STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

December 8, 1995

Charles Richard Harper, M.D.
P. O. Box 20787
Atlanta Airport
Atlanta, GA 30320

Dear Doctor Harper:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on December 6, 1995.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Thomas E. Gretter, M.D.
Secretary

TEG:em
Enclosures

CERTIFIED MAIL RECEIPT NO. P 348 887 315
RETURN RECEIPT REQUESTED

Mailed 12-11-95

STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry, approved by the State Medical Board, meeting in regular session on December 6, 1995, constitute a true and complete copy of the Findings, Order and Journal Entry in the matter of Charles Richard Harper, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

Thomas E. Gretter, M.D.
Secretary

12/7/95
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

CHARLES RICHARD HARPER, M.D. *

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated September 6, 1995, and mailed on September 7, 1995, notice was given to Charles Richard Harper, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the last known address of Charles Richard Harper, M.D., that being P. O. Box 20787, Atlanta Airport, Atlanta, GA, 30320.

No hearing request has been received from Charles Richard Harper, M.D., and more than thirty (30) days have now elapsed since the mailing of the aforesaid notice.

WHEREFORE, for the reasons outlined in the September 6, 1995 letter of notice, which is attached hereto and incorporated herein, it is hereby ORDERED that the license of Charles Richard Harper, M.D., to practice medicine and surgery in the State of Ohio be Permanently Revoked.

This Order shall become effective December 6, 1995.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 6th day of December, 1995, and the original thereof shall be kept with said Journal.

Thomas E. Gretter, M.D.
Secretary

(SEAL)

12/7/95
Date

AFFIDAVIT

I, Debra Jones, being duly cautioned and sworn, do hereby depose and say:

1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")

2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;

3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;

4) That I have this day carefully examined the records of the Board pertaining to Charles Richard Harper, M.D.;

5) That based on such examination, I have found the last known address of record of Charles Richard Harper, M.D., to be:

P.O. Box 20787
Atlanta Airport
Atlanta, GA 30320

6) Further, Affiant Sayeth Naught.

Debra L. Jones, Chief
Continuing Medical Education,
Records and Renewal

Sworn to and signed before me, Lauren Ludow, Notary Public, this 20th day of November, 1995

Notary Public

LAUREN LUDOW, Attorney at Law
NOTARY PUBLIC
My commission has no expiration date
Section 147.03 R.C.

STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

September 6, 1995

Charles R. Harper, M.D.
P.O. Box 20787
Atlanta Airport
Atlanta, GA 30320

Dear Doctor Harper:

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

(1) On or about December 5, 1994, the Georgia Composite State Board of Medical Examiners issued an Order of Summary Suspension, a copy of which is attached hereto and incorporated herein, noting that you had been treated at Hazelton Clinic, Minnesota, for alcoholism/chemical dependency in the fall of 1993; that you were subsequently treated on or about September 1994 for the same dependency at Twintown Center Treatment Facility, St. Paul, Minnesota; and that after your affiliation with the Metro Atlanta Recovery Program on or about November 1994, you underwent a urine screen which tested positive for alcohol on or about November 22, 1994.

(2) On or about May 4, 1995, the Georgia Composite State Board of Medical Examiners approved a Consent Order, a copy of which is attached hereto and incorporated herein, lifting the December 5, 1994, suspension of your Georgia license and allowing you to resume the practice of medicine under terms and conditions including supervised probation for at least five (5) years. Your practice is limited to 30 hours per week and you are required to abstain from mood altering substances, comply with drug screens and maintain a daily log of all controlled substances prescribed.

The Summary Suspension, as alleged in paragraph (1) above, and the Consent Order as alleged in Paragraph (2) above, individually and/or collectively, constitute "(t)he limitation, revocation, or suspension by another state of a license or certificate to practice

Mailed 9/7/95

September 6, 1995

issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that also would have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22 (B)(26), Ohio Revised Code.

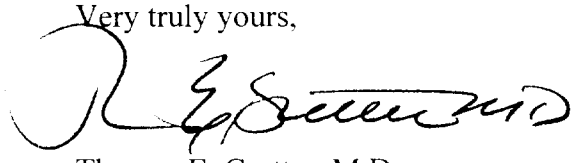
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing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

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

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Thomas E. Gretter, M.D.
Secretary

TEG/bjm

Enclosures

CERTIFIED MAIL # P 348 886 948
RETURN RECEIPT REQUESTED

rev.2/15/95

Joint Secretary
State Examining Boards

DEC 0 5 1994

DOCKET NUMBER
94-733

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

IN THE MATTER OF:	*	Docket No. 94-733
	*	
CHARLES RICHARD HARPER, M.D.	*	
License No. 014370	*	
	*	
Respondent.	*	

ORDER OF SUMMARY SUSPENSION

1.

The Board has received reliable information that Respondent has become unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition. This information includes, but is not limited to, the following:

(a) In the fall of 1993, Respondent entered the Hazelton Clinic in Minnesota for treatment of alcoholism/chemical dependency.

(b) On or about September, 1994, Respondent entered treatment for alcoholism/chemical dependency at the Twintown Center treatment facility in St. Paul, Minnesota for approximately six weeks. He was discharged from that facility in early November, 1994 with the recommendation that he follow through with appropriate aftercare in Georgia.

(c) On or about November, 1994, Respondent affiliated with the Metro Atlanta Recovery Program, and signed an aftercare contract.

(d) On or about November 22, 1994, Respondent underwent a urine screen which tested positive for alcohol.

NOW THEREFORE, the Board finds that the public health safety and welfare imperatively requires emergency action and pursuant to the authority vested in the Board, it is hereby ORDERED that Respondent's license to practice medicine in the State of Georgia shall be SUSPENDED, pending proceedings for further action which shall be promptly instituted and determined. It is further ORDERED that:

(a) A Notice of Hearing shall be contemporaneously issued with this Order and served upon Respondent; the matter shall be assigned to a hearing officer and be scheduled promptly for hearing.

This Order is signed and attested by the Joint Secretary of the State Examining Boards on behalf of the Composite State Board of Medical Examiners.

This 5TH day of December, 1994.

COMPOSITE STATE BOARD OF
MEDICAL EXAMINERS

(BOARD SEAL)

F. JAMES FUNK, M.D.
President

ATTEST: William G. Miller

WILLIAM G. MILLER, JR.
Joint Secretary
State Examining Boards

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

FILED IN OFFICE
Joint Secretary
State Examining Boards

MAY 0 5 1995

DOCKET NUMBER
94-733

IN THE MATTER OF:	*	
	*	DOCKET NO. 94-733
CHARLES RICHARD HARPER, M.D.,	*	
License No. 014370,	*	
	*	
Respondent.	*	

CONSENT ORDER LIFTING SUSPENSION

By agreement of the Composite State Board of Medical Examiners and Charles Richard Harper, M.D., Respondent, the following disposition of this matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, codified as O.C.G.A. § 50-13-13(a)(4).

FINDINGS OF FACT

1.

The Respondent is licensed to practice medicine in the State of Georgia and was so licensed at all times relevant to the matters asserted herein.

2.

In the fall of 1993, Respondent entered the Hazeldon Clinic in Minnesota for treatment of alcoholism and chemical dependency.

3.

On or about September, 1994, Respondent was admitted to the Twin Town Treatment Center in St. Paul, Minnesota, for approximately six weeks for treatment of alcoholism and chemical dependency. Respondent was discharged from that

facility in early November, 1994 with the recommendation that he follow through with appropriate aftercare in Georgia.

4.

On or about November 8, 1994, Respondent joined the Atlanta Recovering Professionals Program, and attended sessions of a doctors group.

5.

On or about November 22, 1994, Respondent underwent a urine screen which tested positive for alcohol.

6.

On or about December 5, 1994, Respondent's medical license was summarily suspended based upon Respondent's use of alcohol.

7.

On or about December 7, 1994, Respondent was admitted to Charter Midtown Hospital of Atlanta for detoxification, evaluation, and treatment of alcohol dependence. Respondent was discharged on or about December 15, 1994, and transferred to the Metro Atlanta Recovery Residence ("MARR") for further treatment.

8.

Respondent completed the primary level of treatment at MARR on or about March 15, 1995. He is continuing to participate in all aftercare structures, and he has signed a twenty- month Aftercare Plan with MARR. Respondent has submitted a copy of his aftercare plan to the Board.

9.

Respondent has not practiced medicine since his license was suspended on approximately December 5, 1994.

10.

Respondent has petitioned to have his suspension lifted. In support of his petition, Respondent has provided the Board with certification by his monitoring physician that he is in compliance with his treatment program and is able to resume the practice of medicine on a part-time basis with reasonable skill and safety to patients.

11.

The Respondent waives any further findings of fact with respect to the above matter. However, the Respondent shall be allowed to submit a supplemental statement for the investigative file in explanation and mitigation of the matters stated herein as part of the investigative file, for consideration by the Board prior to its review of this Consent Order.

CONCLUSIONS OF LAW

The Respondent's condition and/or prior conduct constitute sufficient grounds for disciplinary or corrective action under O.C.G.A. Chs. 1 and 34, T. 43, as amended. The Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of this case, hereby orders, and the Respondent hereby agrees, to the following terms of discipline:

1.

Provided that he otherwise complies with the terms of this Consent Order, the suspension of Respondent's license shall be lifted on the effective date of this Consent Order, and Respondent may resume the practice of medicine, under the terms and conditions outlined below.

2.

Until discharged by the Board in accordance with paragraph 2(n) below, the Respondent shall be subject to a term of supervised probation, with the following terms and conditions of probation:

(a) Limitation of Practice. Until further order of the Board, Respondent's practice shall be limited to a part-time practice of thirty (30) hours or less per week. Respondent shall not engage in the practice of medicine for more than thirty (30) hours per week without prior written approval from the Board. Should Respondent desire to practice more than thirty (30) hours per week, Respondent must submit a written request to the Board requesting approval. In order to be approved to work increased hours, Respondent must obtain the approval of both his supervising physician and his monitoring

physician, who shall supervise and monitor his practice and report to the Board as outlined in paragraphs 2 (g) and (h) below. If Respondent practices more than thirty (30) hours per week without prior Board approval, such conduct shall be deemed to be a violation of this Consent Order and grounds for discipline, including revocation.

(b) Treatment/Aftercare. The Respondent shall remain in treatment or aftercare with therapists acceptable to the Board. The Respondent has executed a continuing aftercare contract acceptable to the Board and has provided the Board with a copy of said contract. The Respondent shall abide by the terms of such agreement.

(c) Participation in Support Group. The Respondent shall affiliate with and regularly participate in meetings of Alcoholics Anonymous, Narcotics Anonymous, Caduceus Club or another similar support group acceptable to the Board in accordance with his aftercare contract or as otherwise required by the Board.

(d) Abstain from Mood Altering Substances. The Respondent shall completely abstain from the consumption of mood altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a legitimate purpose. Any such treatment shall be reported by Respondent to the monitoring physician, if different from the treating physician, and the treating and/or monitoring physician shall report such treatment and prescribing to the Board in writing. If such

treatment entails the use of narcotic or other potentially addictive substances, a consultation with a board approved addictionologist shall be obtained at the direction of the medical coordinator.

(e) Random Drug/Alcohol Screens. The Board or its representative or Respondent's supervising or monitoring physicians shall have the authority at any time to order the Respondent to undergo random witnessed and immediate drug/alcohol urine, biological fluid, blood, or hair screen analysis at the Respondent's expense. Proper chain of custody shall be maintained and positive results shall be confirmed by such means as may be required to ensure the validity of such screening.

(f) Further evaluation. At any time during the period of probation, the Board shall also have the authority to order the Respondent to undergo a physical or mental evaluation by physicians designated by the Board. Respondent shall execute such releases as may be required for the Board to obtain the results of such evaluations.

(g) Supervision and Monitoring. Respondent shall designate an acceptable supervising ("workplace") physician, and an acceptable primary care ("monitoring") physician experienced in addictionology, and provide a copy of this Consent Order to such physicians. Such physicians shall sign a statement to be submitted in conjunction with the Consent Order, as evidence of having read and understood same.

(h) Quarterly Reports. The Respondent shall submit or cause to be submitted quarterly reports from his supervising and monitoring physicians or therapists regarding his performance and mental/physical condition by March 31, June 30, September 30 and December 31, including a report on any medication being prescribed to the Respondent. Failure to submit or have such reports submitted in a timely manner shall be considered a violation of this Consent Order. It is expected that said supervising and monitoring physicians shall be in communication with each other and will immediately report any change in Respondent's condition which would render Respondent unable to practice with reasonable skill and safety to patients. By executing this Consent Order, Respondent specifically consents to such supervising and monitoring physicians or any other facility where Respondent obtains medical treatment reporting upon Respondent's condition, notwithstanding any privilege provided by state or federal law. Respondent shall obtain prior Board approval through the medical coordinator or executive director for any change in supervising or monitoring physicians.

(i) DEA Registration. In lieu of any restriction on his privileges to prescribe controlled substances, Respondent shall personally maintain for inspection in his office a separate daily log of all controlled substances prescribed, administered or dispensed in his office or on an outpatient basis on that date, including the date, patient name, drug strength, quantity

and diagnosis or reason for prescribing. Respondent may not petition to be relieved from this requirement until he has successfully completed at least two years of probation.

(j) Use of Physician's Assistant. If Respondent employs a physician's assistant in his practice, Respondent shall not utilize the physician's assistant to perform tasks which are otherwise prohibited by the terms of this Consent Order, or otherwise utilize the services of the physician's assistant in such a way as to circumvent any restriction, term or condition outlined herein.

(k) Periods of Residency Outside Georgia. In the event the Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of Georgia as well as periods when Respondent is not actively engaged in the practice of medicine or is on inactive licensure status will not apply to the reduction of the Respondent's probationary period, except as authorized by the Board. **The Respondent shall advise the Board of any change in address of record or employment status.**

(l) Copies to Hospitals, Associates, Employers. The Respondent shall supply a copy of this Consent Order, once approved and docketed, and within ten (10) days from receipt of the docketed copy by Applicant, to each hospital or other institution in Georgia where Respondent maintains staff

privileges of any kind, and to any person with whom Respondent is associated in practice, including other physicians or physician's assistants or to any person or entity for whom Respondent is employed as a physician in the State of Georgia. Respondent shall also be required to disclose the existence of and provide a copy of this Consent Order to such individuals or entities in connection with any future application for institutional appointment, associated practice, utilization of a physician's assistant, or employment as a physician in the State of Georgia while this Consent Order is in effect. By executing this Consent Order, Respondent specifically consents to any such individuals or entities reporting to the Board information which would affect Respondent's ability to practice medicine with reasonable skill and safety to patients, notwithstanding any privilege provided by state or federal law.

(m) Abide By Laws, Rules and Terms. The Respondent shall abide by all State and Federal laws regulating the practice of medicine or relating to drugs, the Rules and Regulations of the Composite State Board of Medical Examiners, the terms of any order issued by another lawful licensing authority or consent agreement entered between Respondent and another lawful licensing authority and the terms of this Consent Order and probation. If the Respondent shall fail to abide by such laws, rules or terms, or if it should appear from monitoring reports submitted to the Board that the Respondent is otherwise unable

to practice medicine with reasonable skill and safety to patients, the Respondent's license shall be subject to further discipline, including revocation, upon substantiation thereof after notice and hearing, and if revoked the Board in its discretion may determine that the license should be permanently revoked and not subject to reinstatement. Respondent further agrees that any violation of this Consent Order shall be deemed to be sufficient to authorize the Board to order summary suspension of the Respondent's license, pending further proceedings, pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), or any other statute authorizing emergency action, but Respondent understands that he shall be entitled to an expedited hearing to substantiate such violation(s), if the Board exercises such right.

(n) Termination of Probation. Respondent shall not be eligible to petition for termination of probation until he has maintained his sobriety for a period of five years. At such time, within 60 days of the scheduled date of termination of probation, the Respondent may petition for termination of probation by certifying under oath before a notary public that the Respondent has complied with all conditions of probation and by providing documentation supporting discharge from probation. Respondent shall also certify under oath that he has been continuously sober for a period of at least five years. The Composite State Board of Medical Examiners shall be

authorized to review and evaluate the practice of the Respondent prior to lifting the probation. At such time, the Board shall be authorized to restore all rights and privileges incident to the license of the Respondent, unless the Board has received information that the Respondent has not complied with the terms of probation or has otherwise failed to comply with the laws and rules regulating the practice of medicine. Should the Board determine that reasonable cause exists for maintaining Respondent's license on a probationary status, the Board shall notify Respondent of its intent to extend the probationary period, and Respondent may respond to such notification in writing or request an appearance before the Board or its representative as in a non-contested case. In any event, this Consent Order shall remain in effect pending a final determination by the Board and notification that the probationary period has terminated.

3.

This Consent Order shall constitute a public order of the Board.

4.

Respondent acknowledges that he has read this Consent Order and that he understands its contents. He understands that he has the right to a hearing in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent Order. He understands that this Consent Order will not become effective until approved by the Composite State

Board of Medical Examiners and docketed by the Joint Secretary, State Examining Boards. He further understands and agrees that a representative of the Department of Law may be present during presentation of this Consent Order to the Board and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. He further understands that this Consent Order, once approved, shall constitute a public record which may be disseminated in the same manner as a disciplinary action of the Board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter.Respondent consents to the terms and conditions contained herein.

Approved, this 4th day of May, 1995.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

BY: Larry E Brightwell, MD
LARRY E. BRIGHTWELL, M.D.
President

(BOARD SEAL)

ATTEST: William G. Miller
Joint Secretary
State Examining Boards

Consented to:

Charles Richard Harper M.D.
CHARLES RICHARD HARPER, M.D.
Respondent

Witness of Signature:
Sworn to and subscribed before me this 16th day of April, 1995.

Judy D Derico
NOTARY PUBLIC
My commission expires: June 1, 1996

MONITORING AND SUPERVISING PHYSICIAN STATEMENT

The undersigned supervising and monitoring physicians acknowledge that they have read the attached Consent Order and agree to serve as Respondent's supervising and monitoring physicians.

Sworn to and subscribed before me this 20 day of April, 1995.

NOTARY PUBLIC
My commission expires:

Notary Public, Fulton County, Georgia
My Commission Expires [illegible]

(Signed) Roy Williams MD
Name: ROY WILLIAMS
Supervising (Workplace) Physician
Address: 77 Collier Rd
Telephone: (404) 351-9984

Sworn to and subscribed before me this 19 day of April, 1995.

NOTARY PUBLIC
My commission expires:
My Commission Expires Sept. 28, 1998

(Signed) John D. Lenton MD
Name: JOHN D. LENTON, MD
Monitoring Physician/Therapist
Program: PHYSICIAN WELL-BEING PROGRAM/MAG
Address: V.I.
Telephone: 912/884-2686

JOHN D. LENTON, MD
P O BOX 279
HINESVILLE, GA 31313

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