verified/es

CONSENT AGREEMENT
BETWEEN
LOUIS A. BARTON, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

This CONSENT AGREEMENT is entered into by and between LOUIS A. BARTON, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

LOUIS A. BARTON, M.D., voluntarily enters into this Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for any of the enumerated violations.

B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of further formal proceedings based upon the violations of Section 4731.22, Ohio Revised Code set forth in the Notice of Opportunity for Hearing issued by the BOARD on May 11, 1994, attached hereto and incorporated herein by this reference. The BOARD expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731 of the Ohio Revised Code whether occurring before or after the effective date of this AGREEMENT.

C. LOUIS A. BARTON, M.D., is licensed to practice medicine and surgery in the State of Ohio.

D. LOUIS A. BARTON, M.D., ADMITS that on November 5, 1992, the Georgia Composite State Board of Medical Examiners approved a Consent Order (hereinafter the "Georgia Consent Order"), suspending his license to practice in the state of Georgia for four (4) months and placing his license on probation for five (5) years thereafter, subject to certain terms and conditions, for

engaging in inappropriate sexual contact with two patients who were under his psychiatric care and treatment, including sexual intercourse with one patient. A copy of the Georgia Consent Order is attached hereto and fully incorporated herein.

E. LOUIS A. BARTON, M.D., further ADMITS that the Georgia Consent Order 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, 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," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(6)(a) and 4731.22(B)(18), Ohio Revised Code, to wit: Principles I, II and IV of the American Medical Association's Principles of Medical Ethics.

F. LOUIS A. BARTON, M.D., further ADMITS that he voluntarily entered a treatment program for physicians who had engaged in inappropriate sexual behaviors in January, 1991 at the Behavioral Medicine Institute of Atlanta in Atlanta, Georgia, where he was diagnosed as suffering from Fetishism (DSM III-R, 302.81) and Personality Disorder Not Otherwise Specified (DSM III-R, 301.90). He further voluntarily reported the Georgia Consent Order and the details of his diagnoses and treatment to the STATE MEDICAL BOARD OF OHIO at the time of his renewal application for the 1992-1994 biennium in November, 1992.

G. LOUIS A. BARTON, M.D. further warrants and avers that he is now, and at all times has been, in full compliance with the terms of the Georgia Consent Order and the treatment and aftercare program at the Behavioral Medicine Institute of Atlanta.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, LOUIS A. BARTON, M.D., knowingly and voluntarily agrees with the STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

1. DOCTOR BARTON's certificate to practice medicine and surgery in the state of Ohio shall be REVOKED. Such revocation shall be stayed, and DOCTOR BARTON's certificate shall be SUSPENDED for an indefinite period of time, but not less than one (1) year.

2. The BOARD shall not consider reinstatement of DOCTOR BARTON's certificate to practice unless and until all of the following minimum requirements are met:

a. DOCTOR BARTON shall submit to the BOARD an application for reinstatement, accompanied by all appropriate fees. Such application shall not be submitted until at least one (1) year from the effective date of this CONSENT AGREEMENT.

b. DOCTOR BARTON shall provide documentary evidence acceptable to the BOARD that his psychiatric and mental status has been evaluated within the sixty (60) day period preceding the submission of his application for reinstatement, and that he has been found capable of practicing according to acceptable and prevailing standards of care. Acceptable documentation shall include a written evaluation of DOCTOR BARTON's psychiatric and mental status by a psychiatrist approved in advance by the BOARD. The evaluation shall address the following:

(i) The existence or nonexistence of a psychiatric or psychological disorder underlying the behavior exhibited by DOCTOR BARTON in this matter;

(ii) The amenability of such disorder, if any, to treatment; the treatment, if any, completed by DOCTOR BARTON; and the need, if any, for additional treatment;

(iii) The likelihood of recurrence of the type of behavior exhibited by DOCTOR BARTON in this matter;

(iv) DOCTOR BARTON's ability to practice according to acceptable and prevailing standards of care; and

(v) Any recommended supervision or limitations on DOCTOR BARTON's practice.

c. DOCTOR BARTON shall provide certification from the Georgia Composite Board of Medical Examiners, dated not less than thirty (30) days prior to submission of his application for reinstatement, that he is in complete compliance with all terms of the Georgia Consent Order, and setting forth any modifications that have been made to that order since its original approval on November 5, 1992.

d. In the event that DOCTOR BARTON has not been engaged in the active practice of medicine or surgery for a period in excess of two years prior to the date of application for reinstatement, the BOARD may exercise its discretion under

Section 4731.222, Ohio Revised Code, to require additional evidence of DOCTOR BARTON's fitness to resume practice.

e. In conjunction with his application for reinstatement, DOCTOR BARTON shall be required to appear for an interview before the BOARD prior to the approval by the BOARD of his application.

3. Upon reinstatement, DOCTOR BARTON's certificate to practice medicine and surgery in the state of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations:

a. DOCTOR BARTON shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.

b. DOCTOR BARTON shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT.

c. DOCTOR BARTON shall comply completely with the terms and conditions of the Georgia Consent Order, and with all other requirements that may be imposed by the Georgia Composite State Board of Medical Examiners (the "Georgia Board") during the terms of the Georgia Consent Order or any other order or agreement imposed by the Georgia Board in the future.

d. DOCTOR BARTON shall submit to the BOARD copies of all reports required by the Georgia Consent Order and copies of any requests for modification and/or termination of the Georgia Consent Order, as well as a copy of any request for full restoration of his license to practice medicine and surgery in the state of Georgia, at the time such documents are submitted to the Georgia Board.

e. DOCTOR BARTON shall immediately notify the BOARD in writing should he fail to satisfactorily comply with the terms and conditions of the Georgia Consent Order or any subsequent orders or agreements imposed by the Georgia Board. DOCTOR BARTON shall further provide the BOARD with copies of all correspondence, notices, and other documents submitted by him to the Georgia Board as well as copies of all correspondence, notices, and other documents issued by the Georgia Board concerning his compliance with the Georgia Consent Order or any

subsequent orders or agreements imposed by the Georgia Board.

f. DOCTOR BARTON shall give prior written notification to the BOARD if, at any time during the probationary period under this CONSENT AGREEMENT, he plans to practice medicine or surgery in the state of Ohio, whether on a temporary or permanent basis, or if he plans to reside in Ohio. DOCTOR BARTON understands and agrees that his practice in this state will be limited to the treatment of male patients only. DOCTOR BARTON further understands and agrees that he may not commence the practice of medicine or surgery in the state of Ohio, whether on a temporary or permanent basis, until he has entered into a new Consent Agreement with the BOARD under such other terms as the BOARD deems acceptable, which terms may include, but will not be limited to, an approved plan of practice in a supervised, structured environment in which DOCTOR BARTON's activities will be directly supervised and overseen by another physician approved by the BOARD, and any other physical or mental evaluations as the BOARD may deem appropriate.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force for a minimum of two (2) years subsequent to reinstatement prior to any request for release from probation. DOCTOR BARTON shall further be required to appear for an interview before the full BOARD at the time he petitions for release from probation.

Upon successful completion of probation, DOCTOR BARTON's certificate will be restored, but shall thereafter be permanently LIMITED and RESTRICTED in the state of Ohio to the treatment of male patients only.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR BARTON appears to have violated or breached any terms or conditions of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations of breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

DOCTOR BARTON acknowledges that he has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119, Ohio Revised Code.

DOCTOR BARTON hereby releases the STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. It is expressly understood that this CONSENT AGREEMENT 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.

Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

DOCTOR LOUIS A. BARTON

1/17/95
DATE

THOMAS E. GRETTER, M.D.
Secretary

3/9/95
DATE

RAYMOND J. ALBERT
Supervising Member

3/9/95
DATE

ANNE BERRY STRAIT
Assistant Attorney General

3/9/95
DATE

anne\barton.con

STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

May 11, 1994

Louis Anthony Barton, M.D.
1215 Abercrombie Drive
Rome, GA 30165

Dear Doctor Barton:

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 November 15, 1992, the Georgia Composite State Board of Medical Examiners approved a Consent Order, suspending your license to practice medicine in the state of Georgia for four (4) months and placing your license on probation for five (5) years thereafter, subject to certain terms and conditions, for engaging in inappropriate sexual contact with two patients who were under your psychiatric care and treatment, including sexual intercourse with one patient. A copy of the Consent Order is attached hereto and fully incorporated herein.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, 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 that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(6)(a) and 4731.22(B)(18), Ohio Revised Code, to wit: Principles I, II and IV of the American Medical Association's Principles of Medical Ethics.

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.

Mailed 5/12/94

May 11, 1994

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,

Carla S. O'Day, M.D.

Carla S. O'Day, M.D.
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 348 885 312
RETURN RECEIPT REQUESTED

BEFORE T COMPOSITE STATE BOARD OF :DICAL EXAMINERS
STATE OF GEORGIA

NOV 5 1992
NOV 5 1992
DOCKET NUMBER
92-588

IN THE MATTER OF:	)	
	)	
LOUIS A. BARTON, M.D.	)	DOCKET NO. 92-588
License No. 033024,	)	
	)	
Respondent.	)	

CONSENT ORDER

By agreement of the Composite State Board of Medical Examiners and Louis A. Barton, 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. Section 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 matter stated herein.

2.

Between October, 1990 and January, 1991, Respondent was responsible for the psychiatric care and treatment of patients L.C. and P.M. (names omitted to protect confidentiality) while on staff at Brawners Psychiatric Institute and the Center for Psychiatry.

3.

During said psychiatrist/patient relationship, Respondent was allegedly engaged in inappropriate sexual contact with patients L.C. and P.M., including sexual intercourse with patient L.C..

Respondent makes no contest of the allegations set forth in this Consent Order. Respondent understands that by so stating, he is not admitting the truth of the allegations, but is agreeing that the Board may enter an Order based upon the allegations without the necessity of receiving evidence in support thereof.

5.

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 conduct constitutes sufficient grounds for disciplinary action under O.C.G.A. Chapters 1 and 34, Title 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.

The Respondent's license shall be SUSPENDED for a period of four (4) months, commencing on the effective date of this Consent Order. However, Respondent shall be given credit for the three (3) month time period in which he voluntarily ceased practicing medicine and underwent treatment, leaving a balance of one (1)

month on suspension. Respondent shall not engage in the practice of medicine during the period of suspension, and shall not resume the practice of medicine until the end of the four month suspension period. If the Respondent so engages, his license shall be subject to revocation, upon substantiation thereof. During the period of suspension, Respondent shall comply with the following provisions:

(a) Respondent shall enter and complete to the satisfaction of the Board a treatment program for the treatment of impulse control and/or sexual addiction acceptable to the Board, which treatment shall be preceded by a complete mental/physical examination, all to be performed at Respondent's expense. Respondent shall execute such releases as are required for the Board or its designees to obtain the results of the examination, assessment and course of treatment.

(b) Unless the Board in its discretion determines after receipt of such report that no further therapy is necessary, Respondent shall remain in therapy at a facility or by practitioners acceptable to the Board, and abide by all recommendations concerning therapy, including adjunct therapy, support-group participation or other forms of therapy or counseling.

(c) Respondent shall perform 100 hours of community service acceptable to the Board. Respondent shall outline the proposed program of community service in writing and obtain the approval of the Board, through the medical coordinator, for such service.

2.

The Respondent further agrees to be financially responsible for any psychotherapy or other counseling deemed reasonably

necessary, in the opinion of therapists for the two patients outlined in paragraphs 2 and 3 in the Findings of Fact, above, either as a result of the incidents in question or as a result of the inability or unavailability of the Respondent to treat them, less any amounts which the patients have available to them through any health insurance plan which they may utilize for psychiatric services. Respondent shall remain financially responsible for such uncovered therapy until such therapists selected by the respective patients certify that in their opinion, such therapy is no longer required. Respondent shall be responsible for such psychiatric expenses of each of the above-mentioned patients to a maximum amount of $4,000 for each patient, and for a time period of up to three (3) years from the effective date of this Consent Order. At the conclusion of the three year time period, if the patients have not incurred uncovered psychiatric expenses which require payment by Respondent of the maximum designated amounts, the Respondent shall pay an amount representing the differences between the amounts paid by Respondent and the maximum designated amount as a fine. Financial arrangements for such therapy shall be agreed upon between the therapists and Respondent, without direct contact by Respondent with the patients involved. Failure of the Respondent to abide by this agreement shall be deemed a violation of this Consent Order.

3.

Provided that the Respondent complies with the provisions of this Consent Order, the Respondent shall be authorized to resume the practice of medicine commencing immediately after the period of suspension. Upon the end of the suspension period, the

Respondent's license shall be placed on probation for a period of five (5) years, with the following terms and conditions of probation:

(a) Respondent's license shall be limited and restricted, such that Respondent shall not be authorized to treat or examine any female patient. Respondent may petition for modification of this provision after serving one (1) continuous year on probation, if supported by the recommendations of therapist(s) and supervising physician(s) acceptable to the Board; the decision as to whether to modify this provision shall be in the sole discretion of the Board.

(b) In addition to the requirements in paragraph 3(a), Respondent's practice of psychiatry shall be supervised by a psychiatrist acceptable to the Board, who shall periodically review and inspect the Respondent's office and/or other treatment records at the Respondents' expenses, at any reasonable time designated by said supervisor, but no less than once every month of the first full year on probation (as measured from the date when the suspension is lifted), every other month for the second year of probation and quarterly for the remaining period of probation, provided that Respondent is in compliance with the terms of this Consent Order. The Board reserves the right to require more frequent reports after the first year of probation should such reporting be warranted by information or reports received by the Board. Procedural and financial arrangements for such review shall be agreed upon between the Respondent and the reviewing physician. The medical coordinator of the Board or a designee of the Board shall also be authorized to review such records at any time. The Respondent shall have the right to be present during such

inspection of records and the rights of privacy and confidentiality of patients shall be maintained. The Respondent shall be available, upon reasonable notice, for personal interviews with the supervisor and/or medical coordinator and will comply with any recommendations made by said supervisor or medical coordinator. Respondent shall also transfer or refer any patient to another therapist within 30 days of being requested to do so by the supervisor or the medical coordinator. Failure of the Respondent to be reasonably available for inspection of his records or for personal interviews with the supervisor and/or the medical coordinator shall be considered a violation of this Consent Order. The Respondent shall submit or cause to be submitted quarterly reports from his supervisor by March 31, June 30, September 30 and December 31 of each calendar year. The quarterly reports shall include a statement signed by the supervisor confirming that the Respondent in complying with all recommendations made by the supervisor. The Respondent shall provide a copy of this Consent Order to the proposed supervisor and the supervisor shall sign the supervising physician's statement attached to this Consent Order as evidence that said supervisor has read and understood this Consent Order and agrees to be the Respondent's supervisor. Failure of the Respondent to ensure that the required reports are provided to the Board in a timely manner shall be deemed to be a violation of this Consent Order. Any revision to the terms of this provision, or request for any change in supervisors, shall be subject to Board approval in the sole discretion of the Board. Interim approval for a change in supervisors may be granted by the medical coordinator in his/her discretion, pending review by the Board.

(c) Respondent shall remain in therapy acceptable to the Board until discharged from this condition by the Board. The Respondent shall submit or cause to be submitted quarterly reports from his therapist by March 31, June 30, September 30 and December 31 of each calendar year, regarding his physical and mental condition, including a report on any medication being prescribed to the Respondent, and Respondent shall authorize release of the results of any such reports or evaluations to the Board. By executing this Consent Order, Respondent specifically consents to any such evaluating entity or individuals reporting to the Board information relevant to his ability to practice medicine with reasonable skill and safety to patients, notwithstanding any privilege provided by state or federal law. The quarterly reports shall include a statement signed by the therapist confirming that the Respondent is complying with all recommendations made by the therapist. The Respondent shall provide a copy of this Consent Order to the proposed therapist and the therapist shall sign the supervising physician's statement attached to this Consent Order as evidence that said therapist has read and understood this Consent Order and agrees to be the Respondent's therapist. Failure of the Respondent to ensure that the required reports are provided to the Board in a timely manner shall be deemed to be a violation of this Consent Order. Any change in therapists shall be subject to Board approval in the sole discretion of the Board. Interim approval may be granted by the medical coordinator in his/her discretion, pending review by the Board. The Board shall be authorized to request that Respondent undergo such further mental/physical examination, including biological fluid screening to detect any

medication being consumed by Respondent, as is deemed necessary by the Board at any time while this Consent Order is in effect.

(d) The Respondent shall submit to the Board for its approval a program of continuing education acceptable to the Board, consisting of twenty-five (25) hours per year, commencing on the effective date of this Consent Order, which education shall include topics in maintenance of appropriate therapeutic boundaries in the practice of psychiatry.

(e) Respondent shall in all respects comply with Board Rule 360-2-.09, relating to diagnosis, treatment and record keeping.

(f) Respondent shall report in writing the filing of any malpractice action naming him as a defendant. Such report shall be filed within thirty (30) after service of such suit upon Respondent. Respondent shall also report in writing any judgment or settlement of any such malpractice action, whether filed prior to the effective date of this Consent Order or not, no later than 30 days after the entry of such judgment or settlement, regardless of any appeal.

(g) The Respondent shall supply a copy of this Consent Order, once approved and docketed, within 10 days from receipt by Respondent, to each hospital or other institution in Georgia where he maintains staff privileges of any kind, and to any person with whom Respondent is associated in practice, including other physicians and physician's assistant(s) 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 institutic .l appointment, associated _ .actice, 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 entity or individuals reporting to the Board information which would affect his ability to practice medicine with reasonable skill and safety to patients, notwithstanding any privilege provided by state or federal law.

(h) In the event the Respondent should leave the State of 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 residence or practice outside of Georgia will not apply to the reduction of the Respondent's period of supervision, unless otherwise authorized by the Board under such conditions as the Board deems acceptable. The Respondent shall advise the Board of any change in his practice status and address of record.

(i) 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.

(j) 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, 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 supervising 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 hereby agrees that any violation of this Consent Order which the Board finds to be an imminent peril to the public, health, safety, or welfare 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. Section 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.

(k) Within 60 days from the scheduled date of termination of the period of probation, Respondent may petition for termination of probation by certifying under oath before a notary public that the Respondent has complied with all the conditions of this Consent Order. The Composite State Board of Medical Examiners shall be authorized to review and evaluate the practice of the Respondent. At such time, the Board shall be authorized to restore all rights and privileges incident to the license of the Respondent, unless it extends, maintains, or imposes such restrictions or conditions as the Board deems appropriate, based upon the information presented to it pursuant to this Consent Order or otherwise available to the

Board. The Board shall notify Respondent of its intent to extend, maintain or impose such restrictions or conditions beyond the designated period of probation, 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. This Consent Order shall remain in effect pending a final determination by the Board and notification thereof to the Respondent.

4.

In addition to and in conjunction with any other sanction contained herein, this Consent Order and dissemination thereof shall serve as a public reprimand to the Respondent for his conduct.

5.

In addition to and in conjunction with any other sanction contained herein, Respondent shall pay a fine of $10,000.00. The first $2000.00 of said fine shall be paid within six months of the effective date of the Consent Order. The remaining $8000.00 of said fine shall be due and payable as provided above in paragraph 2, under "Order."

6.

This Consent Order, if accepted by the Composite State Board of Medical Examiners, shall in no way be construed as condoning the Respondent's conduct, and shall not be construed as a waiver of any of the lawful rights possessed by the Board.

7.

The Respondent acknowledges that he is represented by counsel in this matter, that he has read this Consent Order and has discussed it with counsel. Respondent understands that he has the

right to a hearing in this matter, and Respondent freely, knowingly and voluntarily waives such right by entering into this Consent Order. Respondent 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. Respondent further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent further understands that this Consent Order, once approved and docketed, shall constitute a public record which may be disseminated as a disciplinary action of the Board. If this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the ability of the Board to adjudicate this matter. Respondent consents to the terms of discipline contained herein.

Approved, this 5th day of November, 1992.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

W. Gordon Irwin, D.O.
President

Attest:

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

Consented to:

Louis A. Barton
LOUIS A. BARTON, M.D.
Respondent

JONATHAN C. PETERS, ESQ.
Attorney for Respondent

Sworn to and subscribed
before me, this 1 day
of September, 1992.

Notary Public

My Commission Expires 061894