

verified/es

STATE OF OHIO
THE STATE MEDICAL BOARD
77 South High Street
17th Floor
Columbus, Ohio 43266-0315

(614)466-3934

April 13, 1990

Clarence B. Alston, M.D.
972 Peasley Street
Orangeburg, SC 29115

Dear Doctor Alston:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on April 11, 1990, including Motions approving and confirming the Findings of Fact and Conclusions of Law of the Hearing Examiner, and adopting an amended Order.

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.

THE STATE MEDICAL BOARD OF OHIO



Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 746 514 717
RETURN RECEIPT REQUESTED

Mailed April 25, 1990

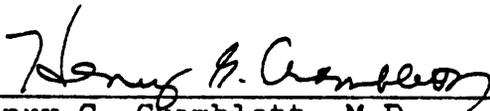
STATE OF OHIO
STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on April 11, 1990, including Motions approving and confirming the Findings of Fact and Conclusions of Law of the Hearing Examiner and adopting an amended Order, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Clarence B. Alston, 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)



Henry G. Cramblett, M.D.
Secretary

April 13, 1990
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CLARENCE B. ALSTON, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 11th day of April, 1990.

Upon the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board for the above date.

It is hereby ORDERED:

1. That the certificate of Clarence B. Alston, M.D., to practice medicine and surgery in the State of Ohio shall be REVOKED. Such revocation shall be stayed, and Dr. Alston's certificate shall be SUSPENDED for an indefinite period of time.
2. The State Medical Board shall not consider reinstatement of Dr. Alston's certificate to practice unless and until all of the following minimum requirements are met:
 - a. Dr. Alston shall submit to the Board an application for reinstatement, accompanied by all appropriate fees and by written notice of his intent to commence the practice of medicine or surgery in Ohio.
 - b. In the event that any license held by Dr. Alston is restricted as a direct result of either this Order or his February 1989 South Carolina Consent Order, Dr. Alston shall so specify in his application for reinstatement and shall provide the Board with acceptable documentation verifying same. Dr. Alston shall provide written documentation acceptable to the Board verifying that he otherwise holds a full and unrestricted license to practice medicine and surgery in all other states in which he is at the time of application or has been in the past licensed, or that he would be entitled to such license but for the non-payment of renewal fees.

Clarence B. Alston, M.D.

- c. Dr. Alston shall submit a minimum of two evaluations by physicians acceptable to the Board stating that Dr. Alston is not actively drug or alcohol dependent and that he is able to practice according to acceptable and prevailing standards of care. Each of these evaluations shall be in writing and shall state with particularity the bases for such determinations.
 - d. In the event that Dr. Alston has not been engaged in the active practice of medicine or surgery for a period in excess of two years prior to his application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Alston's fitness to resume practice.
 3. Upon the reinstatement of his Ohio certificate and his commencement of practice in Ohio, the certificate of Clarence B. Alston, M.D., shall be subject to the following probationary terms, conditions, and limitations for an indefinite period of time, but not less than five (5) years:
 - a. Dr. Alston shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - b. Dr. Alston shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with all the conditions of probation.
 - c. Dr. Alston shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals or as otherwise requested by the Board.
 - d. In the event that Dr. Alston should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Alston must notify the Board in writing of the dates and departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.
 - e. Dr. Alston shall be ineligible to hold or to apply for registration with the DEA without prior Board approval. Upon obtaining DEA registration pursuant to Board approval, Dr. Alston shall keep a log of all controlled substances prescribed, dispensed, or administered by him.

Clarence B. Alston, M.D.

Such log shall be submitted in the format approved by the Board thirty (30) days prior to Dr. Alston's personal appearances before the Board or its designated representative, or as otherwise directed by the Board

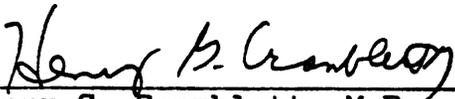
- f. Dr. Alston shall abstain completely from the personal use or possession of drugs, except for those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Dr. Alston's history of chemical dependency.
 - g. Dr. Alston shall abstain completely from the personal use or consumption of alcohol.
 - h. Dr. Alston shall submit blood or urine specimens for analysis without prior notice at such times as the Board may request.
 - i. Dr. Alston shall have a monitoring physician, approved by the Board, who shall monitor him and provide the Board with written reports on Dr. Alston's progress and status. Dr. Alston shall ensure that said reports are forwarded to the Board on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Alston must immediately so notify the Board in writing, and make arrangements acceptable to the Board for another physician to monitor his progress and status as soon as practicable.
 - j. Dr. Alston shall provide all employers and the chief of staff at each hospital where he has, applies for, or obtains privileges with a copy of this Order.
 - k. Dr. Alston shall maintain participation with an alcohol and drug rehabilitation program, such as AA, NA, or Caduceus, acceptable to the Board, no less than three(3) times per week. Dr. Alston shall submit documentary evidence of his continuing compliance with such programs thirty (30) days in advance of each personal appearance before the Board, or as otherwise directed by the Board.
4. If Dr. Alston violates probation in any respect, the Board, after giving Dr. Alston notice and an opportunity to be heard, may set aside the stay order and impose the revocation of his certificate.

Clarence B. Alston, M.D.

5. Upon successful completion of probation, as evidenced by a written release by the Board, Dr. Alston's certificate will be fully restored.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

(SEAL)



Henry G. Cramblett, M.D.
Secretary

April 16, 1990

Date

REPORT AND RECOMMENDATION
IN THE MATTER OF CLARENCE B. ALSTON, M.D.

The Matter of Clarence B. Alston, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on February 1, 1990.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

A. By letter of October 11, 1989 (State's Exhibit #1), the State Medical Board advised Clarence B. Alston, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio for one or more of the following reasons:

1. The Board alleged that Dr. Alston's South Carolina medical license had been suspended in July, 1988, due to his violation of the terms of an Interim Agreement with the South Carolina Board of Medical Examiners, as evidenced by a urine screen testing positive for cocaine. The suspension of Dr. Alston's South Carolina license was alleged to constitute "the limitation, revocation, or suspension by another state of a license or certificate to practice 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 would also have been a violation of this chapter, except for nonpayment of fees", as those clauses are used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(26) and/or 4731.22(B)(15), Ohio Revised Code.
2. The Board further alleged that, by a February, 1989, Consent Order, Dr. Alston's South Carolina medical license had been reinstated subject to an indefinite term of probation. The terms of the Consent Order indicated that Dr. Alston had admitted to the South Carolina Board that he had failed to remain drug-free as required by the previous Interim Agreement, had waived formal hearing procedures, and had consented to such disciplinary action. The imposition of indefinite probation by the South Carolina Board was also alleged to constitute violation of Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(26) and/or 4731.22(B)(15), Ohio Revised Code.

Dr. Alston was advised of his right to request a hearing in this Matter.

B. By telephone call on November 13, 1989 (see State's Exhibit #4), and by letter received by the State Medical Board on November 16, 1989 (State's Exhibit #3), Dr. Alston requested a hearing in this Matter.

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II. Appearances

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by John C. Dowling, Assistant Attorney General
- B. Dr. Alston, having been duly advised of his right to representation, appeared on his own behalf without counsel.

III. Testimony Heard

Dr. Alston was the sole witness at hearing.

IV. Exhibits Examined

In addition to those listed above, the following exhibits were identified and admitted into evidence in this Matter:

A. Presented by the State

1. State's Exhibit #2: Certified mail receipt and return card showing service of State's Exhibit #1 to Dr. Alston on October 18, 1989.
2. State's Exhibit #4: November 15, 1989, letter to Dr. Alston from the State Medical Board advising that a hearing initially set for November 24, 1989, was postponed pursuant to Section 119.09, Ohio Revised Code.
3. State's Exhibit #5: December 14, 1989, letter to Dr. Alston from the State Medical Board scheduling the hearing for February 1, 1990.
4. State's Exhibit #6: Copies of Dr. Alston's Ohio licensure renewal applications for the 1985-1986, 1987-1988, and 1989-1990 biennial registration periods.

B. Presented by the Respondent

1. Respondent's Exhibit A: April 18, 1989, letter to the South Carolina Board of Medical Examiners from Thomas R. Marini, Counselor/Group Leader, Dawn Center, regarding Dr. Alston's participation and progress in the Aftercare Relapse Prevention Group.
2. Respondent's Exhibit B: September 26, 1989, letter to the South Carolina Board of Medical Examiners from Thomas R. Marini, Clinical Counselor, Dawn Center, regarding Dr. Alston's participation in weekly group therapy sessions.

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3. Respondent's Exhibit C: List of names and addresses of persons represented by Dr. Alston as being willing to serve as references for him.
4. Respondent's Exhibit D: January 16, 1990, letter to the State Medical Board of Ohio from Carolyn Emanuel, Chief Executive Officer, Family Health Centers, Inc., verifying Dr. Alston's drug-free status and participation in recovery programs since his July, 1988, relapse and recommending favorable consideration by the Ohio Board.

FINDINGS OF FACT

1. Clarence B. Alston, M.D., is admittedly an alcoholic and chemically dependent person, with a history of drug abuse dating back to his teens.

These facts are established by the testimony of Dr. Alston (Tr. at 11-16).
2. In 1985, during his second year of a residency in internal medicine at Akron City Hospital, Dr. Alston began using cocaine. Both his cocaine use and his alcohol consumption increased rapidly. Approximately three months after he had begun using cocaine, he was confronted by the chief resident of his residency program and was requested to submit a urine specimen for laboratory analysis. The specimen tested positive for cocaine.

Subsequently, in May, 1985, Dr. Alston entered Ridgeview Institute, Atlanta, for treatment of chemical dependency. After four months at Ridgeview, he transferred to Shepherd Hill where he remained for an additional four months of treatment. After his release from Shepherd Hill, Dr. Alston returned to his residency program, completing it in 1987.

These facts are established by the testimony of Dr. Alston (Tr. at 16-19).
3. Dr. Alston had been the recipient of a National Health Service Scholarship which obligated him to work for four years in a medically underrepresented area upon completion of his residency. Pursuant to that obligation, Dr. Alston went to Orangeburg, South Carolina, in May, 1987. When he applied for a South Carolina medical license, Dr. Alston notified the South Carolina Board of Medical Examiners that he was a recovering physician. After meeting with Dr. Alston, the South Carolina Board granted him a temporary license subject to the terms and conditions of an Interim Agreement dated June 5, 1987 (*), whereby Dr. Alston agreed to the monitoring of his practice of medicine in South Carolina including, among other things, periodic, unannounced blood and urine alcohol and/or drug analysis.

These facts are established by the testimony of Dr. Alston (Tr. at 19-21), State's Exhibit #3, and the South Carolina Order of Suspension included as an attachment to State's Exhibit #1. (* Note: Although the South Carolina Order of Suspension recites the date of the Interim Agreement as June 5, 1988, both the written statement and the testimony of Dr. Alston indicate that it was actually dated June 5, 1987.)

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4. By Order of Suspension dated July 28, 1988, the South Carolina Board of Medical Examiners suspended Dr. Alston's South Carolina medical license due to his violation of the terms and conditions of his Interim Agreement. Violation of that Agreement was evidenced both by a urine specimen obtained from Dr. Alston on or about July 18, 1988, which tested positive for cocaine, and by Dr. Alston's own statements.

These facts are established by the Order of Suspension included as an attachment to State's Exhibit #1, State's Exhibits #3 and #6, and the at-hearing admissions of Dr. Alston.

5. Dr. Alston admitted that he had relapsed in July, 1988, by using cocaine after three years of abstinence. He stated that, among other contributing factors, he had become lax in attending recovery activities due to discouragement about the lack of confidentiality with regard to statements he had made at local AA meetings.

Dr. Alston promptly reported his relapse to his employer and sought help from the Impaired Physicians Committee of the South Carolina Medical Association. He subsequently entered Fenwick Hall, Charleston, South Carolina, for six weeks of intensive inpatient treatment. While there, he was notified of the South Carolina Board's suspension of his license.

These facts are established by the testimony of Dr. Alston (Tr. at 21-26, 39-40), State's Exhibit #3, and Respondent's Exhibit D.

6. Approximately eight months after his treatment at Fenwick Hall, Dr. Alston again met with the South Carolina Board of Medical Examiners. By Consent Order dated February 7, 1989, that Board reinstated Dr. Alston's South Carolina medical license on probationary status for an indefinite period of time. The Consent Order resulted from Dr. Alston's acknowledgment that he had failed to remain drug-free as required by his prior Interim Agreement, his waiver of formal hearing procedures, and his voluntary consent to such disciplinary action against his license. The conditions of probation set forth in the South Carolina Consent Order require Dr. Alston, among other things, to: remain drug and alcohol-free; submit to periodic, unannounced blood and urine analysis at his own expense; limit his practice to the Orangeburg Family Health Center; and maintain active participation in aftercare programs. The Consent Order contains no prohibition against Dr. Alston's holding of a DEA certificate.

These facts are established by the testimony of Dr. Alston (Tr. at 26, 36-39) and by the Consent Order included as an attachment to State's Exhibit #1.

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7. At hearing, Dr. Alston claimed that he had maintained both complete abstinence from mood-altering drugs and active participation in aftercare programs since his July, 1988, relapse. Those claims are supported by letters from Dr. Alston's current employer and from his aftercare group leader. Dr. Alston's testimony indicated that his relapse after three years of sobriety had increased both his understanding of his disease and his commitment to recovery.

These facts are established by the testimony of Dr. Alston (Tr. at 27-29, 39-46) and by Respondent's Exhibits A, B, and D.

8. Dr. Alston is obligated to serve in Orangeburg, South Carolina, until 1992. Although he indicated that he would then be interested in returning to Ohio, preferably with a fellowship in nephrology, he has made no firm decision about his future. He indicated that he had received offers which might persuade him to remain in Orangeburg.

These facts are established by the testimony of Dr. Alston (Tr. at 29-30, 35-36, 46-47).

CONCLUSIONS

1. Clarence B. Alston, M.D., who had been treated for chemical dependency in 1985, was issued a South Carolina license in 1987, subject to his compliance with the conditions of an Interim Agreement with the South Carolina Board of Medical Examiners. Dr. Alston admitted that the suspension of his South Carolina medical license in July, 1988, resulted from his relapse on cocaine in violation of that Interim Agreement. Such acts would also constitute "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice", as that clause is used in Section 4731.22(B)(26), Ohio Revised Code, and/or "violation of the conditions of limitation placed by the Board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued", as that clause is used in Section 4731.22(B)(15), Ohio Revised Code. Thus, the suspension of Dr. Alston's license by the South Carolina Board from July, 1988, to February, 1989, constitutes "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state...or the imposition of probation by that authority, for an action that would also 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: Sections 4731.22(B)(26) and/or 4731.22(B)(15), Ohio Revised Code.

2. The South Carolina Board's imposition of indefinite probation upon reinstatement of Dr. Alston's license, pursuant to its February, 1989, Consent Order, was also based upon Dr. Alston's relapse in violation of his Interim Agreement with that Board. Thus, that action also constitutes violation of Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(26) and/or 4731.22(B)(15), Ohio Revised Code.

* * * * *

Dr. Alston's relapse while under an Interim Agreement with the South Carolina Board cannot be viewed lightly. A State Medical Board's interest in encouraging the rehabilitation of impaired physicians cannot supersede its duty to protect the health-consuming public from the obvious risks posed by impaired practitioners. Dr. Alston's relapse violated the South Carolina Board's trust and compromised its duty to protect the public. Although the South Carolina Board has seen fit to give Dr. Alston a "second" chance, this Board is not obligated to do likewise. Nevertheless, this Board may wish to consider in mitigation the fact that Dr. Alston promptly reported his relapse and voluntarily sought treatment. Furthermore, his testimony indicated that he has accepted full responsibility for his actions and is committed to maintaining his recovery.

Although it was suggested at hearing that Dr. Alston might report his ongoing progress to both the Ohio and the South Carolina Boards, the South Carolina Board would seem to be in the better position to effectively monitor his compliance with its probationary terms and to exercise jurisdiction over his practice in that state. Dr. Alston indicated that he would not be returning to practice in Ohio until at least 1992. This Board may wish to wait until Dr. Alston returns to practice in Ohio to ascertain his status and impose monitoring conditions.

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Clarence B. Alston, M.D., to practice medicine and surgery in the State of Ohio shall be revoked. Such revocation shall be stayed, and Dr. Alston's certificate shall be suspended for an indefinite period of time.
2. The State Medical Board shall not consider reinstatement of Dr. Alston's certificate to practice unless and until all of the following minimum requirements are met:
 - a. Dr. Alston shall submit to the Board an application for reinstatement, accompanied by all appropriate fees and by written notice of his intent to commence the practice of medicine or surgery in Ohio.

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- b. Dr. Alston shall provide written documentation acceptable to the Board verifying that he holds a full and unrestricted license to practice medicine and surgery in all other states in which he is at the time of application or has been in the past licensed, or that he would be entitled to such license but for the non-payment of renewal fees. In the event that any license held by Dr. Alston is restricted as a direct result of either this Order or his February, 1989, South Carolina Consent Order, Dr. Alston shall so specify in his application for reinstatement and shall provide the Board with acceptable documentation verifying same.
 - c. Dr. Alston shall submit a minimum of two evaluations by physicians acceptable to the Board stating that Dr. Alston is not actively drug or alcohol dependent and that he is able to practice according to acceptable and prevailing standards of care. Each of these evaluations shall be in writing and shall state with particularity the bases for such determinations.
 - d. In the event that Dr. Alston has not been engaged in the active practice of medicine or surgery for a period in excess of two years prior to his application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Alston's fitness to resume practice.
3. Upon the reinstatement of his Ohio certificate and his commencement of practice in Ohio, the certificate of Clarence B. Alston, M.D., shall be subject to the following probationary terms, conditions, and limitations for an indefinite period of time, but not less than five (5) years:
- a. Dr. Alston shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - b. Dr. Alston shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with all the conditions of probation.
 - c. Dr. Alston shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise requested by the Board.
 - d. In the event that Dr. Alston should leave Ohio for three (3) continuous months, or reside or practice outside the State, Dr. Alston must notify the Board in writing of the dates and departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.

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- e. Dr. Alston shall be ineligible to hold or to apply for registration with the DEA without prior Board approval. Upon obtaining DEA registration pursuant to Board approval, Dr. Alston shall keep a log of all controlled substances prescribed, dispensed, or administered by him. Such log shall be submitted in the format approved by the Board thirty (30) days prior to Dr. Alston's personal appearances before the Board or its designated representative, or as otherwise directed by the Board.
 - f. Dr. Alston shall abstain completely from the personal use or possession of drugs, except for those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Dr. Alston's history of chemical dependency.
 - g. Dr. Alston shall abstain completely from the personal use or consumption of alcohol.
 - h. Dr. Alston shall submit blood or urine specimens for analysis without prior notice at such times as the Board may request.
 - i. Dr. Alston shall have a monitoring physician, approved by the Board, who shall monitor him and provide the Board with written reports on Dr. Alston's progress and status. Dr. Alston shall ensure that said reports are forwarded to the Board on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Alston must immediately so notify the Board in writing, and make arrangements acceptable to the Board for another physician to monitor his progress and status as soon as practicable.
 - j. Dr. Alston shall provide all employers and the chief of staff at each hospital where he has, applies for, or obtains privileges with a copy of this Order.
 - k. Dr. Alston shall maintain participation in an alcohol and drug rehabilitation program, such as AA, NA, or Caduceus, acceptable to the Board, no less than three (3) times per week. Dr. Alston shall submit documentary evidence of his continuing compliance with such program thirty (30) days in advance of each personal appearance before the Board, or as otherwise directed by the Board.
4. If Dr. Alston violates probation in any respect, the Board, after giving Dr. Alston notice and the opportunity to be heard, may set aside the stay order and impose the revocation of his certificate.

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5. Upon successful completion of probation, as evidenced by a written release by the Board, Dr. Alston's certificate will be fully restored.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.



Wanita J. Sage
Attorney Hearing Examiner

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EXCERPT FROM THE MINUTES OF APRIL 11 & 12, 1990

REPORTS AND RECOMMENDATIONS

Dr. Kaplansky advised that the Findings and Orders appearing on this day's agenda are those in the matters of Pablo Pons, M.D.; Eugene J. Coles, M.D.; Bruce Dawson, M.D.; Clarence B. Alston, M.D.; and William C. Downing, M.D.

Dr. Kaplansky asked if each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Pablo Pons, M.D.; Eugene J. Coles, M.D.; Bruce Dawson, M.D.; Clarence B. Alston, M.D.; and William C. Downing, M.D.

ROLL CALL:	Dr. Cramblett	- aye
	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Ross	- aye
	Mr. Albert	- aye
	Dr. Daniels	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye
	Dr. Kaplansky	- aye

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Mr. Dowling, Ms. Belenker, and all Enforcement Coordinators left the meeting at this time.

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REPORT AND RECOMMENDATION IN THE MATTER OF CLARENCE B. ALSTON, M.D.

Dr. Kaplansky stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board Members present.

DR. AGRESTA MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF CLARENCE B. ALSTON, M.D. DR. O'DAY SECONDED THE MOTION.

Dr. Kaplansky asked if there were any questions concerning the proposed findings of fact, conclusions, and order in the above matter.

Mr. Jost noted that paragraph 2b of the Proposed Order requires Dr. Alston to "...provide written documentation acceptable to the Board verifying that he holds a full and unrestricted license to practice medicine and surgery in all other states in which he is at the time of application or has been in the past licensed..." It

is the Board's understanding that Dr. Alston is currently under a Consent Order in South Carolina, and he wants to return to Ohio. Mr. Jost stated that it would seem to be more appropriate to require him to have a full and unrestricted license, except where he is currently under Consent Order.

Ms. Rolfes stated that she understood that Dr. Alston's Consent Order in South Carolina expires in 1992, and that is when he wants to return to Ohio. Mr. Jost stated that he thought that the Consent Order was in effect for a longer period than that.

Dr. Daniels referred to the Hearing Examiner's "Introduction and Summary of Evidence", which indicates that Dr. Alston's Consent Order in South Carolina is for an indefinite period.

Mr. Jost stated that he would like to move to amend the Order to indicate that Dr. Alston must have a full and unrestricted license, other than similar orders in other states. He stated that the intent of the amendment would be to require that Dr. Alston hold a full and unrestricted license other than restrictions similar to those proposed by the Board's Order. If Dr. Alston is under a Consent Agreement in another state, the Ohio Board would take over supervision by imposing probationary terms.

MR. JOST MOVED TO TABLE THIS MATTER TO ALLOW FOR THE PREPARATION OF AN AMENDMENT. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Ross	- aye
	Mr. Albert	- aye
	Dr. Daniels	- aye
	Ms. Rolfes	- aye

The motion carried.

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MR. JOST MOVED TO TAKE THE MATTER OF CLARENCE B. ALSTON, M.D. OFF THE TABLE. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- aye
	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Ross	- aye
	Mr. Albert	- aye
	Dr. Daniels	- aye

Ms. Rolfes - aye
Dr. Agresta - aye

The motion carried.

MR. JOST MOVED THAT THE PROPOSED ORDER IN THE MATTER OF CLARENCE B. ALSTON, M.D., BE AMENDED BY SUBSTITUTING THE FOLLOWING FOR PARAGRAPH 2b:

2b. In the event that any license held by Dr. Alston is restricted as a direct result of either this Order or his February 1989 South Carolina Consent Order, Dr. Alston shall so specify in his application for reinstatement and shall provide the Board with acceptable documentation verifying same. Dr. Alston shall provide written documentation acceptable to the Board verifying that he otherwise holds a full and unrestricted license to practice medicine and surgery in all other states in which he is at the time of application or has been in the past licensed, or that he would be entitled to such license but for the non-payment of renewal fees.

DR. GRETTNER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:

Dr. Cramblett	- abstain
Dr. O'Day	- aye
Dr. Gretter	- aye
Dr. Stephens	- aye
Mr. Jost	- aye
Dr. Ross	- aye
Mr. Albert	- aye
Dr. Daniels	- aye
Ms. Rolfes	- aye
Dr. Agresta	- aye

The motion carried.

DR. STEPHENS MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER AS AMENDED IN THE MATTER OF CLARENCE B. ALSTON, M.D. DR. AGRESTA SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:

Dr. Cramblett	- abstain
Dr. O'Day	- aye
Dr. Gretter	- aye
Dr. Stephens	- aye
Mr. Jost	- aye
Dr. Ross	- aye
Mr. Albert	- aye
Dr. Daniels	- aye
Ms. Rolfes	- aye
Dr. Agresta	- aye

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS OH 43215

October 11, 1989

Clarence B. Alston, M.D.
972 Peasley Street
Orangeburg, SC 29115

Dear Doctor Alston:

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 July 28, 1988, your license to practice medicine in the State of South Carolina, #13869, was suspended by Order of Suspension of the State Board of Medical Examiners of South Carolina, a copy of which is attached hereto and incorporated herein. Such action was taken pursuant to the terms of an Interim Agreement between you and the State Board of Medical Examiners of South Carolina dated June 5, 1988, whereby you agreed to the monitoring of your practice of medicine in South Carolina including, among other things, periodic, unannounced blood and urine alcohol and/or drug analysis. Pursuant to such agreement, an unannounced urine screen was obtained from you on or about July 18, 1988. Both laboratory analysis of the screen and your own statements indicated the presence of cocaine, in violation of the terms and conditions of the aforementioned Interim Agreement.

The suspension of your license to practice medicine by the State Board of Medical Examiners of South Carolina, as alleged in the above paragraph (1), constitutes "(t)he limitation, revocation or suspension by another state of a license or certificate to practice 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 would also 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) and/or 4731.22(B)(15), Ohio Revised Code.

October 11, 1989

- (2) By Consent Order dated February 7, 1989, the State Board of Medical Examiners of South Carolina reinstated your license to practice medicine in South Carolina and placed you on indefinite probation as a result of your acknowledgement to that Board that you had failed to remain drug-free as mandated by the aforementioned Interim Agreement, and as a result of your waiving formal hearing procedures and voluntarily consenting to such disciplinary action against your license, a copy of which is attached hereto and incorporated herein.

The imposition of indefinite probation by the State Board of Medical Examiners of South Carolina, as alleged in the above paragraph (2), constitutes "(t)he limitation, revocation or suspension by another state of a license or certificate to practice 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 would also 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) and/or 4731.22(B)(15), Ohio Revised Code.

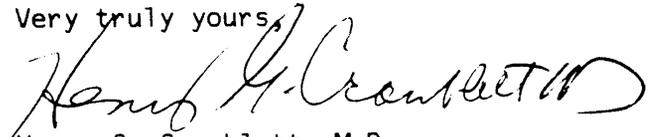
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, that request must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

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 the 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,


Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

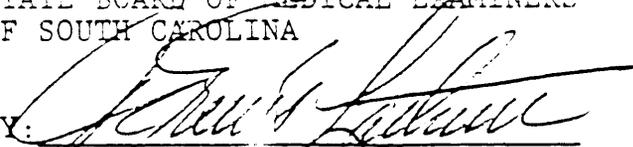
CERTIFIED MAIL #P 569 363 980
RETURN RECEIPT REQUESTED

THEREFORE, IT IS ORDERED that Respondent's license to practice medicine in this State be suspended, effective immediately, pending hearing and further Order of the Board.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS
OF SOUTH CAROLINA

BY:



J. ERNEST LATHEM, M.D.
President of the Board

July 28, 1988.

THEREFORE THE BOARD FINDS that Respondent has engaged in professional misconduct in violation of Section 40-47-200 (c), upra.

THE BOARD FURTHER FINDS that it would not be consistent with the public interest to allow the Respondent unrestricted licensure at this time.

THE BOARD FURTHER FINDS that it would be consistent with the public interest for Respondent to hold a license in a probationary status upon compliance with certain conditions as specified hereinbelow.

IT IS THEREFORE ORDERED that:

1. Respondent's license to practice medicine shall be reinstated and immediately placed in a probationary status for an indefinite period of time upon the following conditions of probation:

(a) Respondent shall be subject to periodic, unannounced blood and urine alcohol and/or drug analysis as desired by the Board, the purpose being to ensure that the Respondent remains drug and/or alcohol-free during said period of probation. Respondent must remain drug and/or alcohol-free. The cost of such blood and urine alcohol and/or drug analyses and reports will be borne by the Respondent.

(b) Respondent shall appear and report to the Board every six months as requested by the Board.

- (c) Respondent shall limit his practice to the Orangeburg Family Health Center, Orangeburg, S.C.
- (d) Respondent shall not change his place of employment without prior written approval of the Board.
- (e) Respondent shall be an active participant and member of both the Impaired Physicians Committee and Alcoholics Anonymous. Respondent shall submit in writing to the Board, unless sooner requested, quarterly reports from appropriate representatives, satisfactory to the Board, of both the Impaired Physicians Committee and Alcoholics Anonymous concerning his adherence to the programs of those respective organizations established for him and his compliance with this Order, said reports to be submitted beginning on or about April 1, 1989.
- (f) Respondent shall faithfully comply with the terms of his Aftercare Contract with his treatment facility and submit in writing to the Board, unless sooner requested, quarterly reports from an appropriate representative of his treatment facility, satisfactory to the Board, that the Respondent is participating and fulfilling each requirement of his Aftercare Contract with his treatment facility.

(g) Respondent shall promptly provide to the Board upon request documentation satisfactory to the Board that the Respondent is committed to a life of sobriety and is both alcohol and drug-free.

(h) Respondent shall comply with all applicable statutes, rules, regulations, and other provisions of law relating to the practice of medicine in this State.

2. It is understood and agreed that failure by Respondent to abide by any of the aforementioned conditions of probation during said period shall warrant the immediate permanent revocation of his license to practice medicine in this State.

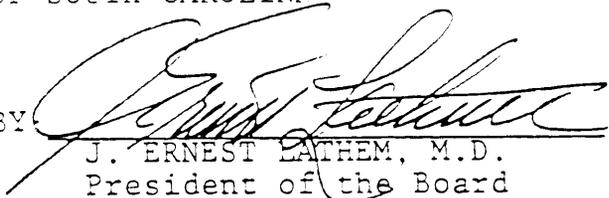
3. It is further understood and agreed that each condition of Respondent's probation shall be subject to review by the Board. Respondent shall cooperate with the Board, its attorneys, investigators, and other employees in the investigation of his practice and his compliance with the provisions of this Order. It is the Respondent's responsibility to demonstrate compliance with each and every condition of said probation. While on probation, the Respondent may be required to furnish the Board with additional letters from attending physicians or any other informant relating to the Respondent during his probation, as deemed necessary, by the Board or its representatives. In addition to such requests the Board, in its discretion, may

require Respondent to submit any further documentation regarding the Respondent's practice, and it is the Respondent's responsibility to fully comply with all such requests in a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this Order.

AND IT IS SO ORDERED.

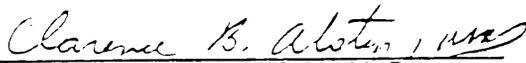
STATE BOARD OF MEDICAL EXAMINERS
OF SOUTH CAROLINA

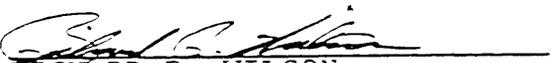
BY


J. ERNEST LATHAM, M.D.
President of the Board

Feb 7, 1989.

WE CONSENT:


CLARENCE B. ALSTON, M.D.
Respondent


RICHARD P. WILSON
Assistant Attorney General
ATTORNEY for the State Board
of Medical Examiners of
South Carolina