety, or welfare requires emergency action; now, therefore,

IT IS HEREBY ORDERED that Respondent's license to practice as an osteopathic physician in the state of Michigan shall be and hereby is SUMMARILY SUSPENDED commencing the date this order is served.

MICHIGAN DEPARTMENT OF
COMMUNITY HEALTH

By Melanie B. Brim

Melanie B. Brim, Director
Bureau of Health Professions

DATED: August 26, 2004

STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true
copy of the original on file in the office of
the Department of Community Health
Bureau of Health Professions

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
DISCIPLINARY SUBCOMMITTEE

OHIO STATE MEDICAL BOARD
NOV 29 2004

In the Matter of

JOHN ANDERSON KING, D.O.
License Number: 51-01-014816

File Number: 51-04-95105

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Community Health, hereafter Complainant, by Melanie B. Brim, Director, Bureau of Health Professions, and files this complaint against John Anderson King, D.O., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Osteopathic Medicine and Surgery, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Code.

2. Respondent is currently licensed to practice osteopathic medicine and surgery in the state of Michigan and holds a lapsed controlled substance license. Respondent's address of record with Complainant is in Orlando, Florida.

STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true
copy of the original on file in the office of
the Department of Community Health
Bureau of Health Professions

3. Section 16233(5) of the Public Health Code, supra, provides, in pertinent part, as follows:

OHIO STATE MEDICAL BOARD

NOV 29 2004

After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, being section 24.292 of the Michigan Compiled Laws.

4. Section 7311(6) of the Public Health Code, supra, provides that a controlled substance license is automatically void if a licensee's license to practice is suspended or revoked under Article 15 of the Public Health Code.

5. On May 14, 2004, the West Virginia Board of Osteopathy, hereafter West Virginia Board, entered an Amended Order, which cancelled Respondent's license to practice medicine in West Virginia at Respondent's request. A copy of the West Virginia Board order, marked Exhibit A, is attached and incorporated.

6. On June 4, 2004, the Texas State Board of Medical Examiners, hereafter Texas Board, entered an Agreed Order, in which Respondent voluntarily and permanently surrendered his license to practice medicine in Texas. The disciplinary action was based on the suspension of Respondent's clinical privileges at Putnam General Hospital. A copy of the Texas Board order, marked Exhibit B, is attached and incorporated.

STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true
copy of the original on file in the office of
the Department of Community Health

7. Respondent failed to notify Complainant of the disciplinary actions taken by the West Virginia Board and the Texas Board.

COUNT I

OHIO STATE MEDICAL BOARD

NOV 29 2004

The foregoing disciplinary actions in the states of West Virginia and Texas, as set forth above, constitute final adverse administrative actions by a licensure, registration, disciplinary, or certification board involving the holder of, or an applicant for, a license or registration regulated by another state or a territory of the United States, in violation of section 16221(b)(x) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above in paragraph 7, evidences failure to notify the Complainant of the disciplinary actions in the states of West Virginia and Texas, as required by section 16222(3) of the Public Health Code, supra, in violation of section 16221(i) of the Public Health Code, supra.

The within Complaint is based upon files and records maintained by Complainant and the attached Affidavit of Pamela Dixon.

WHEREFORE, Complainant requests that a hearing be scheduled pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq; the Public Health Code, and the rules promulgated thereunder.

INGHAM COUNTY
We certify that the foregoing is a true
copy of the original file in the office of
the Department of Community Health

NOV 29 2004

FURTHER, pending a hearing and final determination of the within cause, and pursuant to section 16233(5) of the Public Health Code, supra, Complainant states that the public health, safety and welfare requires emergency action and Respondent's license to practice osteopathic medicine and surgery in the state of Michigan shall accordingly be summarily suspended.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Melanie B. Brim, Director, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.



Melanie B. Brim, Director
Bureau of Health Professions
STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true
copy of the original file in the office of
the Department of Community Health
Bureau of Health Professions

DATED: August 26, 2004

Attachments

This is the last and final page of an Administrative Complaint in the matter of John Anderson King, D.O., File Number 51-04-95105, before the Disciplinary Subcommittee of the Michigan Board of Osteopathic Medicine

NOV 29 2004

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JOHN ANDERSON KING, D.O.
License Number: 51-01-014816

File Number: 51-04-95105

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

AFFIDAVIT OF PAMELA DIXON

NOW COMES Pamela Dixon, hereafter Affiant, who, after first being duly sworn and upon oath, states on information and belief as follows:

Affiant is a Departmental Analyst in the Complaint and Allegation Division, Bureau of Health Professions, Department of Community Health, hereafter Department, and in this capacity is responsible for obtaining certified copies of records of final adverse administrative action taken by other states against health professionals licensed to practice a health profession in the state of Michigan.

On July 6, 2004, Affiant received certified records of a final adverse administrative action indicating that John Anderson King, D.O., hereafter Respondent, had

STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true
and correct copy of the original as it appears in the office of
the Bureau of Health Professions, Department of
Community Health

been disciplined by the Texas State Board of Medical Examiners pursuant to an Agreed Order issued June 4, 2004.

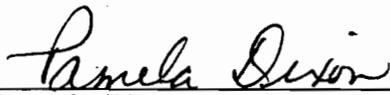
OHIO STATE MEDICAL BOARD

NOV 29 2004

On August 6, 2004, Affiant received certified records of a final adverse administrative action indicating that Respondent had been disciplined by the West Virginia Board of Osteopathy pursuant to an Amended Order issued May 14, 2004. Upon checking the Department's records relative to Michigan licensure, Affiant learned that Respondent is licensed to practice as an osteopathic physician in the state of Michigan.

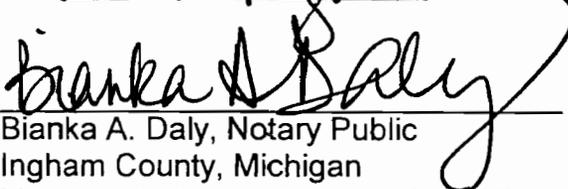
Affiant has not been notified by Respondent of the disciplinary actions in the states of Texas and West Virginia.

Further Affiant saith not.



Pamela Dixon

Subscribed and sworn to before me
this 21st day of August, 2004



Bianka A. Daly, Notary Public
Ingham County, Michigan
My commission expires July 8, 2007.

This is the last and final page of the Affidavit of Pamela Dixon in the matter of John Anderson King, D.O. File Number 51-04-95105, before the Disciplinary Subcommittee of the Michigan Board of Osteopathic Medicine and Surgery, consisting of two pages, this page included.

BB

NOV 29 2004

BEFORE THE WEST VIRGINIA BOARD OF OSTEOPATHY

RECEIVED

WEST VIRGINIA BOARD OF OSTEOPATHY

AUG 06 2004

Complainant,

BUREAU OF HEALTH PROFESSIONS
COMPLAINT & ALLEGATION DIVISION

v.

JOHN A. KING, D.O., License No. 977,

Respondent.

AMENDED ORDER

On the 22nd day of August, 200~~4~~^{3 (aw)}, the West Virginia Board of Osteopathy received a written communication, via certified mail, from Dr. John A. King, in which he stated, "I wish to cancel my license to practice medicine effective 9-1-2003." Following receipt of this letter, the staff of the West Virginia Board of Osteopathy has been unsuccessful in further attempts to communicate with Dr. King. The Board of Osteopathy further notes that, due to numerous inquiries regarding the status of Dr. King's license, it is necessary to make an official record of the rescission of Dr. King's license pursuant to his written request.

On this basis, the Board entered an Order on February 27, 2004, titled as an Order of Revocation. The Board now notes that it had not, at that time, initiated any disciplinary proceedings against John A. King upon which said license might be revoked and that the request of the licensee was of his own volition.

STATE OF MICHIGAN - INGHAM COUNTY
I hereby certify that the foregoing is a true
copy of the original as filed in the office of
the Department of Community Health
Health Professions

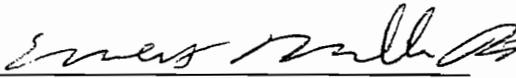
Now, therefore, based upon the unequivocal request of the licensee, the West Virginia Board of Osteopathy hereby AGREES TO CANCEL the license of John A. King, license number

NOV 29 2004

977, to practice osteopathic medicine and surgery in the State of West Virginia, and the license is DECLARED to be NULL and VOID. Without an active license in this State, John A. King may not be eligible for reinstatement of this license and, upon application for a subsequent license, he shall be subject to all of the requirements and qualifications of a new applicant for licensure.

Entered this 14th day of May, 2004.

WEST VIRGINIA BOARD OF OSTEOPATHY

by: 
Ernest Miller, D.O.
President

STATE OF MICHIGAN - LANSING COUNTY
I certify that the foregoing is true
and correct as shown in the office of
the Board of Community Health
Professions

NOV 29 2004

LICENSE NO. J-5803

IN THE MATTER OF
THE COMPLAINT AGAINST
JOHN ANDERSON KING, D.O.

BEFORE THE
TEXAS STATE BOARD OF
MEDICAL EXAMINERS

AGREED ORDER

On the 4th day of June, 2004, 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 John Anderson King, D.O. ("Respondent").

By the signature of Respondent on this Order, Respondent waives the right to appear at an Informal Show Compliance Proceeding and Settlement Conference pursuant to TEX. OCC. CODE, Title 3, Subtitle B, §164.004 and 22 TEX. ADMIN. CODE, §187.18 and all rights pursuant to TEX. GOV'T CODE, §2001.051 and §2001.054, including, but not limited to the right to notice and hearing, and instead agrees to the entry of this Order to resolve the matters addressed in this Order. Mark Martyn represented Board staff.

Upon the 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 Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. 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 TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon's 2002) (the "Act") or the Rules of the Board.

2. Respondent currently holds Texas Medical License No. J-5803. Respondent was originally issued this license to practice medicine in Texas on June 22, 1994. Respondent is also licensed to practice in Tennessee, Alabama, Georgia, Florida, Kentucky, Indiana, Michigan, Ohio, Pennsylvania, New Jersey, New York, and Virginia.

NOV 29 2004

3. Respondent is primarily engaged in family practice. Respondent is Board certified in anesthesiology and in orthopedic surgery by the American Board of Physician Specialists.
4. Respondent is 45 years of age.
5. Respondent has not previously been the subject of disciplinary action by the Board.
6. On June 5, 2003 Putnam General Hospital suspended Respondent's clinical privileges based on peer review findings related to spine surgery.
7. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. 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 of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on disciplinary action taken by Respondent's peers.
3. Section 164.061 of the Act and 22 TEX. ADMIN. CODE 196.1 authorizes the Board to accept the voluntary surrender of Respondent's Texas medical license.
4. 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.

STATE OF MICHIGAN - INGHAM COUNTY
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NOV 29 2004

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board **ORDERS** that:

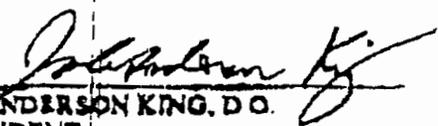
1. Respondent's voluntary and permanent surrender of his Texas license should be and is hereby accepted by the Board.
2. Respondent's Texas license, number J-5803 is therefore permanently canceled.
3. Respondent shall immediately cease from the practice of medicine in Texas. Should Respondent practice after this date, it shall constitute a violation of this Order subjecting Respondent to disciplinary action by the Board or prosecution for practicing medicine without a license in Texas.

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.

I, JOHN ANDERSON KING, 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: May 25 2004.


JOHN ANDERSON KING, D.O.
RESPONDENT

Page 3 of 4 Pages

STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true
and correct copy of the original
as filed in the County Clerk's Office
at Lansing, Michigan on 11/29/04
by the undersigned.

OHIO STATE MEDICAL BOARD

NOV 29 2004

STATE OF Tennessee
COUNTY OF McMINN

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this
25th day of May 2004.



(Notary Seal)

[Signature]
Signature of Notary Public

Lisa H. Kincaid
Printed or typed name of Notary Public
My commission expires: 6/20/06

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical
Examiners on this 7th day of June 2004.

[Signature]
Lee S. Anderson, M.D., President
Texas State Board of Medical Examiners

STATE OF MICHIGAN - INGHAM COUNTY
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Professional Regulation

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JOHN ANDERSON KING, D.O.
License Number: 51-01-014816

File Number: 51-04-95105
Docket Number: 2004-50140MSS

FINAL ORDER

On August 26, 2004, the Department of Community Health, Bureau of Health Professions, filed an Order of Summary Suspension and an Administrative Complaint with the Disciplinary Subcommittee of the Michigan Board of Osteopathic Medicine and Surgery, hereafter Disciplinary Subcommittee, charging John Anderson King, D.O., hereafter Respondent, with violating sections 16221(b)(x) and 16221(i) of the Michigan Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq.

An administrative hearing was held in the matter before an administrative law judge, who, on April 13, 2005, issued a Proposal for Decision setting forth recommended findings of fact and conclusions of law.

The Disciplinary Subcommittee, having reviewed the administrative record, considered the within matter at a regularly scheduled meeting held in Lansing, Michigan, on June 9, 2005, and accepted the administrative law judge's findings of fact and conclusions of law contained in the Proposal for Decision.

STATE OF MICHIGAN - INGHAM COUNTY
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the Department of Community Health
Bureau of Health Professions.

IT IS HEREBY ORDERED that the Order of Summary Suspension dated August 26, 2004, is DISSOLVED, as of the effective date of this order.

IT IS FURTHER ORDERED that for the violation of 16221(b)(x) of the Public Health Code, supra, Respondent's license to practice osteopathic medicine and surgery in the state of Michigan is SUSPENDED for a minimum period of SIX MONTHS AND ONE DAY, commencing on the effective date of this order.

IT IS FURTHER ORDERED that reinstatement of a license which has been suspended for more than six months is not automatic, and, in the event Respondent applies for reinstatement of his license, application for reinstatement shall be made in accordance with sections 16245 and 16247 of the Public Health Code, supra, and the guidelines on reinstatement promulgated by the Department. Further, in support of the application for reinstatement, Respondent shall supply clear and convincing evidence to the Michigan Board of Osteopathic Medicine and Surgery that Respondent is of good moral character, is able to practice with reasonable skill and safety, and that it is in the public interest for Respondent to resume practice.

IT IS FURTHER ORDERED that for the aforesaid violation of the Public Health Code, Respondent is FINED in the amount of \$500.00 to be paid to the state of Michigan within 60 days from the effective date of this order.

IT IS FURTHER ORDERED that the fine shall be mailed to the Department of Community Health, Bureau of Health Professions, Sanction Monitoring,

STATE OF MICHIGAN - ANCHAM COUNTY
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the Department of Community Health,
Bureau of Health Professions

P.O. Box 30185, Lansing, MI 48909. The fine shall be paid by check or money order made payable to the State of Michigan, and shall clearly display the file number 51-04-95105.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this order, and if such violation is deemed to constitute an independent violation of the Public Health Code or the rules promulgated thereunder, the Disciplinary Subcommittee may proceed to take disciplinary action pursuant to 1996 AACRS, R 338.1632 and section 16221(h) of the Public Health Code, supra.

IT IS FURTHER ORDERED that this order shall be effective on the date signed by the Disciplinary Subcommittee's Chairperson or authorized representative, as set forth below.

Dated: 6-27-05

**MICHIGAN BOARD OF OSTEOPATHIC
MEDICINE AND SURGERY**

By: Melanie B. Brim, Director
Melanie B. Brim, Director
Bureau of Health Professions

This is the last and final page of a Final Order in the matter of John Anderson King, D.O., File Number 51-04-95105, Docket Number 2004-5014OMSS, before the Michigan Board of Osteopathic Medicine and Surgery, consisting of three pages, this page included.

KMC

STATE OF MICHIGAN - INGHAM COUNTY
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Bureau of Health Professions

digest copy

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
P.O. Box 30763, Lansing, MI 48909-7695
(877) 833-0870; Fax (517) 335-9505

In the matter of

Docket No. 2004-5014 OMSS

Bureau of Health Professions,
Petitioner

Agency No. 51-04-95105

v

John A. King, DO,
Respondent

RECEIVED

APR 15 2005

Issued and entered
this 13th day of April 2005
by Erick Williams
Administrative Law Judge

BUREAU OF HEALTH PROFESSIONS
COMPLAINT & ALLEGATION DIVISION

PROPOSAL FOR DECISION

PROCEDURAL HISTORY

On August 26, 2004, the Bureau of Health Professions issued a complaint against John A. King, DO, under MCL 333.16221(b)(x) and MCL 333.16222(3). A hearing convened on January 4, 2005, under the Administrative Procedures Act, MCL 24.271 ff. Paul W. Jones, Assistant Attorney General, represented the Bureau of Health Professions. Robert W. Riley represented Dr. King.

This opinion finds that Dr. King is subject to disciplinary action under MCL 333.16221(b)(x).

APPLICABLE LAW

MCL 333.16221(b)(x) reads:

The department may investigate activities related to the practice of a health profession by a licensee, a registrant, or an applicant for licensure or registration. The department may hold hearings, administer oaths, and order relevant testimony to be taken and shall report its findings to the

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Bureau of Health Professions

appropriate disciplinary subcommittee. The disciplinary subcommittee shall proceed under section 16226 if it finds that 1 or more of the following grounds exist:

(b) Personal disqualifications, consisting of 1 or more of the following:

(x) Final adverse administrative action by a licensure, registration, disciplinary, or certification board involving the holder of, or an applicant for, a license or registration regulated by another state or a territory of the United States, by the United States military, by the federal government, or by another country. A certified copy of the record of the board is conclusive evidence of the final action.

MCL 333.16222(3) reads:

A licensee or registrant shall notify the department of a criminal conviction or a disciplinary licensing or registration action taken by another state against the licensee or registrant within 30 days after the date of the conviction or action. This subsection includes, but is not limited to, a disciplinary action that is stayed pending appeal.

FINDINGS OF FACT

Background

John King graduated from the University of New England with a DO in 1984. He interned in Cuyahoga Falls, Ohio, completed a residency at Western Reserve in anesthesia and was board certified in 1984.¹

During his career as an anesthesiologist, Dr. King did *locum tenens* work in several states. He has medical licenses in ten or twelve states dating from that period.²

Dr. King once interviewed for a job in Michigan, and he obtained a Michigan license in anticipation of that job, but he has never practiced in Michigan, and he does not plan to practice here in the future.³

¹ John King, 4 January 2005 Transcript, p 10.

² John King, 4 January 2005 Transcript, p 31.

³ John King, 4 January 2005 Transcript, pp 32, 35.

In 1993, Dr. King entered an orthopedic residency program at Hillcrest Medical Center in Oklahoma City. After leaving Hillcrest, he entered a residency program at York Medical College, which he completed in 1997. He became board certified in orthopedic surgery in 2001.⁴

While Dr. King was in orthopedic training, he spent several months at Jackson Hospital in Montgomery, Alabama, where he studied spine surgery under Patrick Ryan. Dr. King assisted Dr. Ryan in about 50 spine procedures. Dr. Ryan has assisted Dr. King in some procedures.⁵

In 2002, Dr. King began practicing at Hospital Corporation of America, Putnam General Hospital, Hurricane, West Virginia, in orthopedics. He did the whole range of orthopedic surgery, except pediatric spine.⁶

Before Dr. King came to Putnam hospital, the hospital had not performed spine surgery. When Dr. King started performing spine surgery, the hospital's quality management committee selected some cases for review. The hospital wanted to know if its new spine surgery procedure met national standards. The committee sent the cases to an outside reviewer since Dr. King was the only person performing spine surgery at the hospital and no one else on the hospital staff was competent to review his work. The hospital sent a package of documents reflecting spine surgeries on 21 patients to Edgar Dawson of UCLA Medical Center.⁷

Specifically, the purpose of the review was to –

ensure that all aspects of this new spinal fusion service ... meet the typical standards of care, including patient selection, diagnostic testing, preparation, surgical performance, and outcomes, nursing care and discharge planning.⁸

⁴ John King, 4 January 2005 Transcript, p 11.

⁵ Patrick Ryan, Transcript, 2 July 2003, pp 154, 192-193. This transcript is Exhibit D.

⁶ John King, 4 January 2005 Transcript, pp 11-12.

⁷ Gregory Kelly, Transcript, 2 July 2003, p 56.

⁸ Edgar Dawson, Transcript, 2 July 2003, p 61.

Dr. Dawson sent back a strongly worded letter in which he alleged that Dr. King had performed 21 unnecessary surgeries on normal spines. Dr. Dawson announced that the hospital was lucky no one was killed.⁹

On June 3, 2003, shortly after receiving Dr. Dawson's letter, the Putnam Hospital executive committee met and decided to suspend Dr. King's staff privileges pending further investigation.¹⁰

On July 2, 2003, the hospital held a peer review hearing to consider Dr. King's staff privileges. Two expert witnesses testified. Testifying for the hospital was Edgar Dawson, a specialist in spinal surgery, the person who conducted the initial review of Dr. King's cases. Dr. Dawson has practiced and taught at the UCLA Medical Center since 1972.¹¹ Testifying for Dr. King was Patrick Ryan, a neurosurgeon whose practice includes spine surgery; he is chief of staff at Jackson Hospital in Montgomery, Alabama. Dr. Ryan is the spine surgeon who supervised Dr. King during part of his orthopedic residency.¹²

The July 2, 2003, peer review hearing ended before Dr. Ryan finished testifying and before the King side presented all its evidence. At the end of the July 2, session, the hearing was adjourned for a week, but it never reconvened. No other hearings took place after July 2, 2003.¹³

On August 22, 2003, Dr. King wrote the West Virginia Board of Osteopathy. His letter said, "I wish to cancel my license to practice medicine effective September 1, 2003." Evidently, Dr. King's intention in writing to the West Virginia board was to surrender his license in West Virginia and leave the state.¹⁴ On February 27, 2004, acting on King's request, the West Virginia board issued an order of revocation.¹⁵

⁹ Gregory Kelly, Transcript, 2 July 2003, pp 20-21, 27, 44, 46-47.

¹⁰ Gregory Kelly, Transcript, 2 July 2003, pp 10-15, 17, 44.

¹¹ Edgar Dawson, Transcript, July 2, 2003, p 58.

¹² Patrick Ryan, Transcript, 2 July 2003, pp 153, 159.

¹³ Eakle, 2 Jul 03, pp 189-90, 209; Coleman, 2 Jul 03, p 212; King, 4 Jan 05, pp 18-19.

¹⁴ Exhibit 1. John King, 4 January 2005 Transcript, p 20.

¹⁵ Exhibit 1.

The West Virginia order of revocation caused a cascade of disciplinary actions in other states. Dr. King was subjected to disciplinary actions in Pennsylvania, Texas, Georgia, Florida and New Jersey.

On March 30, 2004, the Pennsylvania board decided to take no disciplinary action against Dr. King. The Pennsylvania no-action letter reads:

Re: West Virginia State Board of Osteopathy Order.

The prosecution division of the bureau of professional and occupational affairs has completed its inquiry into the above-referenced complaint filed against you. We have decided not to file formal charges in this case. As in all cases, we reserve the right to reopen this case at our discretion if, for example, additional information on the case becomes available.¹⁶

On May 14, 2004, the West Virginia board issued a change or clarification of its February revocation order, which reads in part:

On the 22nd day of August 2003, the West Virginia Board of Osteopathy received a written communication, via certified mail, from Dr. John A. King, in which he stated, "I wish to cancel my license to practice medicine effective September 1, 2003." Following receipt of this letter, the staff of the West Virginia Board of Osteopathy has been unsuccessful in further attempts to communicate with Dr. King. The Board of Osteopathy further notes that, due to numerous inquiries regarding the status of Dr. King's license, it is necessary to make an official record of the rescission of Dr. King's license pursuant to his written request.

On this basis, the Board entered an Order on February 27, 2004, titled as an Order of Revocation. The Board now notes that it had not, at that time, initiated any disciplinary proceedings against John A. King upon which said license might be revoked and that the request of the licensee was of his own volition.

¹⁶ Exhibit A, p 1.

Now, therefore, based upon the unequivocal request of the licensee, the West Virginia Board of Osteopathy hereby agrees to cancel the license of John A. King, license number 977, to practice osteopathic medicine and surgery in the State of West Virginia, and the license is declared to be null and void. Without an active license in this state, John A. King may not be eligible for reinstatement of this license and, upon application for a subsequent license, he shall be subject to all of the requirements and qualifications of a new applicant for licensure.¹⁷

The Texas board started disciplinary action against Dr. King based on the June 5, 2003, decision of Putnam General Hospital to suspend his clinical privileges. There was no hearing in Texas. The Texas case was resolved when Dr. King agreed to surrender his Texas license.¹⁸ The Texas order, signed by Dr. King on May 25, 2004, and by the Texas board on June 4, 2004, reads in part:

Respondent currently holds Texas Medical license No J-5803. Respondent was originally issued this license to practice medicine in Texas on June 22, 1994. Respondent is also licensed to practice in Tennessee, Alabama, Georgia, Florida, Kentucky, Indiana, Michigan, Ohio, Pennsylvania, New Jersey, New York and Virginia.... Respondent is primarily engaged in family practice. Respondent is Board certified in anesthesiology and in orthopedic surgery by the American Board of Physician Specialists.... Respondent has not previously been the subject of disciplinary action by the Board.... On June 5, 2003, Putnam General Hospital suspended Respondent's clinical privileges based on peer review findings related to spine surgery.... Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 of the Act, will save money and resources for the State of Texas. 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....

¹⁷ Exhibit 1.

¹⁸ John King, 4 January 2005 Transcript, pp 26-27, 29-30.

Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on disciplinary action taken by Respondent's peers....

Respondent's voluntary and permanent surrender of his Texas license should be and is hereby accepted by the Board... Respondent's Texas license ... is therefore permanently canceled.... Respondent shall immediately cease from the practice of medicine in Texas....¹⁹

Dr. King testified that he sent reports of the disciplinary actions against him and the loss of his hospital privileges to all the states where he was licensed, including Michigan.²⁰ The Bureau of Health Professions introduced an affidavit by Pamela Dixon, an analyst in its complaint office, stating that Dr. King did not notify her about the Texas order.²¹

Dr. King evidently filed a "self-report" with the Florida board, which, on June 17, 2004, decided to take no action against him. The Florida no-action letter reads:

Subject: Self-Report.

This letter acknowledges review of your complaint by the consumer services unit within the department of health. This review has determined that this matter does not show possible violation of the statutes or rules which govern the profession or professional involved in your complaint. Thus, no further action can be taken. We trust that you will be able to satisfactorily resolve this matter by other means.²²

The Georgia board decided to take no action against Dr. King. The Georgia no-action letter of September 8, 2004, reads:

Re: Interview

The board has concluded its investigation. After carefully considering the results of the investigation, the board determined there was no evidence to support prosecution for

¹⁹ Exhibit 2.

²⁰ John King, 4 January 2005 Transcript, pp 32-35, 56-60.

²¹ Exhibit 3.

²² Exhibit A, p 2.

a violation of the medical practice act and consequently voted to close this case. The outcomes of investigations that do not result in public disciplinary action are confidential by statute...²³

The New Jersey board issued an order on December 29, 2004, which reads:

... The board found that the amended order issued by the West Virginia board of osteopathy on May 14, 2004 and the agreed order issued by the Texas state board of medical examiners on June 4, 2004, subsequent to the filing of the [WVa] provisional order of discipline, did not provide any findings of fact or conclusions of law that would serve as a basis for this board to take disciplinary action against respondent....²⁴

Peer Review Evidence

The July 2, 2003, peer review hearing at Putnam General Hospital considered selected records of patients who had undergone spine surgery between December 2002 and March 2003.

On direct examination, Edgar Dawson, the expert witness for the hospital, summarized his findings:

Of the eighteen of the twenty-one patients that had some imaging studies that were done preoperatively, either MRIs or myelography, I reviewed those independently, reviewed the radiologist report, if available, and it was my opinion that thirteen of twenty-one patients, based on my review of the preoperative studies were subjected to in part or in total to unnecessary surgery. It was also my opinion, based on review of these records, that two of the thirteen patients [Patients 12 and 13] had a specific area of practice that was so low, so low below the level of the standard of care, as to be of great concern. One [Patient 12] was a patient that clearly had the wrong level done and another one [Patient 13] was a patient that had total disregard for existing comorbidities.

²³ Exhibit A, p 3.

²⁴ Exhibit B, p 3.

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Bureau of Professional Regulation

Other conclusions I drew were difficult because I could find no post-operative x-rays. Subsequently when the second batch of x-rays was sent to me, it became clear that these really were not true post-operative x-rays. The vast majority were images that were taken off the fluroscope intraoperatively and are not post-operative x-rays.

My other concern that I had was less than half these twenty-one patients had any note by the surgeon that justified any surgery....²⁵

On direct examination, Dr. Dawson discussed in detail the cases of two patients, #12 and #13. On cross-examination, Dr. Dawson was led to discuss those two surgeries as well as several other cases, and he changed his opinion regarding patients 12 and 13.

Dr. Ryan did not complete his testimony; he made some general comments, then the hearing adjourned for the day and was never reconvened. Dr. King did not testify. The record of testimony regarding specific cases is summarized below:

Patient 1

Patient 1 had surgery on December 18, 2002.²⁶

Dr. Dawson did not criticize Dr. King's work on Patient 1. There was no x-ray in the materials he was given to review.²⁷

Patient 2

Patient 2 [record number 07120] had surgery in December 2002.²⁸

Dr. Dawson noted that patient 2 had long-standing severe back pain radiating to the left leg and "reflex sympathetic dystrophy." In Dr. Dawson's opinion, the surgery was unnecessary: There was no indication for fusion, no narrowing of the foramina was shown on the MRI, and surgery was performed at L4-5 and L5-S1 even though a history showed herniation at L3-4.²⁹

²⁵ Edgar Dawson, Transcript, 2 July 2003, pp 64-65.

²⁶ Edgar Dawson, Transcript, 2 July 2003, p 120.

²⁷ Edgar Dawson, Transcript, 2 July 2003, p 120.

²⁸ Edgar Dawson, Transcript, 2 July 2003, p 121.

²⁹ Edgar Dawson, Transcript, 2 July 2003, p 122.

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June 11, 2004

The materials Dr. Dawson reviewed did not include information that Patient 2 had been referred from a Dr. Houdersheldt, or that an orthopedic surgeon, Dr. Loimil, had agreed with the need for surgical intervention, or that the patient had failed previous conservative measures, or that the patient had such pain that he needed a cane to walk.³⁰

Even after being told about the additional information, Dr. Dawson maintained that there was no abnormality at L4-5 and L5-S1, so surgery was not justified.³¹

Dr. Ryan testified that he received various documents from Dr. King (not the hospital) regarding Patient 2, including a letter from Dr. Houdersheldt, a history and physical taken at the hospital, Dr. King's office notes, history and physical, the operative report, a myelogram, CT, and MRI scan, a lumbar fusion report, a physical therapy evaluation, reports from Dr. Deer or Dr. Kim at the Center for Pain Relief, and a letter from Dr. Loimil. In total, Dr. King gave Dr. Ryan a selection of about 20 pages from Patient 2's chart.³²

In Dr. Ryan's view, Dr. Dawson had concluded that Patient 2's surgery was unnecessary -- or should have been performed at a different level on the spine -- without access to all the information on Patient 2.³³

Patient 3

Patient 3 [record number 81507] had surgery on January 6, 2003.³⁴

Regarding Patient 3, Dr. Dawson concluded that surgery at L5-S1 was not justified because, according to the MRI, there was no pathology in that area of the spine.³⁵

Patient 4

Patient 4 [record number 87382] had surgery on January 13, 2003.³⁶

³⁰ Edgar Dawson, Transcript, 2 July 2003, p 128.

³¹ Edgar Dawson, Transcript, 2 July 2003, pp 128.

³² Patrick Ryan, Transcript, 2 July 2003, p 180.

³³ Patrick Ryan, Transcript, 2 July 2003, pp 188-189.

³⁴ Edgar Dawson, Transcript, 2 July 2003, p 129.

³⁵ Edgar Dawson, Transcript, 2 July 2003, pp 129-130.

³⁶ Edgar Dawson, Transcript, 2 July 2003, p 130.

STATE OF ILLINOIS - JUDICIAL BRANCH
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August 14, 2004

Patient 4 had severe back pain, radiating to both legs, for about three years.³⁷

Regarding Patient 4, Dr. Dawson argued that the surgery was incomplete because changes were evident on an MRI at L4-5, however surgery was done at L5-S1 (which also had some changes). There was nothing in the record to justify leaving L4-5 alone. Both levels should have been fused. Dr. Dawson testified: "I don't criticize that particular case. I just asked a question, why wasn't L4-5 done?"³⁸

Dr. Ryan argued that, some patients have widespread problems in their spines and no "good" levels. A surgeon has to stop fusing the spine at some point.³⁹

Dr. Ryan also argued that half the population over 50 years old has disc herniations likely to appear on x-rays. He argued that one should not make surgical decisions based on images alone.⁴⁰

Dr. Ryan argued that, while it would be preferable to have all information on a patient in one place, it is not always possible to do so in practice. And the records do not always explain why King operated on some parts of the spine and not others. It would be preferable if they did explain why, but the lack of explanation does not imply that King did something wrong.⁴¹

Patient 9

Patient 9 had surgery on February 14, 2003.⁴²

Dr. Dawson did not criticize Dr. King's treatment of Patient 9 because there was not enough information.⁴³

³⁷ Edgar Dawson, Transcript, 2 July 2003, p 132.

³⁸ Edgar Dawson, Transcript, 2 July 2003, pp 133-134.

³⁹ Patrick Ryan, Transcript, 2 July 2003, p 163.

⁴⁰ Patrick Ryan, Transcript, 2 July 2003, p 164.

⁴¹ Patrick Ryan, Transcript, 2 July 2003, pp 196-198.

⁴² Edgar Dawson, Transcript, 2 July 2003, p 114.

⁴³ Edgar Dawson, Transcript, 2 July 2003, p 114.

Dr. Dawson did not know about a report from Chris King, who found that Patient 9 had erectile dysfunction.⁴⁴

Dr. Dawson also did not know about a report from Dr. Deer, who found that Patient 9 had a normal L3-4 disc without reproduction of pain and leakage of disc material at L4-5. A "discogram" test correlated with the patient's symptoms. Dr. Dawson testified that, had he known about the Deer report, he would not have merely declined to comment on Patient 9's treatment; he would have positively approved.⁴⁵

Patient 12

Patient 12 had surgery on March 3, 2003.⁴⁶

Dr. Dawson concluded that Dr. King removed the wrong disk. The patient had disc degeneration at L4-5 and the CT scan showed the L3-4 disc to be normal. King removed the L3-4 disc and left the L4-5 disc untouched. Dr. Dawson noted:

This is a classic case of the wrong level done and there's nothing in the chart that indicates that the surgeon or the patient is aware that the wrong level was treated surgically. So that's way below the standard of practice.⁴⁷

Dr. Dawson also testified

The thing that bothers me more than anything else is the lack of post-operative x-rays. Isn't the surgeon curious as to how good a job he did? Apparently not, because I couldn't find any post-operative x-rays to show how good or bad the position of these implants were ...⁴⁸

Dr. Dawson alleged that the treatment of Patient 12 showed gross medical malpractice.⁴⁹

⁴⁴ Edgar Dawson, Transcript, 2 July 2003, p 115.

⁴⁵ Edgar Dawson, Transcript, 2 July 2003, p 117.

⁴⁶ Edgar Dawson, Transcript, 2 July 2003, p 107.

⁴⁷ Edgar Dawson, Transcript, 2 July 2003, p 75.

⁴⁸ Edgar Dawson, Transcript, 2 July 2003, p 79.

⁴⁹ Edgar Dawson, Transcript, 2 July 2003, p 107.

Patient 12 had severe low back pain and persistent right leg radiculopathy. She had a history of previous nerve blocks.⁵⁰

Unbeknownst to Dr. Dawson, other documents in the chart showed that Patient 12 had evidence of L3-4 disc leakage with reproducible pain with radiation to the right lower extremity.⁵¹

Unbeknownst to Dr. Dawson, other documents in the chart showed that Patient 12 had a test -- a "discogram" -- performed by Dr. Deer, a pain specialist, who reported disc leakage at L3-4 and reproducible pain with radiation to the right leg.⁵²

Dr. Deer wrote:

Back shows the patient has persistent pain in his lower back with radiating pain down the right leg. The right leg shows the patient does have positive straight leg raise. Reflexes are essentially intact. He does have abnormal sensation along the L3-4 dermatome.⁵³

In light of the additional information presented to Dr. Dawson at the hearing, particularly the Deer test, Dr. Dawson changed his opinion on Patient 12. He said he would not have had any criticism if that information, justifying the surgery, had been included in the materials he had been given to review.⁵⁴

The surgery on Patient 12 is one of the two cases that Dr. Dawson criticized most severely in his original letter and direct testimony, but he changed his mind about Dr. King's treatment of Patient 12 during the hearing.

⁵⁰ Edgar Dawson, Transcript, 2 July 2003, p 108.

⁵¹ Edgar Dawson, Transcript, 2 July 2003, pp 108-109.

⁵² Edgar Dawson, Transcript, 2 July 2003, p 110.

⁵³ Transcript, 2 July 2003, p 111.

⁵⁴ Edgar Dawson, Transcript, 2 July 2003, p 112.

STATE OF MISSISSIPPI
DEPARTMENT OF REVENUE
TOLSON AND ASSOCIATES, P.C.
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DATE: 07/13/03

Patient 13

Patient 13 had surgery on 3 March 2003.⁵⁵

Dawson testified that patient 13 was a 78-year-old woman:

... who had on her preoperative x-rays a severe degenerative disc disease at all levels from L2 to the sacrum, and the preoperative MRI also mentions and it is visible on the MRI a rather severe stenosis at the L3-4 level. Now, for some reason the patient had an anterior lumbar inter-bony fusion at L4-5 and L5-S1. The L2-3 and the L3-4 areas were not done, and the spinal stenosis at L3-4 was not addressed....

Now, that isn't the main problem, however. This patient had a major anterior/posterior surgery done the same day, same anesthetic.... the chief complaint was pain and she was admitted the night before the surgery in frank congestive heart failure....

This is a highly risky procedure in a 78-year-old and you need to have these people in absolutely perfect condition if you're going to do a two-stage front and back on them under the same anesthetic, and to have this patient medically unstable when the chief complaint is pain and doesn't have a life-threatening condition ... is unconscionable in my opinion. To totally disregard these acute co-morbidities, this patient should have been canceled, treated by the medical services, and a month or two go by to make sure that she's not in congestive heart failure.⁵⁶

On cross examination, Dr. Dawson was asked to assume that, according to the hospital chart, patient 13 had a pre-anesthesia evaluation by an anesthesiologist, Dr. Neil. In the "review of systems" checklist, there were several boxes under cardiology. The only box checked was "high blood pressure." The "heart failure" box was not checked. Both the chief of medicine and the anesthesiologist had cleared the patient for surgery.⁵⁷

⁵⁵ Edgar Dawson, Transcript, 2 July 2003, pp 100, 107.

⁵⁶ Edgar Dawson, Transcript, 2 July 2003, pp 71-73.

⁵⁷ Edgar Dawson, Transcript, 2 July 2003, pp 101-102.

STATE OF CALIFORNIA - LOS ANGELES COUNTY
COUNTY CLERK
copy of this original to file in the office of
the Department of Community Planning
Bureau of the County Clerk

Despite that information (or assumption) Dr. Dawson continued to maintain that Patient 13 was not a candidate for surgery because she had heart failure. He based his opinion on the fact that she was admitted to the hospital the night before surgery to treat "pitting edema" up to the knees and shortness of breath. In Dawson's opinion, that was heart failure; the surgery should have been postponed until the patient was in better condition.⁵⁸

Dr. Dawson did not see a chest x-ray on patient 13. According to a chest x-ray on the day of the operation, Patient 13 had clear lungs, normal size and shape heart.⁵⁹ Dr. Dawson maintained that Patient 13 had congestive heart failure despite the clear lungs and functioning left ventricle.⁶⁰

Dr. Dawson was not supplied with a "discogram" report from Dr. Deer finding that Patient 13 had L3-L4 disc leakage with abnormal sensation and reproducible pain radiating to the right leg. Dawson conceded that the Deer report would be relevant. If that information had been supplied to him, he would not have had any criticism of the surgery on Patient 13.⁶¹

The surgery on Patient 13 is one of the two cases that Dr. Dawson criticized most severely in his original letter and direct testimony, but he changed his mind about Dr. King's treatment of Patient 13 during the hearing.

Patient 16

Patient 16 [medical record 21045] had surgery on 19 March 2003.⁶²

This was a two-part operation. Dr. Dawson argued that the part of the operation to widen the bony space through which spinal nerves pass was not justified. Although a CT scan by a Dr. Cochran found that some spinal nerve roots were being pinched, Dr. Dawson disagreed with that interpretation. As he read the CT scan, there were no nerve root compromises or pathology. The nerve roots at L3, L4, L5 and S1 were normal. Surgery to cut away bone around those nerve roots was unnecessary.⁶³

⁵⁸ Edgar Dawson, Transcript, July 2, 2003, pp102, 104.

⁵⁹ Edgar Dawson, Transcript, 2 July 2003, pp 104-105.

⁶⁰ Edgar Dawson, Transcript, 2 July 2003, pp 104, 106.

⁶¹ Edgar Dawson, Transcript, 2 July 2003, pp 108-112.

⁶² Edgar Dawson, Transcript, July 2, 2003, p 135.

⁶³ Edgar Dawson, Transcript, 2 July 2003, pp 136-137.

Dr. Ryan argued that scar tissue can cause pain that is not always evident in images. Sometimes scar tissue compresses, or adheres to, the spine or nerve roots and causes pain when the spinal cord moves relative to the spine.⁶⁴

Dr. Ryan argued that doctors sometimes disagree about the interpretation of x-rays and whether they show pathology. Ryan recalls that in the 21 cases, King tended to agree more with the radiologist than Dawson did.⁶⁵

Dr. Ryan also argued that, when a spine surgeon is performing a decompression, a foraminotomy is often incidental; it does not add morbidity to the case; it is not a major procedure; whether it is done is a matter of the surgeon's preference.⁶⁶

Patient 17

Patient 17 [medical record 14316] had surgery on 24 March 2003.⁶⁷

Dr. Dawson noted that the chart showed evidence of disc degeneration at L2-3, L3-4, L4-5 and L5-S1, but Dr. King only fused vertebrae L4-5 and L5-S1. There was no explanation in the chart as to why L2-3 and L3-4 weren't also fused.⁶⁸

Patient 18

Patient 18 [record 46925] had surgery on 28 March 2003.⁶⁹

Dr. Dawson conceded that surgery was necessary on patient 18, but he questioned why Dr. King fused some vertebrae, but not L3-4, which also had advanced degenerative changes.⁷⁰

⁶⁴ Patrick Ryan, Transcript, 2 July 2003, p 170.

⁶⁵ Patrick Ryan, Transcript, 2 July 2003, pp 187, 206.

⁶⁶ Patrick Ryan, Transcript, 2 July 2003, p 196.

⁶⁷ Edgar Dawson, Transcript, 2 July 2003, p 138.

⁶⁸ Edgar Dawson, Transcript, 2 July 2003, pp 138-139.

⁶⁹ Edgar Dawson, Transcript, 2 July 2003, p 139.

⁷⁰ Edgar Dawson, Transcript, 2 July 2003, pp 139-141.

Patient 19

Patient 19, record 23555, had surgery on 29 March 2003.⁷¹

Dr. King had performed a fusion operation plus laminotomies and foraminotomies (widening the bony openings through which spinal nerves pass). Dr. Dawson argued that the laminotomies and foraminotomies were unnecessary for patient 19, based on the myelogram that was done before surgery that showed normal space at L4-5 and L5-S1 very mild at L3-4, and no evidence of instability.⁷²

Dr. Dawson's opinion was not affected by a CT report that found "spinal stenosis from compression fracture of L2 and from degenerative disc disease and facet, ligament hypertrophy at L3-4, a left posterior lateral disc protrusion or extrusion is suspected at L3-4."⁷³

Patient 21

Patient 21 [medical record number 40540] had surgery in March 2003.⁷⁴

Dr. Dawson argued that patient 21 had stenosis at L4-5 and L5-S1, but the problem was not addressed because the patient only underwent an anterior fusion of L4-5 and L5-S1 without posterior decompression.⁷⁵

Dr. Dawson admitted hypothetically that a surgeon in the midst of an operation who encounters a vein laceration might not go forward with the second phase of the operation.⁷⁶

Incomplete Peer Review Process

The peer review hearing at Putnam Hospital ended before the King side presented all its evidence, before Dr. Ryan finished his testimony and before Dr. King testified.⁷⁷

⁷¹ Edgar Dawson, Transcript, 2 July 2003, p 141.

⁷² Edgar Dawson, Transcript, 2 July 2003, pp 141-142.

⁷³ Edgar Dawson, Transcript, 2 July 2003, p 142.

⁷⁴ Edgar Dawson, Transcript, 2 July 2003, p 143.

⁷⁵ Edgar Dawson, Transcript, 2 July 2003, p 143.

⁷⁶ Edgar Dawson, Transcript, 2 July 2003, p 143.

Toward the end of the first session, the hearing panel recognized some loose ends. Dr. Dawson and Dr. Ryan had not reviewed the same documents, the criteria that had been used to select cases for review were not clear or consistent, and the hearing panel wanted to make sure that Dr. Ryan and Dr. Dawson compared the same evidence.⁷⁸

The hearing panel also wanted to analyze the cases where Dr. Dawson disagreed not only with Dr. Ryan but also with the Putnam Hospital radiology staff.⁷⁹

The hearing never reconvened after the first session. Since the peer review process was never completed, it would be unreasonable, in my view, to conclude from the peer review process alone that Dr. King's spine surgery practice was substandard. The West Virginia board may have held a similar opinion; the board's May 14, 2004, order noted that no disciplinary proceedings had been commenced against Dr. King that might have resulted in the revocation of his license.⁸⁰

CONCLUSIONS OF LAW

MCL 333.16221(b)(x) allows disciplinary action for "final adverse administrative action by a licensure ... board involving the holder of ... a license ... regulated by another state."

MCL 333.16222(3) requires doctors to notify the Michigan board of "disciplinary licensing ... action taken by another state ... within 30 days after the date of the ... action."

In the past two years, three organizations have placed limits on Dr. King's professional practice – Putnam Hospital and the governments of West Virginia and Texas.

Both disciplinary action under MCL 333.16221(b)(x) and a doctor's duty to report under MCL 333.16222(3) are triggered by government action. In Michigan, action by a hospital to restrict a doctor's privileges does not trigger a doctor's duty to report nor does it constitute grounds for disciplinary action. Consistent with those statutes, the Michigan complaint alleges violations only with respect to the West Virginia and Texas actions.

⁷⁷ Robert Coleman, Transcript, 2 July 2003, p 212.

⁷⁸ Ryan, 2 Jul 03, p 200. Eakle, 2 Jul 03, p 191. Copland, 2 Jul 03, pp 198, 208.

⁷⁹ Linda Eakle, Transcript, 2 July 2003, pp 189-190, 209.

⁸⁰ Exhibit 1.

Some, not all, government actions trigger the statutes. Actions that constitute grounds for disciplinary action under MCL 333.16221(b)(x) must be both adverse and final. The West Virginia action was not adverse. It was issued in response to Dr. King's request to surrender his license, and it gave him exactly what he asked for; there was no contest. Michigan cannot take disciplinary action against Dr. King under MCL 333.16221(b)(x) based on the West Virginia state proceedings because the West Virginia action was not adverse and thus did not trigger the statute.

State actions that trigger a doctor's duty to report under MCL 333.16222(3) must be disciplinary. The May 14, 2004, West Virginia order was at pains to disclaim that the government of West Virginia had not initiated disciplinary action against Dr. King. Dr. King had no duty under MCL 333.16222(3) to report the West Virginia orders because the West Virginia orders were not disciplinary and thus did not trigger his duty to report.

The Texas action was different. Texas leveled charges against Dr. King under Texas Occupational Code §164.051(a)(7), which reads:

(a) The board may ... take disciplinary action against a person if the person: ...

(7) is removed, suspended, or is subject to disciplinary action taken by the person's peers in a local, regional, state, or national professional medical association or society, or is disciplined by a licensed hospital or medical staff of a hospital, including removal, suspension, limitation of hospital privileges, or other disciplinary action, if the board finds that the action:

(A) was based on unprofessional conduct or professional incompetence that was likely to harm the public; and

(B) was appropriate and reasonably supported by evidence submitted to the board ...

The Texas action under §164.051(a)(7) was both disciplinary and adverse. The Texas order was also final; indeed one of the clauses in the Texas order that Dr. King signed reads:

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.⁸¹

⁸¹ Exhibit 2, p 3.

So, Dr. King had both a duty to report the Texas action under MCL 333.16222(3) (because it was disciplinary) and Michigan has jurisdiction under MCL 333.16221(b)(x) to prosecute Dr. King based on the Texas action (because it was adverse and final).

Regarding Dr. King's compliance with his duty to report, the testimony is inconclusive. Dr. King testified that he sent information to all the states in which he is licensed regarding the various disciplinary actions against him; in particular, King testified that he sent Michigan information about the action against him in Texas. On the other hand, the Bureau of Health Professions introduced an affidavit by Pamela Dixon, the analyst responsible for obtaining copies of sister-state actions, stating that Dr. King did not notify her about the Texas order. Dr. King was cross examined; Ms. Dixon was not.

The documentary evidence on this point is also inconclusive. There is no record clearly showing that Michigan received information from King about the Texas case. On the other hand, Exhibit 4 and Exhibit A show that Dr. King carried on a rather extensive correspondence with various state governments regarding his legal situation in various other states during 2004. We can hardly say that Dr. King has been secretive about these matters. King testified that he informed Michigan about the Texas action and there is no preponderance of evidence to the contrary.

Since the testimony from King and Dixon is in conflict and since the documentary evidence is inconclusive, there is not enough evidence to conclude that Dr. King failed to comply with MCL 333.16222(3).

Dr. King is subject to disciplinary action under MCL 333.16221(b)(x) on account of the Texas action because it was adverse and final.

The factual basis for the Texas action was the peer review process at Putnam Hospital. Since the peer review process was never completed, and since Dr. King did not have a full opportunity to defend himself, it would be excessive, irrational and unfair, in my view, to conclude from the peer review evidence alone that Dr. King's spine surgery practice is substandard. Yet, that is what the Texas order concluded; that is what Dr. King agreed to, and the order is final.

MCL 333.16221(b)(x) is not ambiguous, it leaves no room for interpretation, and an administrative agency is bound to follow its plain language, which provides for disciplinary action upon --

Final adverse administrative action by a licensure, registration, disciplinary, or certification board involving the holder of, or an applicant for, a license or registration regulated by another state or a territory of the United States,

by the United States military, by the federal government, or by another country.

Since the Texas order was a final, adverse action against Dr. King, he is subject to disciplinary action in Michigan under MCL 333.16221(b)(x).

RECOMMENDED DECISION

There is not enough evidence to conclude from the Putnam Hospital peer review process alone that Dr. King's spine surgery practice was substandard; however, despite the lack of underlying evidence, Dr. King is subject to disciplinary action in Michigan under MCL 333.16221(b)(x) based on the Texas order of June 4, 2004, which is final and adverse.

EXCEPTIONS

Pursuant to MCL 24.281, a party objecting to this opinion may file exceptions. Unless the administrative law judge grants an extension of time, exceptions are due 15 days after the date of this opinion and responses are due 5 days after exceptions are filed. File with the State Office of Administrative Hearings and Rules, Box 30763, Lansing, MI 48909.



Erick Williams
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the Friday of April, 2005.

Calli Soto

Administrative Tribunal

John Anderson King, DO
11310 SOBT
Orlando, FL 32837

Robert W. Riley
Riley & Associates, PLLC
320 Whittington Pkwy, Ste. 117
Louisville, KY 40222

Paul W. Jones
Department of Attorney General
Licensing & Regulation Division
525 W. Ottawa, 2nd Floor
Lansing, MI 48909

Bureau of Health Professions
C/o Bill Hurth
Ottawa Building, 1st Floor
PO Box 30670
Lansing, MI 48909

STATE OF MICHIGAN - INGHAM COUNTY
The above and the foregoing is a true
copy of the original to file in the office of
the Department of Community Health
Lansing, MI

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS

In the Matter of

John Anderson King, D.O.
License Number: 51-01-014816

FILE NO.: 51-04-95105

PROOF OF SERVICE

State of Michigan)
County of Ingham)

I, Debra K. Wright-Chambers, of Lansing, County of Ingham, State of Michigan, do hereby state that on August 26, 2004, I sent the following documents to each of the parties listed below, enclosed in an envelope bearing postage fully prepaid, plainly addressed as follows:

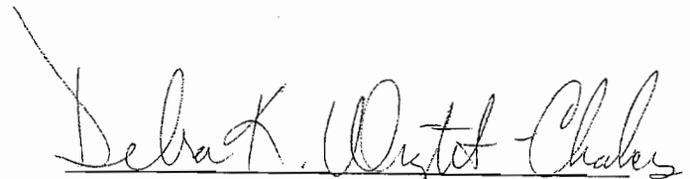
ORDER OF SUMMARY SUSPENSION signed August 26, 2004; ADMINISTRATIVE COMPLAINT signed August 26, 2004, with attached Exhibits and with attached AFFIDAVIT OF PAMELA DIXON notarized August 24, 2004.

By: (X) Certified Mail, Return Receipt Requested
(X) First Class Mail

To: John Anderson King
11310 SOBT
Orlando, FL 32837

By Interdepartmental Mail to:

Robert C. Miller, Manager
Complaint Section
Bureau of Health Professions


Debra K. Wright-Chambers
Complaint and Allegation Division

STATE OF MICHIGAN - INGHAM COUNTY
I, _____, County Clerk, do hereby certify that a true and correct copy of the foregoing is on file in the office of the Department of Community Health.

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: JOHN A. KING, D.O.
License No.: 0102-201296

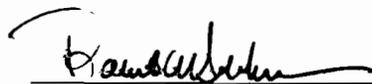
ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Robert A. Nebiker, Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of John A. King, D.O., to practice osteopathic medicine in the State of Michigan was summarily suspended by Order of Summary Suspension entered August 26, 2004. A certified copy of the Order of Summary Suspension (with attachments) is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of John A. King, D.O., to practice osteopathic medicine in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of John A. King, D.O., will be recorded as suspended and no longer current. Should Dr. King seek reinstatement of his license pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, 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.



Robert A. Nebiker, Director
Department of Health Professions

ENTERED: July 13, 2005

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JOHN ANDERSON KING, D.O.

License Number: 51-01-014816

File Number: 51-04-95105

ORDER OF SUMMARY SUSPENSION

WHEREAS, an Administrative Complaint has been filed against the above-named Respondent as provided by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq; and

WHEREAS, after careful consideration of the documentation filed in said cause and after consultation with the chairperson of the Board of Osteopathic Medicine and Surgery pursuant to section 16233(5) of the Public Health Code, supra, the Department hereby finds that the public health, safety, or welfare requires emergency action; now, therefore,

IT IS HEREBY ORDERED that Respondent's license to practice as an osteopathic physician in the state of Michigan shall be and hereby is SUMMARILY SUSPENDED commencing the date this order is served.

MICHIGAN DEPARTMENT OF
COMMUNITY HEALTH

By Melanie B. Brim

Melanie B. Brim, Director
Bureau of Health Professions

DATED: August 26, 2004



STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JOHN ANDERSON KING, D.O.
License Number: 51-01-014816

File Number: 51-04-95105

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Community Health, hereafter Complainant, by Melanie B. Brim, Director, Bureau of Health Professions, and files this complaint against John Anderson King, D.O., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Osteopathic Medicine and Surgery, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Code.

2. Respondent is currently licensed to practice osteopathic medicine and surgery in the state of Michigan and holds a lapsed controlled substance license. Respondent's address of record with Complainant is in Orlando, Florida.

3. Section 16233(5) of the Public Health Code, supra, provides, in pertinent part, as follows:

After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, being section 24.292 of the Michigan Compiled Laws.

4. Section 7311(6) of the Public Health Code, supra, provides that a controlled substance license is automatically void if a licensee's license to practice is suspended or revoked under Article 15 of the Public Health Code.

5. On May 14, 2004, the West Virginia Board of Osteopathy, hereafter West Virginia Board, entered an Amended Order, which cancelled Respondent's license to practice medicine in West Virginia at Respondent's request. A copy of the West Virginia Board order, marked Exhibit A, is attached and incorporated.

6. On June 4, 2004, the Texas State Board of Medical Examiners, hereafter Texas Board, entered an Agreed Order, in which Respondent voluntarily and permanently surrendered his license to practice medicine in Texas. The disciplinary action was based on the suspension of Respondent's clinical privileges at Putnam General Hospital. A copy of the Texas Board order, marked Exhibit B, is attached and incorporated.

7. Respondent failed to notify Complainant of the disciplinary actions taken by the West Virginia Board and the Texas Board.

COUNT I

The foregoing disciplinary actions in the states of West Virginia and Texas, as set forth above, constitute final adverse administrative actions by a licensure, registration, disciplinary, or certification board involving the holder of, or an applicant for, a license or registration regulated by another state or a territory of the United States, in violation of section 16221(b)(x) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above in paragraph 7, evidences failure to notify the Complainant of the disciplinary actions in the states of West Virginia and Texas, as required by section 16222(3) of the Public Health Code, supra, in violation of section 16221(i) of the Public Health Code, supra.

The within Complaint is based upon files and records maintained by Complainant and the attached Affidavit of Pamela Dixon.

WHEREFORE, Complainant requests that a hearing be scheduled pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq; the Public Health Code, and the rules promulgated thereunder.

FURTHER, pending a hearing and final determination of the within cause, and pursuant to section 16233(5) of the Public Health Code, supra, Complainant states that the public health, safety and welfare requires emergency action and Respondent's license to practice osteopathic medicine and surgery in the state of Michigan shall accordingly be summarily suspended.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Melanie B. Brim, Director, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED: August 26, 2004



Melanie B. Brim, Director
Bureau of Health Professions

Attachments

This is the last and final page of an Administrative Complaint in the matter of John Anderson King, D.O., File Number 51-04-95105, before the Disciplinary Subcommittee of the Michigan Board of Osteopathic Medicine

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JOHN ANDERSON KING, D.O.
License Number: 51-01-014816

File Number: 51-04-95105

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

AFFIDAVIT OF PAMELA DIXON

NOW COMES Pamela Dixon, hereafter Affiant, who, after first being duly sworn and upon oath, states on information and belief as follows:

Affiant is a Departmental Analyst in the Complaint and Allegation Division, Bureau of Health Professions, Department of Community Health, hereafter Department, and in this capacity is responsible for obtaining certified copies of records of final adverse administrative action taken by other states against health professionals licensed to practice a health profession in the state of Michigan.

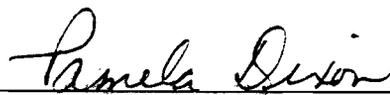
On July 6, 2004, Affiant received certified records of a final adverse administrative action indicating that John Anderson King, D.O., hereafter Respondent, had

been disciplined by the Texas State Board of Medical Examiners pursuant to an Agreed Order issued June 4, 2004.

On August 6, 2004, Affiant received certified records of a final adverse administrative action indicating that Respondent had been disciplined by the West Virginia Board of Osteopathy pursuant to an Amended Order issued May 14, 2004. Upon checking the Department's records relative to Michigan licensure, Affiant learned that Respondent is licensed to practice as an osteopathic physician in the state of Michigan.

Affiant has not been notified by Respondent of the disciplinary actions in the states of Texas and West Virginia.

Further Affiant saith not.



Pamela Dixon

Subscribed and sworn to before me
this 6th day of August, 2004



Bianka A. Daly, Notary Public
Ingham County, Michigan
My commission expires July 8, 2007.

This is the last and final page of the Affidavit of Pamela Dixon in the matter of John Anderson King, D.O. File Number 51-04-95105, before the Disciplinary Subcommittee of the Michigan Board of Osteopathic Medicine and Surgery, consisting of two pages, this page included.

BE

BEFORE THE WEST VIRGINIA BOARD OF OSTEOPATHY

RECEIVED

WEST VIRGINIA BOARD OF OSTEOPATHY

AUG 06 2004

Complainant,

BUREAU OF HEALTH PROFESSIONS
COMPLAINT & ALLEGATION DIVISION

v.

JOHN A. KING, D.O., License No. 977,

Respondent.

AMENDED ORDER

On the 22nd day of August, 200~~4~~^{3 (aw)}, the West Virginia Board of Osteopathy received a written communication, via certified mail, from Dr. John A. King, in which he stated, "I wish to cancel my license to practice medicine effective 9-1-2003." Following receipt of this letter, the staff of the West Virginia Board of Osteopathy has been unsuccessful in further attempts to communicate with Dr. King. The Board of Osteopathy further notes that, due to numerous inquiries regarding the status of Dr. King's license, it is necessary to make an official record of the rescission of Dr. King's license pursuant to his written request.

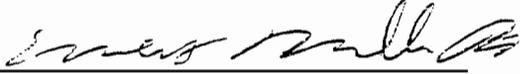
On this basis, the Board entered an Order on February 27, 2004 titled as an Order of Revocation. The Board now notes that it had not, at that time, initiated any disciplinary proceedings against John A. King upon which said license might be revoked and that the request of the licensee was of his own volition.

Now, therefore, based upon the unequivocal request of the licensee, the West Virginia Board of Osteopathy hereby AGREES TO CANCEL the license of John A. King, license number

977, to practice osteopathic medicine and surgery in the State of West Virginia, and the license is DECLARED to be NULL and VOID. Without an active license in this State, John A. King may not be eligible for reinstatement of this license and, upon application for a subsequent license, he shall be subject to all of the requirements and qualifications of a new applicant for licensure.

Entered this 14th day of May, 2004.

WEST VIRGINIA BOARD OF OSTEOPATHY

by: 
Ernest Miller, D.O.
President

LICENSE NO. J-5803

IN THE MATTER OF
THE COMPLAINT AGAINST
JOHN ANDERSON KING, D.O.

BEFORE THE
TEXAS STATE BOARD OF
MEDICAL EXAMINERS

AGREED ORDER

On the 4th day of June, 2004, 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 John Anderson King, D.O. ("Respondent").

By the signature of Respondent on this Order, Respondent waives the right to appear at an Informal Show Compliance Proceeding and Settlement Conference pursuant to TEX. OCC. CODE, Title 3, Subtitle B, §164.004 and 22 TEX. ADMIN. CODE, §187.18 and all rights pursuant to TEX. GOV'T CODE, §2001.051 and §2001.054, including, but not limited to the right to notice and hearing, and instead agrees to the entry of this Order to resolve the matters addressed in this Order. Mark Martyn represented Board staff.

Upon the 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 Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. 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 TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon's 2002) (the "Act") or the Rules of the Board.

2. Respondent currently holds Texas Medical License No. J-5803. Respondent was originally issued this license to practice medicine in Texas on June 22, 1994. Respondent is also licensed to practice in Tennessee, Alabama, Georgia, Florida, Kentucky, Indiana, Michigan, Ohio, Pennsylvania, New Jersey, New York, and Virginia.

3. Respondent is primarily engaged in family practice. Respondent is Board certified in anesthesiology and in orthopedic surgery by the American Board of Physician Specialists.

4. Respondent is 45 years of age.

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

6. On June 5, 2003 Putnam General Hospital suspended Respondent's clinical privileges based on peer review findings related to spine surgery.

7. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. 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 of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on disciplinary action taken by Respondent's peers.

3. Section 164.061 of the Act and 22 TEX. ADMIN. CODE 196.1 authorizes the Board to accept the voluntary surrender of Respondent's Texas medical license.

4. 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 of Fact and Conclusions of Law, the Board ORDERS that:

1. Respondent's voluntary and permanent surrender of his Texas license should be and is hereby accepted by the Board.

2. Respondent's Texas license, number J-5503 is therefore permanently canceled.

3. Respondent shall immediately cease from the practice of medicine in Texas. Should Respondent practice after this date, it shall constitute a violation of this Order subjecting Respondent to disciplinary action by the Board or prosecution for practicing medicine without a license in Texas.

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.

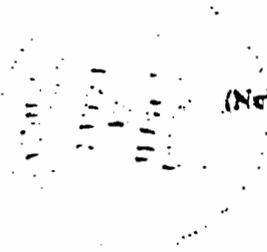
I, JOHN ANDERSON KING, D.O., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL WRITTEN OR OTHERWISE.

DATED May 25 2004.


JOHN ANDERSON KING, D.O.
RESPONDENT

STATE OF TENNESSEE
COUNTY OF MCMINN

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public on this
25th day of May, 2004.



(Notary Seal)

[Handwritten Signature]

Signature of Notary Public

Lois H. Kincaid
Printed or typed name of Notary Public
My commission expires 6/25/06

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical
Examiners on this 4th day of June, 2004.

[Handwritten Signature]

Luc S. Anderson, M.D., President
Texas State Board of Medical Examiners