

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director



(614) 466-3934
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March 12, 2008

Robert Alan Knox, D.P.M.
253 East State Route 14
Columbiana, OH 44408

Dear Doctor Knox:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 12, 2008, including motions approving and confirming the Findings of Fact and Conclusions 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 must be taken to the Franklin County Court of Common Pleas.

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

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", is written over the typed name.

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3931 8317 9377
RETURN RECEIPT REQUESTED

Mailed 3-24-08

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 12, 2008, including motions approving and confirming the Findings of Fact and Conclusions 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 Robert Alan Knox, D.P.M., 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

March 12, 2008

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ROBERT ALAN KNOX, D.P.M.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on March 12, 2008.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner, designated in this Matter 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 of Ohio for the above date.

It is hereby ORDERED, that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Robert Alan Knox, D.P.M., to practice podiatric medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such permanent revocation is STAYED, and Dr. Knox's certificate shall be SUSPENDED for an indefinite period of time, but not less than six months.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Knox's certificate to practice podiatric medicine and surgery until all of the following conditions have been met:
 1. **Application for Reinstatement or Restoration:** Dr. Knox shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Certification of Compliance with the Terms of Criminal Probation:** At the time he submits his application for reinstatement or restoration, Dr. Knox shall submit to the Board certification from the Southern District of the United States District Court of West Virginia, dated no earlier than 60 days prior to Dr. Knox's application for reinstatement or restoration, indicating that Dr. Knox has

maintained full compliance with the terms of probation in criminal Case No. 1:05-00205.

3. **Certification of Compliance with the Reinstatement Order of the Commonwealth of Virginia Department of Health Professions and with any Similar Future Orders from the Pennsylvania State Board of Podiatry and/or West Virginia Board of Medicine:** At the time he submits his application for reinstatement or restoration, Dr. Knox shall submit to the Board certification from the Commonwealth of Virginia Department of Health Professions, dated no earlier than 60 days prior to Dr. Knox's application for reinstatement or restoration, that Dr. Knox has maintained full compliance with the Reinstatement Order of the Commonwealth of Virginia Department of Health Professions.

In the event that the Pennsylvania State Board of Podiatry and/or the West Virginia Board of Medicine issue decisions that require Dr. Knox's compliance, he shall submit, at the time he submits his application for reinstatement or restoration, certification from the Pennsylvania State Board of Podiatry and/or the West Virginia Board of Medicine, dated no earlier than 60 days prior to Dr. Knox's application for reinstatement or restoration, that Dr. Knox has maintained full compliance with any such future decision.

4. **Controlled Substances Prescribing Course or Courses:** At the time he submits his application for reinstatement or restoration, Dr. Knox shall provide acceptable documentation of successful completion of a course or courses dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Knox submits the documentation of successful completion of the course(s) dealing with the prescribing of controlled substances, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of podiatric medicine in the future.

5. **Medical Records Course:** At the time he submits his application for reinstatement or restoration, Dr. Knox shall provide acceptable documentation of satisfactory completion of a course on maintaining adequate and appropriate medical records, such course to be approved in advance by the Board or its designee. Any course taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Knox submits the documentation of successful completion of the course on maintaining adequate and appropriate medical records, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of podiatric medicine in the future.

6. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Knox has not been engaged in the active practice of podiatric medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume practice.

C. **PROBATION:** Upon reinstatement or restoration, Dr. Knox's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:

1. **Obey the Law and Terms of Criminal Probation:** Dr. Knox shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing, and all terms of probation imposed by the Southern District of the United States District Court of West Virginia in criminal Case No. 1:05-00205.
2. **Quarterly Declarations:** Dr. Knox shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Knox's certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Declarations of Compliance with Criminal Probation and with Regulatory Agencies in Pennsylvania, Virginia and West Virginia:** Dr. Knox shall submit declarations under penalty of Board disciplinary action or criminal prosecution stating whether he has complied with all the terms, conditions, and limitations imposed by the United States District Court of West Virginia in criminal Case No. 1:05-00205, and with all the terms, conditions, and limitations imposed by Pennsylvania State Board of Podiatry, the Commonwealth of Virginia Department of Health Professions and the West Virginia Board of Medicine. Moreover, Dr. Knox shall cause to be submitted to the Board copies of any compliance reports that he submits to those entities whenever they require such submission. Dr. Knox shall ensure that these declarations of compliance and any copies of reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Knox's quarterly declarations referenced in paragraph C.2 of this Order.

4. **Notification of Change in Terms of Criminal Probation or Licensure Status in Pennsylvania, Virginia and West Virginia:** Dr. Knox shall immediately notify the Board in writing of any modification or change to any term, condition, or limitation of his criminal probation imposed by the Southern District of the United States District Court of West Virginia in criminal Case No. 1:05-00205, or his licensure status in Pennsylvania, Virginia and West Virginia.
 5. **Notification of Action Taken by Another Podiatric Regulatory Agency:** Dr. Knox shall immediately notify the Board of any action taken against a certificate to practice podiatric medicine and surgery held by Dr. Knox or against another podiatric-related license or registration held by Dr. Knox. Moreover, Dr. Knox shall provide acceptable documentation verifying the other's actions.
 6. **Personal Appearances:** Dr. Knox shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Knox's certificate is restored or reinstated, or as otherwise directed by the Board. Dr. Knox shall also appear upon his request for termination of the probationary period, and/or as otherwise requested by the Board.
 7. **Controlled Substances Log:** Upon reinstatement or restoration of his certificate, Dr. Knox shall keep a log of all controlled substances he prescribes, orders, administers, or personally furnishes. Such log shall be submitted in a format approved by the Board 30 days prior to Dr. Knox's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Knox shall make his patient records with regard to such controlled substances available for review by an agent of the Board upon request.
 8. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Knox is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Knox's certificate will be fully restored.
- E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Knox shall provide a copy of this Order to all employers or entities with which he is under contract to provide podiatric services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Knox shall provide a copy of this Order to all employers or entities with which he contracts to provide podiatric services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This

requirement shall continue until Dr. Knox receives from the Board written notification of his successful completion of probation.

F. REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:

Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Knox shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Knox shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Knox shall provide this Board with a copy of the return receipt as proof of notification within 30 days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Knox receives from the Board written notification of his successful completion of probation.

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



Lance A. Talmage, M.D.
Secretary

(SEAL)

March 12, 2008

Date

2008 FEB 11 P 12: 05

**REPORT AND RECOMMENDATION
IN THE MATTER OF ROBERT ALAN KNOX, D.P.M.**

The Matter of Robert Alan Knox, D.P.M., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on January 7, 2008.

INTRODUCTION

I. Basis for Hearing

By letter dated March 14, 2007, the State Medical Board of Ohio [Board] notified Robert Alan Knox, D.P.M., that it had proposed to take disciplinary action against his certificate to practice podiatric medicine and surgery in Ohio. The Board based its proposed action on several allegations:

- (a) Dr. Knox had been charged with, pleaded guilty to, and was convicted of one count of distributing a quantity of hydrocodone, a Schedule III controlled substance, without lawful authorization, in violation of 21 United States Code Section 841(a)(1).
- (b) The West Virginia Board of Medicine issued an Order of Revocation of License to Practice Podiatry, based upon the above felony conviction.
- (c) The Commonwealth of Virginia Department of Health Professions entered an Order suspending Dr. Knox's privilege to renew his license to practice podiatry in the Commonwealth of Virginia, based upon the above felony conviction.
- (d) The Office of the Inspector General, U.S. Department of Health and Human Services, notified Dr. Knox that it had excluded him from participation in Medicare, Medicaid, and all federal health care programs, based upon the above felony conviction.

Additionally, the Board alleged that:

- (a) Dr. Knox's plea of guilty and/or the judicial finding of guilty constitutes a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as set forth in Section 4731.22(B)(9), Ohio Revised Code.
- (b) Dr. Knox's acts, conduct and/or omissions constituted "[s]elling, giving away, personally furnishing, prescribing, or administering drugs

for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,” as set forth in Section 4731.22(B)(3), Ohio Revised Code.

- (c) The orders from West Virginia and Virginia constitute “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as set forth in Section 4731.22(B)(22), Ohio Revised Code.
- (d) The exclusion notice constitutes “[t]ermination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B)(2), (3), (6), (8), or (19) of this section,” as set forth in Section 4731.22(B)(25), Ohio Revised Code, to wit: Section 4731.22(B)(3), Ohio Revised Code.

Accordingly, the Board advised Dr. Knox of his right to request a hearing in this matter. (State’s Exhibit 1A)

By letter received by the Board on May 14, 2007, Dr. Knox requested a hearing. (State’s Exhibit 1D)

II. Appearances at the Hearing

Marc Dann, Attorney General, by Barbara J. Pfeiffer, Assistant Attorney General, appeared on behalf of the State of Ohio.

Dr. Knox appeared on his own behalf.

EVIDENCE EXAMINED

I. Testimony Heard

Robert Alan Knox, D.P.M.

II. Exhibits Examined

A. Presented by the State

State's Exhibits 1A through 1J: Procedural exhibits.

State's Exhibit 2: Information in *United States of America v. Robert Knox*, Case No. 1:05-00205.

State's Exhibit 3: Plea Agreement in *U.S. v. Knox*, Case No. 1:05-00205.

State's Exhibit 4: January 3, 2006, Plea of Guilty in *U.S. v. Knox*, Case No. 1:05-00205.

State's Exhibit 5: January 6, 2006, Order in *U.S. v. Knox*, Case No. 1:05-00205.

State's Exhibit 6: May 16, 2006, Judgment in *U.S. v. Knox*, Case No. 1:05-00205.

State's Exhibit 7: Documents maintained by the West Virginia Board of Medicine in the *Matter of Robert Alan Knox, D.P.M.* [Note: This exhibit was numbered post-hearing.]

State's Exhibit 8: Documents maintained by the Commonwealth of Virginia Department of Health Professions in *In Re: Robert A. Knox, D.P.M.*

State's Exhibit 9: September 29, 2006, letter from the Office of the Inspector General, U.S. Department of Health and Human Services, to the Board. [Redacted in part to obscure a Social Security number.]

B. Presented by the Respondent

Respondent's Exhibits A1 and A2: Continuing Medical Education credit record and a certificate of attendance at a continuing medication education program.

Respondent's Exhibits B1 through B7: Patient record and translations. [Admitted under seal to protect patient confidentiality.]

Respondent's Exhibit C: Patient's pharmacy prescription record. [Admitted under seal to protect patient confidentiality.]

Respondent's Exhibits D1 through D5: Five letters of support. [Redacted in part to protect patient confidentiality.]

SUMMARY OF THE EVIDENCE

All exhibits and the transcript, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background

1. Robert Alan Knox, D.P.M., graduated in 1981 with a bachelor of science degree from Fairleigh Dickinson University in New Jersey. In 1985, he graduated from the Ohio College of Podiatric Medicine. Upon graduation, he completed a one-year general podiatric residency at the Veterans Administration Medical Center in Seattle, Washington. He received a certificate to practice podiatric medicine and surgery in Ohio in 1986 and that certificate remains active. (Hearing Transcript [Tr.] at 55; See, Ohio eLicense Center Home Page. 5 Feb. 2008. State of Ohio. <<https://license.ohio.gov/Lookup>>)
2. After completing the residency, Dr. Knox joined a practice in Youngstown, Ohio, for several years. Later, he opened his own podiatric practice in Princeton, West Virginia, where he practiced for 15 years. Dr. Knox testified that, in addition to his podiatric practice, he had initiated a residency program in Mercer County, West Virginia, and he was director of that residency program from 1991 to 1995. He noted that he is an adjunct clinical faculty member at the Ohio College of Podiatric Medicine and at the West Virginia College of Osteopathic Medicine. (Tr. at 55-56)
3. Dr. Knox has been licensed to practice podiatric medicine in Ohio, Pennsylvania, Virginia and West Virginia. He is board-certified by the National Board of Podiatric Examiners. (Tr. at 56)

Criminal Charges and Conviction

4. Prior to August 2005, the federal government began investigating Dr. Knox. Dr. Knox explained that there is a “big drug problem” in the area where he had been practicing. He pointed out that some of his patients were being “watched” or got into trouble, and one of his patients had been an informant. Dr. Knox noted that, when contacted by the federal authorities, he had discussed with them one prescribing incident, as well as two or three other patients or prescribing incidents. (Tr. at 41-43)

On August 25, 2005, Dr. Knox entered into a plea agreement with the federal government. Dr. Knox waived his right to be charged by an indictment, consented to the filing of a one-count information, and agreed to plead guilty to a violation of 21 United States Code Section 841(a)(1). Also, Dr. Knox agreed to surrender his Drug Enforcement Administration controlled substance registration and to cooperate with law enforcement agencies. (State’s Exhibit [St. Ex.] 3; Tr. at 43)

5. On October 6, 2005, the information was filed in the Southern District of the United States District Court of West Virginia charging Dr. Knox with one felony count of violating 21 United States Code Section 841(a)(1). That provision of federal law states:
 - (a) Unlawful acts. Except as authorized by this title, it shall be unlawful for any person knowingly or intentionally—
 - (1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance;

The October 6, 2005, information stated in part:

On or about April 29, 2005, * * * Robert Knox, a licensed physician, without lawful authorization, knowingly and intentionally distributed a quantity of hydrocodone, a Schedule III controlled substance, to an individual known to the United States Attorney.

(St. Ex. 2) The case was designated *United States of America v. Robert Knox*, Case No. 1:05-00205.

6. On January 3, 2006, the plea agreement was filed with the Court and Dr. Knox pleaded guilty to the sole count in the information. According to the Court's Order of January 6, 2006, the United States Attorney informed the Court, on January 3, 2006, of the factual basis establishing that Dr. Knox had committed the offense to which he was pleading guilty and Dr. Knox admitted that the factual basis was substantially true. (St. Ex. 4; St. Ex. 5 at 3)
7. On May 16, 2006, Dr. Knox was sentenced to three years of probation and required to pay a \$100 assessment and a \$5,000 fine. Additionally, Dr. Knox was required to: (a) participate, as directed by the probation officer and approved by the Court, in a program for the treatment of narcotics addiction, drug dependency, or alcohol dependency; (b) not possess a firearm or destructive device and reside in a residence free of firearms and destructive devices; (c) not incur new credit charges or open additional lines of credit without approval of the probation officer; and (d) provide the probation officer with access to any requested financial information. (St. Ex. 6)
8. Dr. Knox testified that he has complied with all terms of the probation. Dr. Knox also explained that he believes there is a good chance his probation will be terminated early. (Tr. at 33-34, 59)

Dr. Knox's Explanation of his Treatment of the Patient

9. Dr. Knox explained that the criminal charge stems from his treatment of one patient. Dr. Knox testified that he had initially seen the patient in his office in March 2004. He had

diagnosed severe stasis dermatitis and lymphedema¹ and had treated the severe stasis dermatitis and lymphedema. Additionally, Dr. Knox stated that he had sent the patient to a pulmonologist for a second opinion. Dr. Knox stated that, over the course of the next 14 months, he had never officially seen the patient in his office, but regularly spoke with him and looked at him. Specifically, Dr. Knox testified that “I would frequently talk to him about his condition, et cetera, and even called him in antibiotics and diuretics.” Dr. Knox further stated that he may have called in a prescription for pain pills on one occasion as well. Dr. Knox estimated that he actually had the patient take his shoe and sock off six times over the months. Dr. Knox acknowledged that he had not offered any additional treatment and, thus, those additional conversations/meetings were not noteworthy. (Tr. at 23, 62-63, 65, 67; Respondent’s Exhibit [Resp. Ex.] C)

10. Dr. Knox acknowledged that, on April 28, 2005, the patient had called him and asked for pain medication. Dr. Knox agreed and “called in” a prescription for a 30-day supply of hydrocodone. Specifically, the prescription was for 60, 10-milligram tablets of Lortab² to be taken twice a day. Dr. Knox testified that he had told the patient, “I can only do this for you one time, and I’m only going to do it for you one time and you come back in and I can take a look at you.” Dr. Knox stated that, because he had not seen the patient in his office and he had “called in” a prescription for the hydrocodone, the federal government had concluded that he had violated the law. (Tr. at 24, 60-61, 64; Resp. Ex. B5-B6; Resp. Ex. C)
11. Dr. Knox explained why he had chosen a high concentration of hydrocodone for this patient as follows:

I know how badly swollen his feet were. And quite honestly, the 10’s are the strongest of the Lortab, but it wasn’t a Schedule II. He didn’t have to take two a day. And I told him he could cut them in half, and I told him I would only do this for him one time.

(Tr. at 68)

12. Dr. Knox acknowledged that, despite his many conversations/meetings with this patient, his records contain notes for only three contacts with the patient: the initial office visit, a second contact in 2004, and the April 2005 contact. However, he contends that he appropriately treated the patient. (Tr. at 35, 62, 64; Resp. Ex. B)

Dr. Knox’s Testimony Concerning his Guilty Plea

13. Dr. Knox noted that he had agreed to the plea agreement to avoid a costly and painful public trial in a very small community. He also noted that he had not realized that, subsequently, there would be reviews by the various state medical boards. He stated that the federal government did not really punish him. He pointed out that he had continued to practice

¹Dr. Knox explained that lymphedema is “terribly swollen ankles.” (Tr. at 62)

²Lortab is one registered name under which hydrocodone is marketed.

despite the charges and conviction, and he was given a “minor” sentence. He also stated that he had received 200 patient letters and overwhelming community support. However, he ceased practicing shortly before action was taken by the West Virginia Board of Medicine (Tr. at 29-31, 36, 37-40)

Other Entities’ Actions

14. On July 11, 2006, the West Virginia Board of Medicine [West Virginia Board] revoked Dr. Knox’s West Virginia podiatric license based upon the federal felony conviction and West Virginia Code §30-3-14(d). That revocation was effective July 20, 2006. (St. Ex. 7 at 2-4)

Dr. Knox noted that he has appealed the decision in West Virginia, and an appeal hearing will take place in the future. (Tr. at 57)

15. On November 17, 2006, the Commonwealth of Virginia Department of Health Professions [Virginia Board] suspended Dr. Knox’s privilege to renew his podiatric license based upon the federal felony conviction and Code of Virginia Section 54.1-2409. The Virginia Board specifically stated that Dr. Knox’s license in that state “will be recorded as suspended and no longer current.” (St. Ex. 8 at 2)

Dr. Knox testified that, in June 2007, the Virginia Board had reinstated his license. Dr. Knox stated that he is currently seeing a few patients. (Tr. at 44, 57-58)

16. On September 29, 2006, the Office of the Inspector General, U.S. Department of Health and Human Services, notified the Board that it had excluded Dr. Knox from participation in Medicare, Medicaid, and all federal health care programs, based upon his felony conviction. (St. Ex. 9)

Dr. Knox noted that the exclusion is for five years, and that he has appealed the exclusion. (Tr. at 34, 59, 60)

17. Additionally, Dr. Knox explained that, at the time of the hearing in this matter, a disciplinary proceeding had begun in Pennsylvania, but no decision had been issued. (Tr. at 58)

Letters of Support

18. Dr. Knox presented five letters of support. The letters are from various professionals who have worked with Dr. Knox and/or been a patient of Dr. Knox. The letters praised his professionalism, knowledge, dependability, and compassion for patients. In one of those letters, a former chief of police thanked Dr. Knox for his assistance, specifically reflecting upon several instances in which Dr. Knox went “above and beyond” for that police department.

Other Information

19. Dr. Knox testified that the area in which he had worked was along the West Virginia/Virginia border, which is very rural. He noted that there is a desperate need for medical professionals in that area. He stated that he is currently trying to gather enough resources to open an office again in that same area. Also, he stated that he plans to obtain a new DEA registration in the future. Dr. Knox noted that, as a result of those plans, he does not intend to practice podiatry in Ohio. (Tr. at 32-34, 44-45, 61)
20. Dr. Knox presented evidence illustrating that he had taken a number of continuing medical education courses in 2006 and 2007. (Tr. at 52-54; Resp. Ex. A)

FINDINGS OF FACT

1. On October 6, 2005, an information was filed in the Southern District of the United States District Court of West Virginia charging Robert Alan Knox, D.P.M., with one felony count of distributing a quantity of hydrocodone, a Schedule III controlled substance, without lawful authorization, in violation of 21 United States Code Section 841(a)(1). The case was designated *United States of America v. Robert Knox*, Case No. 1:05-00205.

On January 3, 2006, a plea agreement was filed in *U.S. v. Knox* and Dr. Knox pleaded guilty to the sole count in the information. On May 16, 2006, the Court issued its Judgment in a Criminal Case wherein it sentenced Dr. Knox to three years of probation, among other things.

2. On July 11, 2006, the West Virginia Board of Medicine issued an Order of Revocation of License to Practice Podiatry, effective July 20, 2006, based upon Dr. Knox's felony conviction.
3. On November 17, 2006, upon receiving evidence of Dr. Knox's felony conviction, the Commonwealth of Virginia Department of Health Professions enter an Order suspending Dr. Knox's privilege to renew his license to practice podiatry in the Commonwealth of Virginia. As a result, his license was recorded as suspended and no longer current.
4. On September 29, 2006, the Office of the Inspector General, U.S. Department of Health and Human Services, notified the Board that it had excluded Dr. Knox from participation in Medicare, Medicaid, and all federal health care programs, based upon his felony conviction.

CONCLUSIONS OF LAW

1. The guilty plea and/or the judicial finding of guilt of Robert Alan Knox, D.P.M., as set forth in Finding of Fact 1 constitutes a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as set forth in Section 4731.22(B)(9), Ohio Revised Code.

2. Dr. Knox's acts, conduct and/or omissions as set forth in Finding of Fact 1 constitute "[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as set forth in Section 4731.22(B)(3), Ohio Revised Code.
3. The orders from the West Virginia Board of Medicine and the Commonwealth of Virginia Department of Health Professions, as set forth in Findings of Fact 2 and 3, constitute "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as set forth in Section 4731.22(B)(22), Ohio Revised Code.
4. The exclusion notice from the Office of the Inspector General, U.S. Department of Health and Human Services, as set forth in Finding of Fact 4, constitutes "[t]ermination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B)(2), (3), (6), (8), or (19) of this section," as set forth in Section 4731.22(B)(25), Ohio Revised Code, to wit: Section 4731.22(B)(3), Ohio Revised Code.

* * * * *

The reliable, probative and substantial evidence presented in this matter establishes that Dr. Knox distributed a controlled substance in violation of federal law on only one occasion. The Hearing Examiner found Dr. Knox's testimony surrounding the prescribing incident to be credible. Since the conviction, he has begun to rebuild his podiatric practice, with the reinstatement of his podiatric license in Virginia. The Hearing Examiner concludes that discipline should be imposed for Dr. Knox's criminal activity. However, because the criminal activity that was proved in this matter was an isolated incident, the Hearing Examiner is not convinced that Dr. Knox's Ohio certificate should be revoked due to the felony conviction and the actions taken by Virginia, West Virginia and the Office of the Inspector General. Instead, the Hearing Examiner recommends a stayed permanent revocation, a suspension period, terms for reinstatement/restoration, and a lengthy probationary period.

PROPOSED ORDER

It is hereby ORDERED, that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Robert Alan Knox, D.P.M., to practice podiatric medicine and surgery in the State of Ohio shall be

PERMANENTLY REVOKED. Such permanent revocation is STAYED, and Dr. Knox's certificate shall be SUSPENDED for an indefinite period of time, but not less than one year.

B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Knox's certificate to practice podiatric medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Knox shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Certification of Compliance with the Terms of Criminal Probation:** At the time he submits his application for reinstatement or restoration, Dr. Knox shall submit to the Board certification from the Southern District of the United States District Court of West Virginia, dated no earlier than 60 days prior to Dr. Knox's application for reinstatement or restoration, indicating that Dr. Knox has maintained full compliance with the terms of probation in criminal Case No. 1:05-00205.
3. **Certification of Compliance with the Reinstatement Order of the Commonwealth of Virginia Department of Health Professions and with any Similar Future Orders from the Pennsylvania State Board of Podiatry and/or West Virginia Board of Medicine:** At the time he submits his application for reinstatement or restoration, Dr. Knox shall submit to the Board certification from the Commonwealth of Virginia Department of Health Professions, dated no earlier than 60 days prior to Dr. Knox's application for reinstatement or restoration, that Dr. Knox has maintained full compliance with the Reinstatement Order of the Commonwealth of Virginia Department of Health Professions.

In the event that the Pennsylvania State Board of Podiatry and/or the West Virginia Board of Medicine issue decisions that require Dr. Knox's compliance, he shall submit, at the time he submits his application for reinstatement or restoration, certification from the Pennsylvania State Board of Podiatry and/or the West Virginia Board of Medicine, dated no earlier than 60 days prior to Dr. Knox's application for reinstatement or restoration, that Dr. Knox has maintained full compliance with any such future decision.

4. **Controlled Substances Prescribing Course or Courses:** At the time he submits his application for reinstatement or restoration, Dr. Knox shall provide acceptable documentation of successful completion of a course or courses dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Knox submits the documentation of successful completion of the course(s) dealing with the prescribing of controlled substances, he shall also submit

to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of podiatric medicine in the future.

5. **Medical Records Course:** At the time he submits his application for reinstatement or restoration, Dr. Knox shall provide acceptable documentation of satisfactory completion of a course on maintaining adequate and appropriate medical records, such course to be approved in advance by the Board or its designee. Any course taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Knox submits the documentation of successful completion of the course on maintaining adequate and appropriate medical records, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of podiatric medicine in the future.

6. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Knox has not been engaged in the active practice of podiatric medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume practice.

C. **PROBATION:** Upon reinstatement or restoration, Dr. Knox's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Obey the Law and Terms of Criminal Probation:** Dr. Knox shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing, and all terms of probation imposed by the Southern District of the United States District Court of West Virginia in criminal Case No. 1:05-00205.
2. **Quarterly Declarations:** Dr. Knox shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Knox's certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Declarations of Compliance with Criminal Probation and with Regulatory Agencies in Pennsylvania, Virginia and West Virginia:** Dr. Knox shall submit declarations under penalty of Board disciplinary action or criminal prosecution stating whether he has complied with all the terms, conditions, and limitations imposed by the United States

District Court of West Virginia in criminal Case No. 1:05-00205, and with all the terms, conditions, and limitations imposed by Pennsylvania State Board of Podiatry, the Commonwealth of Virginia Department of Health Professions and the West Virginia Board of Medicine. Moreover, Dr. Knox shall cause to be submitted to the Board copies of any compliance reports that he submits to those entities whenever they require such submission. Dr. Knox shall ensure that these declarations of compliance and any copies of reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Knox's quarterly declarations referenced in paragraph C.2 of this Order.

4. **Notification of Change in Terms of Criminal Probation or Licensure Status in Pennsylvania, Virginia and West Virginia:** Dr. Knox shall immediately notify the Board in writing of any modification or change to any term, condition, or limitation of his criminal probation imposed by the Southern District of the United States District Court of West Virginia in criminal Case No. 1:05-00205, or his licensure status in Pennsylvania, Virginia and West Virginia.
 5. **Notification of Action Taken by Another Podiatric Regulatory Agency:** Dr. Knox shall immediately notify the Board of any action taken against a certificate to practice podiatric medicine and surgery held by Dr. Knox or against another podiatric-related license or registration held by Dr. Knox. Moreover, Dr. Knox shall provide acceptable documentation verifying the other's actions.
 6. **Personal Appearances:** Dr. Knox shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Knox's certificate is restored or reinstated, or as otherwise directed by the Board. Dr. Knox shall also appear upon his request for termination of the probationary period, and/or as otherwise requested by the Board.
 7. **Controlled Substances Log:** Upon reinstatement or restoration of his certificate, Dr. Knox shall keep a log of all controlled substances he prescribes, orders, administers, or personally furnishes. Such log shall be submitted in a format approved by the Board 30 days prior to Dr. Knox's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Knox shall make his patient records with regard to such controlled substances available for review by an agent of the Board upon request.
 8. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Knox is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Knox's certificate will be fully restored.

- E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Knox shall provide a copy of this Order to all employers or entities with which he is under contract to provide podiatric services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Knox shall provide a copy of this Order to all employers or entities with which he contracts to provide podiatric services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Knox receives from the Board written notification of his successful completion of probation.
- F. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Knox shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Knox shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Knox shall provide this Board with a copy of the return receipt as proof of notification within 30 days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Knox receives from the Board written notification of his successful completion of probation.

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



Gretchen L. Petrucci
Hearing Examiner

**INTERIM AGREEMENT
BETWEEN
ROBERT ALAN KNOX, D.P.M.
AND
THE STATE MEDICAL BOARD OF OHIO**

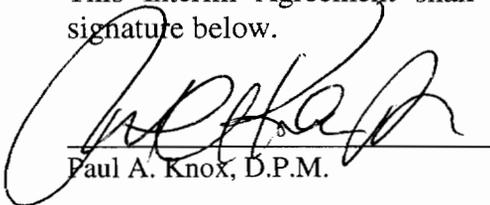
STATE MEDICAL BOARD
2007 SEP 25 AM 9:00

Robert Alan Knox, D.P.M. [Dr. Knox] hereby agrees that he will not practice podiatric medicine and surgery in the State of Ohio in any form or manner until the allegations contained in the March 14, 2007, Notice of Opportunity for Hearing [March 2007 Notice] issued by the State Medical Board of Ohio [Board] have been considered by the Board and the Board has issued a Final Order or approved a Consent Agreement. Dr. Knox further agrees that any violation of the above-referenced limitation shall subject him to further disciplinary action pursuant to Section 4731.22, Ohio Revised Code. Dr. Knox admits that the Board was substantially justified in its issuance of the March 2007 and states that he is requesting a continuance of the Board's proceedings for the reasons that he has been reinstated to practice podiatric medicine in Virginia and is currently practicing podiatric medicine in Virginia. Further as a condition of his reinstatement to practice Virginia, Dr. Knox states that he must attend a mandatory education course by the January 1, 2008 which he asserts will be a significant burden both time wise, in terms of scheduling, as well as financially.

The Board, by its acceptance of this Interim Agreement, hereby agrees not to object, through its counsel, to Dr. Knox's request for a continuance of the hearing on the March 2007 Notice currently scheduled for October 4, 2007.

This Interim Agreement shall not be construed as an admission by Dr. Knox to the allegations contained in the March 2007 Notice. Nothing in this Interim Agreement shall be construed to limit Dr. Knox's right to a full hearing on the allegations contained in the Board's March 2007 Notice.

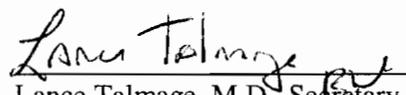
This Interim Agreement shall become effective immediately upon the last date of signature below.



Paul A. Knox, D.P.M.

9/14/07

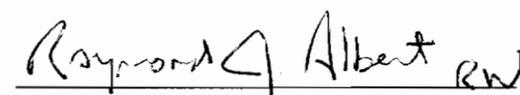
Date



Lance Talmage, M.D., Secretary
State Medical Board of Ohio

9/25/07

Date



Raymond J. Albert, Supervising Member
State Medical Board of Ohio

9/25/07

Date



State Medical Board of Ohio

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

March 14, 2007

Robert Alan Knox, D.P.M.
253 East Street
Rt. #14
Columbiana, Ohio 44408

Dear Doctor Knox:

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

- (1) On or about October 6, 2005, you were charged, by way of Information, with distribution of a quantity of hydrocodone, a Schedule III controlled substance, without lawful authorization, in violation of 21 U.S.C. Section 841(a)(1), and on or about January 3, 2006, you entered into a Plea Agreement in the United States District Court, Southern District of West Virginia, at Bluefield, wherein you agreed to plead guilty to the sole count in the Information. On or about May 16, 2006, the court issued its Judgment in a Criminal Case wherein it accepted your plea, adjudicated you guilty of the offense as charged and sentenced you to three years probation. Copies of the Information, Guilty Plea, Plea Agreement, Order of January 6, 2006, and Judgment in a Criminal Case are attached hereto and incorporated herein.
- (2) On or about July 11, 2006, the West Virginia Board of Medicine issued an Order of Revocation of License to Practice Podiatry [West Virginia Order], effective July 20, 2006, based upon your felony conviction. A copy of the West Virginia Order is attached hereto and incorporated herein.
- (3) On or about November 17, 2006, upon receiving evidence of your felony conviction, the Commonwealth of Virginia Department of Health Professions entered an Order [Virginia Order] suspending your privilege to renew your license to practice podiatry in the Commonwealth of Virginia. As such and pursuant to said Order, your license was recorded as suspended and no longer current. A copy of the Virginia Order is attached hereto and incorporated herein.

Mailed 3.15.07

- (4) On or about September 29, 2006, the Office of the Inspector General, U.S. Department of Health and Human Services, notified the Board of your exclusion from participation in Medicare, Medicaid and all Federal health care programs [Exclusion Notice] based upon your felony conviction. A copy of the Exclusion Notice is attached hereto and incorporated herein.

Your plea of guilty and/or the judicial finding of guilt as alleged in paragraph (1) above constitutes “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Further, the West Virginia Order and Virginia Order, as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Further, the Exclusion Notice as alleged in paragraph (4) above, constitutes “[t]ermination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B)(2), (3), (6), (8), or (19) of this section,” as that clause is used in Section 4731.22(B)(25), Ohio Revised Code, to wit: Section 4731.22(B)(3), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute “[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,” as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code.

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

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

in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

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

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,

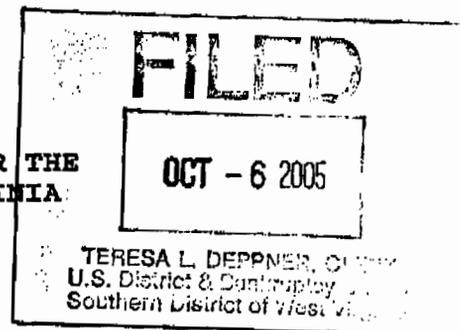
A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", with a stylized flourish at the end.

Lance A. Talmage, M.D.
Secretary

LAT/AMS/flb
Enclosures

CERTIFIED MAIL #7004 2510 0006 9802 9643
RETURN RECEIPT REQUESTED

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD



UNITED STATES OF AMERICA

v.

CRIMINAL NO.

1:05-00205
21 U.S.C. § 841(a)(1)

ROBERT KNOX, D.P.M.

I N F O R M A T I O N

The United States Attorney Charges:

1. At all relevant times:

- a. Defendant ROBERT KNOX, D.P.M., was a licenced physician practicing medicine at 401 Rogers Street, Princeton, Mercer County, West Virginia, within the Southern District of West Virginia; and
- b. Defendant ROBERT KNOX, D.P.M., was registered with the Drug Enforcement Administration (DEA) pursuant to Title 21, United States Code, Section 823, and, as such, was authorized to prescribe, administer and dispense controlled substances for legitimate medical purposes in the usual course of professional medical practice and within the bounds of medical practice.

2. On or about April 29, 2005, at or near Princeton, Mercer County, West Virginia, and within the Southern District of West Virginia, defendant ROBERT KNOX, D.P.M., a licenced physician, without lawful authorization, knowingly and intentionally distributed a quantity of hydrocodone, a Schedule III controlled substance, to an individual known to the United States Attorney.

DEC 9 2005

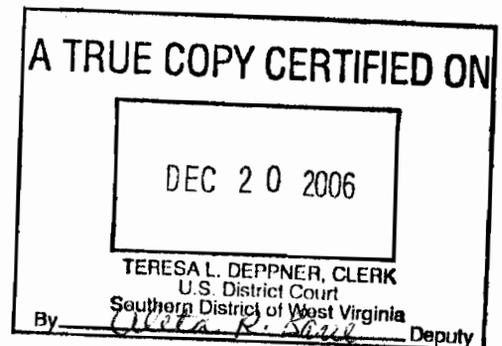
In violation of Title 21, United States Code, Section
841(a)(1).

UNITED STATES OF AMERICA

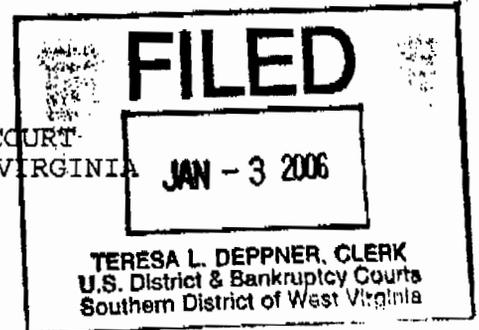
CHARLES T. MILLER
Acting United States Attorney

By: *Miller A. Bushong III*
MILLER A. BUSHONG III
Assistant United States Attorney

Date Filed: October 6, 2005



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD



UNITED STATES OF AMERICA

v.

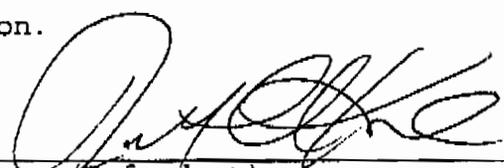
CRIMINAL NO. 1:05-00205

ROBERT KNOX, D.P.M.

In the presence of David L. White, Esquire, my counsel, who has fully explained the charges contained in the Information against me, and, having received a copy of the Information from the United States Attorney before being called upon to plead, I hereby plead guilty to the Information.

DATE:

1-3-06



(Defendant)

Witness:



(Counsel)

A TRUE COPY CERTIFIED ON

DEC 20 2006

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

By Walter R. Base Deputy

DEC 20 2006



U.S. Department of Justice

United States Attorney
Southern District of West Virginia

August 19, 2005

United States Courthouse
110 North Heber Street
Beckley, West Virginia 25801
Phone: (04) 253-6722
Fax: (04) 53-9206

FILED

JAN - 3 2006

TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

David L. White, Esquire
The Masters Law Firm
181 Summers Street
Charleston, West Virginia 25301

Re: United States v. Robert Knox, D.P.M.

Dear Mr. White:

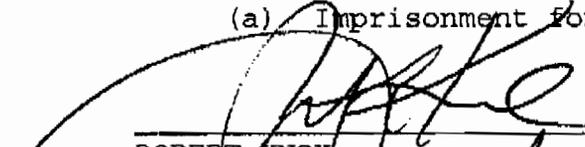
This will confirm our conversations with regard to your client, Robert Knox, D.P.M. (hereinafter "Dr. Knox"). As a result of these conversations, it is agreed by and between the United States and Dr. Knox as follows:

1. **CHARGING AGREEMENT.** Dr. Knox agrees to waive his right pursuant to Rule 7 of the Federal Rules of Criminal Procedure to be charged by indictment and will consent to the filing of a one-count information to be filed in the United States District Court for the Southern District of West Virginia, a copy of which is attached hereto as "Plea Agreement Exhibit A."

2. **RESOLUTION OF CHARGES.** Dr. Knox will plead guilty to a violation of 21 U.S.C. § 841(a)(1) (distribution of a quantity of hydrocodone, a Schedule III controlled substance, without lawful authorization) as charged in said information.

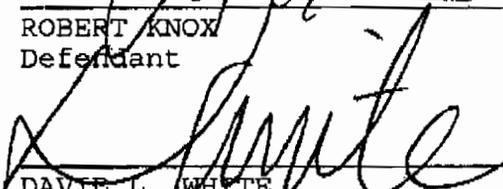
3. **MAXIMUM POTENTIAL PENALTY.** The maximum penalty to which Dr. Knox will be exposed by virtue of this guilty plea is as follows:

(a) Imprisonment for a period of 5 years;



ROBERT KNOX
Defendant

8/25/05
Date Signed



DAVID L. WHITE
Counsel for Defendant

8-25-05
Date Signed

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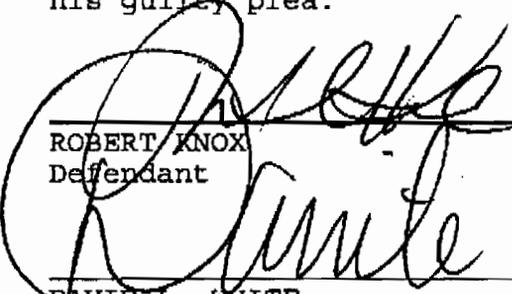
David L. White, Esquire
August 19, 2005
Page 2

Re: Robert Knox, D.P.M.

- (b) A fine of \$250,000 or twice the gross pecuniary gain or twice the gross pecuniary loss resulting from defendant's conduct, whichever is greater;
- (c) A term of supervised release of 3 years;
- (d) A mandatory special assessment of \$100.00 pursuant to 18 U.S.C. § 3013;
- (e) Pursuant to 21 U.S.C. § 862(a)(1), the Court may deny certain federal benefits to Dr. Knox for a period of up to 5 years; and
- (f) Restitution as may be ordered by the Court pursuant to 18 U.S.C. §§ 3663 and 3664.

4. **SPECIAL ASSESSMENT.** Prior to the entry of a plea pursuant to this plea agreement, Dr. Knox will tender a check or money order to the Clerk of the United States District Court for \$100.00, which check or money order shall indicate on its face the name of defendant and the case number. The sum received by the Clerk will be applied toward the special assessment imposed by the Court at sentencing. Dr. Knox will obtain a receipt of payment from the Clerk and will tender a copy of such receipt to the United States, to be filed with the Court as an attachment to this plea agreement. Failure by the defendant to provide proof of payment of the special assessment prior to or at the plea proceeding will automatically void this plea agreement. In the event this plea agreement becomes void after payment of the special assessment, such sum shall be promptly returned to Dr. Knox.

5. **SURRENDER OF DEA REGISTRATION.** Dr. Knox agrees to voluntarily surrender his Drug Enforcement Administration controlled substance registration within seven days after entry of his guilty plea.



ROBERT KNOX
Defendant

8/20/05
Date Signed



DAVID L. WHITE
Counsel for Defendant

8-25-05
Date Signed

David L. White, Esquire
August 19, 2005
Page 3

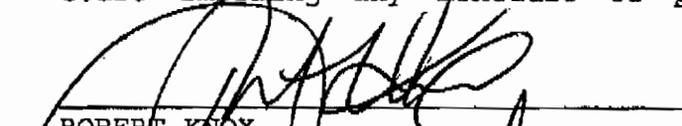
Re: Robert Knox, D.P.M.

6. **COOPERATION.** Dr. Knox will be forthright and truthful with this office and other law enforcement agencies with regard to all inquiries made pursuant to this agreement, and will give signed, sworn statements and grand jury and trial testimony upon request of the United States. In complying with this provision, Dr. Knox may have counsel present except when appearing before a grand jury.

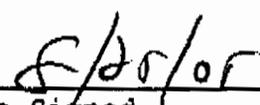
7. **USE IMMUNITY.** Unless this agreement becomes void due to a violation of any of its terms by Dr. Knox, nothing contained in any statement or testimony provided by him pursuant to this agreement, or any evidence developed therefrom, will be used against him, directly or indirectly, in any further criminal prosecutions or in determining the applicable guideline range under the Federal Sentencing Guidelines.

8. **LIMITATIONS ON IMMUNITY.** Nothing contained in this agreement restricts the use of information obtained by the United States from an independent, legitimate source, separate and apart from any information and testimony provided pursuant to this agreement, in determining the applicable guideline range or in prosecuting Dr. Knox for any violations of federal or state laws. The United States reserves the right to prosecute Dr. Knox for perjury or false statement if such a situation should occur pursuant to this agreement.

9. **PAYMENT OF MONETARY PENALTIES.** Dr. Knox agrees not to object to the District Court ordering all monetary penalties (including the special assessment, fine, court costs, and any restitution that does not exceed the amount set forth in this plea agreement) to be due and payable in full immediately and subject to immediate enforcement by the United States. So long as the monetary penalties are ordered to be due and payable in full immediately, Dr. Knox further agrees not to object to the District Court imposing any schedule of payments as merely a minimum



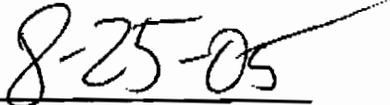
ROBERT KNOX
Defendant



Date Signed



DAVID L. WHITE
Counsel for Defendant



Date Signed

62-40206

David L. White, Esquire
August 19, 2005
Page 4

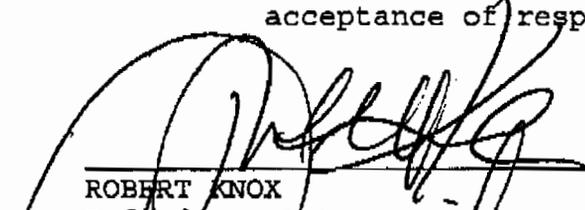
Re: Robert Knox, D.P.M.

schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment.

10. **APPEAL OF FINE.** The United States and Dr. Knox agree that neither will seek appellate review of any order of the District Court imposing a fine unless the fine imposed is in excess of the range provided for the offense of conviction by the United States Sentencing Guidelines.

11. **FINAL DISPOSITION.** The matter of sentencing is within the sole discretion of the Court. The United States has made no representations or promises as to a specific sentence. The United States reserves the right to:

- (a) Inform the Probation Office and the Court of all relevant facts and conduct;
- (b) Present evidence and argument relevant to the factors enumerated in 18 U.S.C. § 3553(a);
- (c) Respond to questions raised by the Court;
- (d) Correct inaccuracies or inadequacies in the presentence report;
- (e) Respond to statements made to the Court by or on behalf of Dr. Knox;
- (f) Advise the Court concerning the nature and extent of Dr. Knox's cooperation; and
- (g) Address the Court regarding the issue of Dr. Knox's acceptance of responsibility.



ROBERT KNOX
Defendant

8/25/05
Date Signed



DAVID L. WHITE
Counsel for Defendant

8-25-05
Date Signed

DEC 16 2005

David L. White, Esquire
August 19, 2005
Page 5

Re: Robert Knox, D.P.M.

12. **VOIDING OF AGREEMENT.** If either the United States or Dr. Knox violates the terms of this agreement, the other party will have the right to void this agreement. If the Court refuses to accept this agreement, it shall be void.

13. **ENTIRETY OF AGREEMENT.** This written agreement constitutes the entire agreement between the United States and Dr. Knox in this matter. There are no agreements, understandings or recommendations as to any other pending or future charges against Dr. Knox in any Court other than the United States District Court for the Southern District of West Virginia.

Acknowledged and agreed to on behalf of the United States:

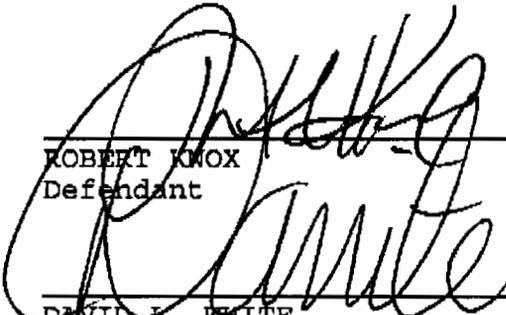
PHILIP H. WRIGHT
Acting United States Attorney

By:


MILLER A. BUSHONG III
Assistant United States Attorney

MAB:tk

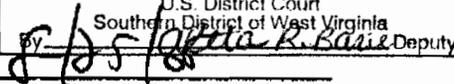
I hereby acknowledge by my signature at the bottom of each page of this five-page agreement that I have read, understand and agree to each of the terms and conditions set forth in this agreement.


ROBERT KNOX
Defendant

DAVID L. WHITE
Counsel for Defendant

A TRUE COPY CERTIFIED ON

DEC 20 2006

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia
by  Deputy

8/25/05
Date Signed

8-25-05
Date Signed

DEC 19 2006

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD

FILED

OCT - 6 2005

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

1:05-00205
21 U.S.C. § 841(a)(1)

ROBERT KNOX, D.P.M.

I N F O R M A T I O N

The United States Attorney Charges:

1. At all relevant times:
 - a. Defendant ROBERT KNOX, D.P.M., was a licenced physician practicing medicine at 401 Rogers Street, Princeton, Mercer County, West Virginia, within the Southern District of West Virginia; and
 - b. Defendant ROBERT KNOX, D.P.M., was registered with the Drug Enforcement Administration (DEA) pursuant to Title 21, United States Code, Section 823, and, as such, was authorized to prescribe, administer and dispense controlled substances for legitimate medical purposes in the usual course of professional medical practice and within the bounds of medical practice.
2. On or about April 29, 2005, at or near Princeton, Mercer County, West Virginia, and within the Southern District of West Virginia, defendant ROBERT KNOX, D.P.M., a licenced physician, without lawful authorization, knowingly and intentionally distributed a quantity of hydrocodone, a Schedule III controlled substance, to an individual known to the United States Attorney.

Plea Agreement Exhibit A

Oct 6 2005

In violation of Title 21, United States Code, Section
841(a)(1).

UNITED STATES OF AMERICA

CHARLES T. MILLER
Acting United States Attorney

By:

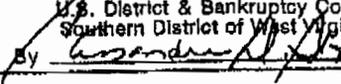

MILLER A. BUSHONG III
Assistant United States Attorney

Date Filed: October 6, 2005

A TRUE COPY CERTIFIED ON

OCT - 6 2005

TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

By  Deputy

OCT 9 6 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:05-00205

ROBERT KNOX, D.P.M.

O R D E R

In Bluefield, on January 3, 2006, came the defendant, Robert Knox, D.P.M., in person and by counsel, David L. White; and came the United States by Miller A. Bushong, III, Assistant United States Attorney, for the purpose of considering the defendant's plea to a one-count information charging him with distribution of a quantity of hydrocodone, a Schedule III controlled substance, without lawful authorization, in violation of 21 U.S.C. § 841(a)(1). Teresa F. King appeared on behalf of the United States Probation Department.

The court inquired of the defendant, addressing him personally and by counsel, to determine the competency of the defendant to proceed. The court found the defendant competent.

The Assistant United States Attorney then offered for the court's consideration and summarized the entirety of a written plea agreement signed by both the defendant and his counsel, which signatures the defendant and his counsel acknowledged in court.

The court inquired of the defendant, his counsel and counsel for the United States as to the advantages which accrue to the defendant and the United States by virtue of a plea of

guilty as opposed to a trial on the merits. The court informed the defendant of the maximum penalties to which he will be exposed by virtue of his plea of guilty and defendant acknowledged his understanding of the same.

The court then advised the United States and the defendant that the guilty plea will not be accepted or rejected by the court until a presentence report is available for the court's consideration. The acceptance of the proposed plea is, therefore, expressly conditioned upon the availability of factual findings in the presentence report which will permit the court to conclude that the charge to which the defendant will enter his plea adequately reflects the seriousness of his offense and does not undermine the statutory purposes of sentencing. The defendant stated that he understood that the matter of sentencing remains entirely within the discretion of the court based on what the presentence investigation reveals and that he will be bound by his plea and will have no right to withdraw that plea if the sentence imposed is more severe than he expected.

After considering comments by counsel, the court found the defendant's decision to enter a guilty plea to be fair to the interests of both the defendant and the United States for the reasons stated in court. The court then conditionally approved the guilty plea in the interest of the administration of justice.

The court next inquired as to the defendant's plea and the defendant responded that he intended to plead guilty. The court explained the range of penalties to which the defendant

would be subject by virtue of his guilty plea. The court also explained the statutes under which this action is prosecuted and the elements which the United States would have had to prove, beyond a reasonable doubt, had the matter been tried. The Assistant United States Attorney then stated the factual basis establishing that the defendant committed the offense to which he was pleading guilty. The defendant admitted that the factual basis as stated was substantially true.

The court informed the defendant of his right to be prosecuted by indictment pursuant to Rule 7 of the Federal Rules of Criminal Procedure. Having been informed of this right, the defendant signed a waiver of his right to prosecution by indictment, which signature he acknowledged in open court.

The court further informed the defendant, pursuant to the requirements of Rule 11 of the Federal Rules of Criminal Procedure, of the constitutional rights he would waive by pleading guilty to the count in the information, which is a felony. The court then determined that the defendant understood those rights. The court advised the defendant that he could not withdraw his plea if he was dissatisfied with the sentence rendered.

The court inquired of the defendant personally as to whether any threats or promises had been made to him to induce him to plead, whether any predictions were made regarding the sentence he might receive, and whether he had any second thoughts

about entering a plea of guilty, to which questions the defendant responded in the negative.

Based upon the defendant's plea of guilty, as well as his factual admission of guilt, the court found that there existed a factual and legal basis for the defendant's plea of guilty. Based upon the United States' proffer of evidence against the defendant, the court found that there also existed an independent factual basis for the defendant's plea of guilty. The court further found that the defendant tendered his plea of guilty voluntarily and with a full understanding and awareness of the constitutional and other rights which he gives up by pleading guilty, and with an awareness of what the United States would have to prove against him if the case went to trial. The court further found that the defendant had an appreciation of the consequences of his plea, and conditionally accepted the defendant's plea of guilty.

Pursuant to Sentencing Guideline § 6B1.1(c), the court deferred an adjudication of guilt pending receipt of the presentence investigation report. Accordingly, the court adjudges and the defendant now stands provisionally guilty of the one-count information.

The court scheduled the disposition of this matter for April 4, 2006, at 1:30 p.m., in Bluefield. The Probation Department is directed to conduct a presentence investigation in this matter and to provide a report to this court. Unless otherwise directed by this court, the probation officer is not to

disclose the officer's sentencing recommendation to anyone except the court.

For the reasons stated on the record, the court found by clear and convincing evidence that defendant was not a flight risk or a danger to the community. Accordingly, defendant was released on a \$10,000.00 unsecured bond subject to all the standard conditions of release.

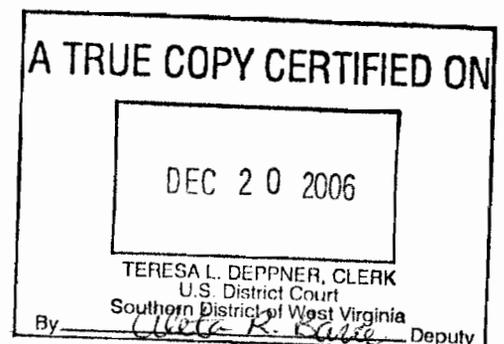
The Clerk is directed to send a copy of this Order to counsel of record, the United States Marshal for the Northern District of West Virginia and the Probation Office of this court.

IT IS SO ORDERED this 6th day of January, 2006.

ENTER:

David A. Faber

David A. Faber
Chief Judge



UNITED STATES DISTRICT COURT

Southern

District of West Virginia, at: BLUEFIELD

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

ROBERT KNOX

Case Number: 1:05-00205

USM Number: 07485-088

David L. White

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) One of a one-count information
- pleaded nolo contendere to count(s) _____
which was accepted by the court.
- was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count	
21 U.S.C. 841(a)(1)	Distribution of Hydrocodone, a Schedule III controlled substance	4/29/2005	One	of the Information

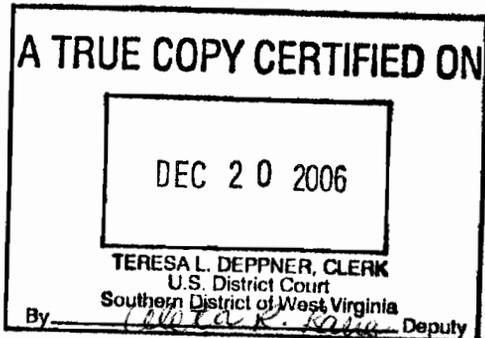
The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

May 16, 2006
Date of Imposition of Judgment

David A. Faber
David A. Faber
Chief Judge



May 19, 2006
Date

DEC 18 2006

DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

PROBATION

The defendant is hereby sentenced to probation for a term of :
three years

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with Standard Conditions of Supervision 1-17 adopted by the Southern District of West Virginia by Order entered December 17, 1998.

RECEIVED

DEC 26 2006

DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

SPECIAL CONDITIONS OF SUPERVISION

- (1) The defendant shall participate, as directed by the probation officer and approved by the Court, in a program for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility, until such time as the defendant is released from the program by the probation officer with the approval of the Court.
- (2) The defendant shall not possess a firearm or destructive device and shall reside in a residence free of firearms and destructive devices.
- (3) The defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- (4) The defendant shall provide the probation officer access to any requested financial information.

1:05-00205
1:05-00205

DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments below.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 5000.00	\$

The determination of restitution is deferred until _____.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name and Address of Payee</u>	<u>Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------------------	-------------------	----------------------------	-------------------------------

TOTALS	<u>\$0.00</u>	<u>\$0.00</u>
--------	---------------	---------------

Restitution amount ordered pursuant to plea _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEC 13 2006

DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 100.00 due immediately, balance due
- not later than _____, or
- in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
The special assessment has already been paid. Defendant shall pay the fine in \$200 monthly installments commencing in January 2007. The first monthly installment shall be paid by January 31, 2007, and continue until the full amount has been paid. The defendant shall notify the United States Attorney for this district within 30 days of any change in mailing or residence address that occurs while any portion of the sum remains unpaid. Fine payments shall be paid to the Clerk of the Court at the following address: United States District Clerk, P.O. Box 4128, Bluefield, WV 24701-4128.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

620 9 8 2006



Rev. Richard Bowyer
Fairmont

Michael L. Ferrebee, MD
Morgantown

Angelo N. Georges, MD
Wheeling

Ms. Doris M. Griffin
Martinsburg

M. Khalid Hasan, MD
Beckley

Ms. Beth Hays
Bluefield

J. David Lynch, Jr., MD
Morgantown

Vettivelu Maheswaran, MD
Charles Town

Bill May, DPM
Huntington

Leonard Simmons, DPM
Fairmont

Badshah J. Wazir, MD
South Charleston

Kenneth Dean Wright, PA-C
Huntington

State of West Virginia

West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084

CERTIFICATION

I DO HEREBY CERTIFY that the following attached document **IN RE: ROBERT ALAN KNOX, D.P.M.** is a true and accurate copy of the original document as maintained by the West Virginia Board of Medicine: **CONSENT ORDER** dated July 11, 2006.


Robert C. Knittle, Executive Director
West Virginia Board of Medicine

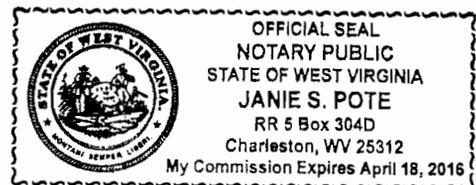
STATE OF WEST VIRGINIA
COUNTY OF KANAWHA

The foregoing instrument was acknowledged before me this 19th day of December, 2006, by Robert C. Knittle, Executive Director, West Virginia Board of Medicine.

DEC 26 2006

My Commission expires April 18, 2016.


Janie S. Pote
Notary Public



PRESIDENT
John A. Wade, Jr., MD
Point Pleasant

VICE PRESIDENT
Lee E. Smith, MD
Princeton

SECRETARY
Catherine Slemp, MD, MPH
Charleston

EXECUTIVE DIRECTOR
Robert C. Knittle
Charleston

COUNSEL
Deborah Lewis Rodecker
Charleston

PROSECUTING ATTORNEY
John K. McHugh
Charleston

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ROBERT ALAN KNOX, D.P.M.

ORDER OF REVOCATION OF LICENSE TO PRACTICE PODIATRY

1. Robert Alan Knox, D.P.M., (“Dr. Knox”) holds a license to practice podiatry in State of West Virginia, License No. 00231, issued originally in 1988, by the West Virginia Board of Medicine (“Board”).

2. In May 2006, in the case United States of America v. Robert Knox, Case No. 1:05-00205, in the United States District Court, Southern District of West Virginia, at Bluefield, Dr. Knox was found guilty of violating 21 USC Section 841 (a)(1).

3. Under the provisions of 21 USC Section 841(a)(1) and 18 USC, Section 3559(a)(1)(E), a violation of 21 USC Section 841(a)(1) is a felony involving unlawfully distributing or dispensing or possessing with intent to distribute or dispense a controlled substance.

4. Under the provisions of West Virginia Code §30-3-14(d):

The Board shall...revoke the license of any...podiatrist licensed or otherwise lawfully practicing within this State who, is found guilty by any court of competent jurisdiction of any felony involving prescribing, selling, administering, dispensing, mixing or otherwise preparing any prescription drug, including any controlled substance under State or Federal law, for other than generally accepted therapeutic purposes. Presentation to the Board of a

certified copy of the guilty verdict or plea rendered in the court is sufficient proof thereof for the purposes of this article....

5. Attached to this Order, and incorporated by reference herein, is a certified copy of the six (6) page Judgment in a criminal case, signed by David A. Faber, Chief Judge, United States District Court, Southern District, at Bluefield, dated May 19, 2006, in the matter United States of America v. Robert Knox, Case No. 1:05-00205, and a certified copy of a five (5) page plea agreement in the same case dated August 19, 2005, signed by Miller A. Bushong, III, Assistant United States Attorney, and signed and dated on each page by Robert Knox and his attorney on August 25, 2005. Also attached and incorporated by reference herein is a two (2) page Information filed October 6, 2005, in the same case, and a guilty plea signed by Robert Knox on January 3, 2006.

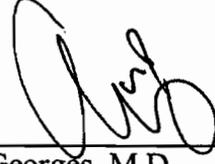
6. Copies of the above referenced documents having been presented to the Board at a regular meeting of the said Board on July 10, 2006, where a quorum of the said Board was present and voting, the Board determined that Dr. Knox has been found guilty by a court of competent jurisdiction of a felony involving unlawfully distributing controlled substances under State or Federal law for other than generally accepted therapeutic purposes, and concluded that as a matter of law, the license to practice podiatry of Dr. Knox, License No. 00231, must be **REVOKED** under the provisions of West Virginia Code §30-3-14(d), and accordingly, the Board voted unanimously at said regular meeting to **REVOKE** the license to practice podiatry of Robert Alan Knox, D.P.M., License No. 00231, effective July 20, 2006.

WHEREFORE, it is **ORDERED** that the license to practice podiatry of Robert Alan Knox, D.P.M., License No. 00231, issued by the Board in 1988, is **REVOKED**, effective July 20, 2006.

10/10/06
10/10/06

The foregoing was entered this 11th day of July, 2006.

West Virginia Board of Medicine



Angelo N. Georges, M.D.
President



Catherine Slemp, M.D., M.P.H.
Secretary

UNITED STATES DISTRICT COURT

Southern

District of

West Virginia, at: BLUEFIELD

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

ROBERT KNOX

Case Number: 1:05-00205

USM Number: 07485-088

David L. White

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) One of a one-count information

pleaded nolo contendere to count(s)
which was accepted by the court.

was found guilty on count(s)
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count	
21 U.S.C. 841(a)(1)	Distribution of Hydrocodone, a Schedule III controlled substance	4/29/2005	One	of the Information

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

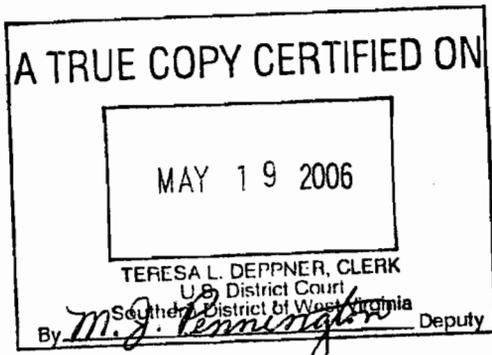
The defendant has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

May 16, 2006

Date of Imposition of Judgment



David A. Faber

David A. Faber
Chief Judge

May 19, 2006

Date

DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

PROBATION

The defendant is hereby sentenced to probation for a term of :
three years

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with Standard Conditions of Supervision 1-17 adopted by the Southern District of West Virginia by Order entered December 17, 1998.

SDWV (Rev. 04/05) Special Conditions of Supervision
— Supervised Release

Judgment—Page 4 of 6

DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

SPECIAL CONDITIONS OF SUPERVISION

- (1) The defendant shall participate, as directed by the probation officer and approved by the Court, in a program for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility, until such time as the defendant is released from the program by the probation officer with the approval of the Court.
- (2) The defendant shall not possess a firearm or destructive device and shall reside in a residence free of firearms and destructive devices.
- (3) The defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- (4) The defendant shall provide the probation officer access to any requested financial information.

SDWV Crim Jmt-Prsn (Rev. 04/05) Judgment in a Criminal Case-- Prison
 — Criminal Monetary Penalties

Judgment — Page 5 of 6

DEFENDANT: ROBERT KNOX
 CASE NUMBER: 1:05-00205

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments below.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 5000.00	\$

- The determination of restitution is deferred until _____ .
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name and Address of Payee</u>	<u>Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------------------	-------------------	----------------------------	-------------------------------

TOTALS	<u>\$0.00</u>	<u>\$0.00</u>
---------------	---------------	---------------

- Restitution amount ordered pursuant to plea _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 100.00 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
The special assessment has already been paid. Defendant shall pay the fine in \$200 monthly installments commencing in January 2007. The first monthly installment shall be paid by January 31, 2007, and continue until the full amount has been paid. The defendant shall notify the United States Attorney for this district within 30 days of any change in mailing or residence address that occurs while any portion of the sum remains unpaid. Fine payments shall be paid to the Clerk of the Court at the following address: United States District Clerk, P.O. Box 4128, Bluefield, WV 24701-4128.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several
Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

U.S. Department of Justice



United States Attorney
Southern District of West Virginia

August 19, 2005

United States Courthouse
110 North Heber Street
Beckley, West Virginia 25801
TELEPHONE (304) 253-6722
FAX (304) 53-9200

FILED

JAN - 3 2006

TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

David L. White, Esquire
The Masters Law Firm
181 Summers Street
Charleston, West Virginia 25301

Re: United States v. Robert Knox, D.P.M.

Dear Mr. White:

This will confirm our conversations with regard to your client, Robert Knox, D.P.M. (hereinafter "Dr. Knox"). As a result of these conversations, it is agreed by and between the United States and Dr. Knox as follows:

1. **CHARGING AGREEMENT.** Dr. Knox agrees to waive his right pursuant to Rule 7 of the Federal Rules of Criminal Procedure to be charged by indictment and will consent to the filing of a one-count information to be filed in the United States District Court for the Southern District of West Virginia, a copy of which is attached hereto as "Plea Agreement Exhibit A."

2. **RESOLUTION OF CHARGES.** Dr. Knox will plead guilty to a violation of 21 U.S.C. § 841(a)(1) (distribution of a quantity of hydrocodone, a Schedule III controlled substance, without lawful authorization) as charged in said information.

3. **MAXIMUM POTENTIAL PENALTY.** The maximum penalty to which Dr. Knox will be exposed by virtue of this guilty plea is as follows:

(a) Imprisonment for a period of 5 years;

ROBERT KNOX
Defendant

8/25/05
Date Signed

DAVID L. WHITE
Counsel for Defendant

8-25-05
Date Signed

A TRUE COPY CERTIFIED ON

MAY 19 2006

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

By M. J. Pennington Deputy

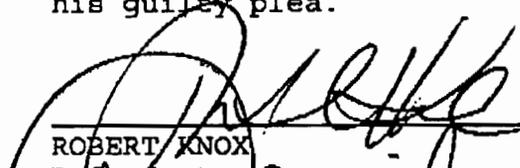
David L. White, Esquire
August 19, 2005
Page 2

Re: Robert Knox, D.P.M.

- (b) A fine of \$250,000 or twice the gross pecuniary gain or twice the gross pecuniary loss resulting from defendant's conduct, whichever is greater;
- (c) A term of supervised release of 3 years;
- (d) A mandatory special assessment of \$100.00 pursuant to 18 U.S.C. § 3013;
- (e) Pursuant to 21 U.S.C. § 862(a)(1), the Court may deny certain federal benefits to Dr. Knox for a period of up to 5 years; and
- (f) Restitution as may be ordered by the Court pursuant to 18 U.S.C. §§ 3663 and 3664.

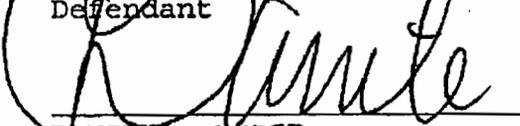
4. **SPECIAL ASSESSMENT.** Prior to the entry of a plea pursuant to this plea agreement, Dr. Knox will tender a check or money order to the Clerk of the United States District Court for \$100.00, which check or money order shall indicate on its face the name of defendant and the case number. The sum received by the Clerk will be applied toward the special assessment imposed by the Court at sentencing. Dr. Knox will obtain a receipt of payment from the Clerk and will tender a copy of such receipt to the United States, to be filed with the Court as an attachment to this plea agreement. Failure by the defendant to provide proof of payment of the special assessment prior to or at the plea proceeding will automatically void this plea agreement. In the event this plea agreement becomes void after payment of the special assessment, such sum shall be promptly returned to Dr. Knox.

5. **SURRENDER OF DEA REGISTRATION.** Dr. Knox agrees to voluntarily surrender his Drug Enforcement Administration controlled substance registration within seven days after entry of his guilty plea.



ROBERT KNOX
Defendant

8/20/05
Date Signed



DAVID L. WHITE
Counsel for Defendant

8-25-05
Date Signed

David L. White, Esquire
August 19, 2005
Page 3

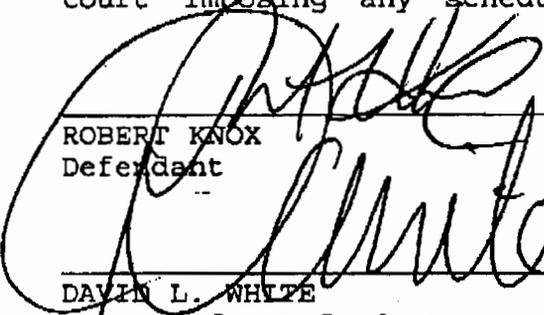
Re: Robert Knox, D.P.M.

6. **COOPERATION.** Dr. Knox will be forthright and truthful with this office and other law enforcement agencies with regard to all inquiries made pursuant to this agreement, and will give signed, sworn statements and grand jury and trial testimony upon request of the United States. In complying with this provision, Dr. Knox may have counsel present except when appearing before a grand jury.

7. **USE IMMUNITY.** Unless this agreement becomes void due to a violation of any of its terms by Dr. Knox, nothing contained in any statement or testimony provided by him pursuant to this agreement, or any evidence developed therefrom, will be used against him, directly or indirectly, in any further criminal prosecutions or in determining the applicable guideline range under the Federal Sentencing Guidelines.

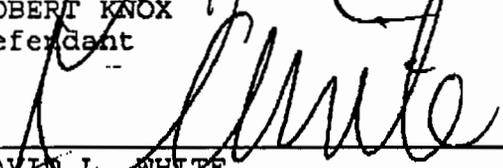
8. **LIMITATIONS ON IMMUNITY.** Nothing contained in this agreement restricts the use of information obtained by the United States from an independent, legitimate source, separate and apart from any information and testimony provided pursuant to this agreement, in determining the applicable guideline range or in prosecuting Dr. Knox for any violations of federal or state laws. The United States reserves the right to prosecute Dr. Knox for perjury or false statement if such a situation should occur pursuant to this agreement.

9. **PAYMENT OF MONETARY PENALTIES.** Dr. Knox agrees not to object to the District Court ordering all monetary penalties (including the special assessment, fine, court costs, and any restitution that does not exceed the amount set forth in this plea agreement) to be due and payable in full immediately and subject to immediate enforcement by the United States. So long as the monetary penalties are ordered to be due and payable in full immediately, Dr. Knox further agrees not to object to the District Court imposing any schedule of payments as merely a minimum



ROBERT KNOX
Defendant

8/20/05
Date Signed



DAVID L. WHITE
Counsel for Defendant

8-25-05
Date Signed

David L. White, Esquire
August 19, 2005
Page 4

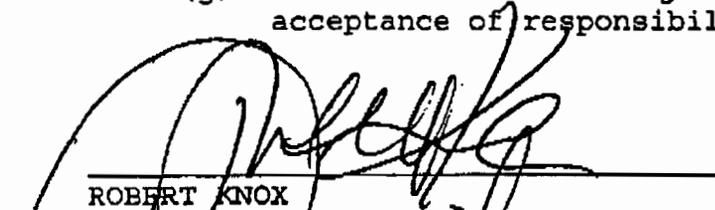
Re: Robert Knox, D.P.M.

schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment.

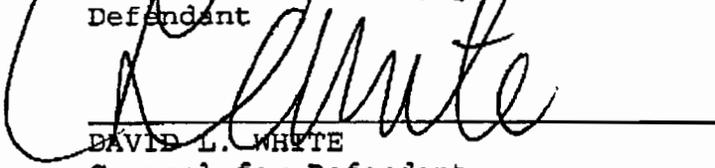
10. **APPEAL OF FINE.** The United States and Dr. Knox agree that neither will seek appellate review of any order of the District Court imposing a fine unless the fine imposed is in excess of the range provided for the offense of conviction by the United States Sentencing Guidelines.

11. **FINAL DISPOSITION.** The matter of sentencing is within the sole discretion of the Court. The United States has made no representations or promises as to a specific sentence. The United States reserves the right to:

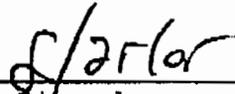
- (a) Inform the Probation Office and the Court of all relevant facts and conduct;
- (b) Present evidence and argument relevant to the factors enumerated in 18 U.S.C. § 3553(a);
- (c) Respond to questions raised by the Court;
- (d) Correct inaccuracies or inadequacies in the presentence report;
- (e) Respond to statements made to the Court by or on behalf of Dr. Knox;
- (f) Advise the Court concerning the nature and extent of Dr. Knox's cooperation; and
- (g) Address the Court regarding the issue of Dr. Knox's acceptance of responsibility.



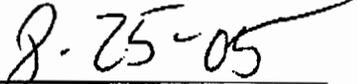
ROBERT KNOX
Defendant



DAVID L. WHITE
Counsel for Defendant



Date Signed



Date Signed

David L. White, Esquire
August 19, 2005
Page 5

Re: Robert Knox, D.P.M.

12. VOIDING OF AGREEMENT. If either the United States or Dr. Knox violates the terms of this agreement, the other party will have the right to void this agreement. If the Court refuses to accept this agreement, it shall be void.

13. ENTIRETY OF AGREEMENT. This written agreement constitutes the entire agreement between the United States and Dr. Knox in this matter. There are no agreements, understandings or recommendations as to any other pending or future charges against Dr. Knox in any Court other than the United States District Court for the Southern District of West Virginia.

Acknowledged and agreed to on behalf of the United States:

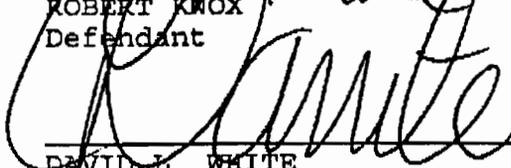
PHILIP H. WRIGHT
Acting United States Attorney

By: 
MILLER A. BUSHONG III
Assistant United States Attorney

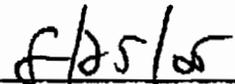
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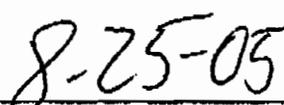
I hereby acknowledge by my signature at the bottom of each page of this five-page agreement that I have read, understand and agree to each of the terms and conditions set forth in this agreement.



ROBERT KNOX
Defendant


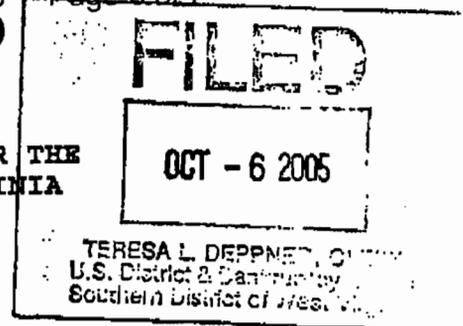
DAVID L. WHITE
Counsel for Defendant



Date Signed


Date Signed

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD



UNITED STATES OF AMERICA

v.

CRIMINAL NO.

1:05-00205
21 U.S.C. § 841(a)(1)

ROBERT KNOX, D.P.M.

I N F O R M A T I O N

The United States Attorney Charges:

1. At all relevant times:

- a. Defendant ROBERT KNOX, D.P.M., was a licenced physician practicing medicine at 401 Rogers Street, Princeton, Mercer County, West Virginia, within the Southern District of West Virginia; and
- b. Defendant ROBERT KNOX, D.P.M., was registered with the Drug Enforcement Administration (DEA) pursuant to Title 21, United States Code, Section 823, and, as such, was authorized to prescribe, administer and dispense controlled substances for legitimate medical purposes in the usual course of professional medical practice and within the bounds of medical practice.

2. On or about April 29, 2005, at or near Princeton, Mercer County, West Virginia, and within the Southern District of West Virginia, defendant ROBERT KNOX, D.P.M., a licenced physician, without lawful authorization, knowingly and intentionally distributed a quantity of hydrocodone, a Schedule III controlled substance, to an individual known to the United States Attorney.

Plea Agreement Exhibit A

In violation of Title 21, United States Code, Section 841(a)(1).

UNITED STATES OF AMERICA

CHARLES T. MILLER
Acting United States Attorney

By:

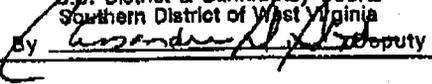

MILLER A. BUSHONG III
Assistant United States Attorney

Date Filed: October 6, 2005

A TRUE COPY CERTIFIED ON

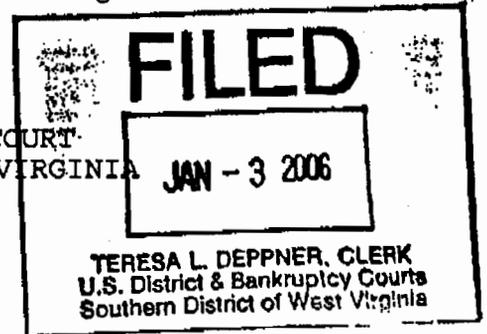
OCT - 6 2005

TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

By  Deputy

OCT 9 6 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD



UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:05-00205

ROBERT KNOX, D.P.M.

In the presence of David L. White, Esquire, my counsel, who has fully explained the charges contained in the Information against me, and, having received a copy of the Information from the United States Attorney before being called upon to plead, I hereby plead guilty to the Information.

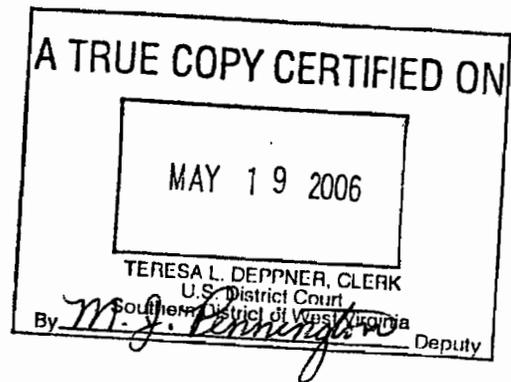
DATE:

1-3-06

[Handwritten Signature]
(Defendant)

Witness:

[Handwritten Signature]
(Counsel)



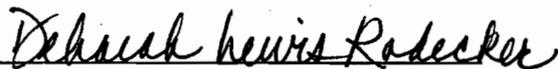
DEC 11 2005

CERTIFICATE OF SERVICE

I, Deborah Lewis Rodecker, do hereby certify that I have served the foregoing **ORDER OF REVOCATION OF LICENSE TO PRACTICE PODIATRY** upon Robert A. Knox, D.P.M., and his counsel, David L. White, Esq., by depositing a copy of the same in the United States Mail, postage prepaid, and certified, this 11th day of July 2006, addressed as follows:

Robert A. Knox, D.P.M.
401 Rogers Street
Princeton, WV 24740

David L. White, Esq.
181 Summers Street
Charleston, WV 25301


Deborah Lewis Rodecker
West Virginia Bar #3144
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311
304.558.2921



COMMONWEALTH of VIRGINIA

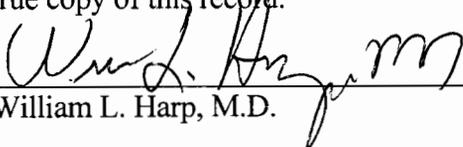
Sandra Whitley Ryals
Director

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

www.dhp.virginia.gov
TEL (804) 662 9900
FAX (804) 662 9943
TDD (804) 662 7197

CERTIFICATION OF DUPLICATE OF OFFICIAL BOARD RECORDS SECTION 54.1-112, CODE OF VIRGINIA, 1950, AS AMENDED

I, William L. Harp, M.D., Executive Director of the Virginia Board of Medicine, hereby certify that I have custody of the file regarding Dr. Knox, and that said file is an official record of the Virginia Board of Medicine. I also certify that the attached documents are a true copy of this record.


William L. Harp, M.D.

Date 12/18/06

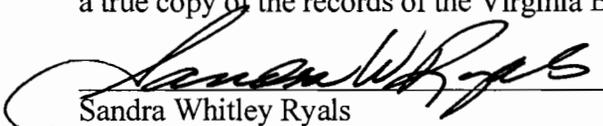
COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Subscribed and sworn to before me, a Notary Public in and for the county of Henrico, this 18 day of December, 2006, by William L. Harp.


Notary Public

My commission expires: April 30, 2009

I, Sandra Whitley Ryals, Director, Department of Health Professions, hereby certify that I am the person to whom William L. Harp, M.D., reports and that the attached documents are a true copy of the records of the Virginia Board of Medicine.


Sandra Whitley Ryals

Date 12/19/2006

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Subscribed and sworn to before me, a Notary Public in and for the county of Henrico, this 19 day of December, 2006, by Sandra Whitley Ryals.


Notary Public

OHIO STATE MEDICAL BOARD

My commission expires: April 30, 2009

DEC 21 2006

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: ROBERT A. KNOX., D.P.M.
License No.: 0103-000788

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Sandra Whitley Ryals, Director of the Virginia Department of Health Professions, received and acted upon evidence that Robert A. Knox, D.P.M., was convicted of a felony charge in the United States District Court, Southern District of West Virginia, at Bluefield, to wit: Distribution of Hydrocodone, a Schedule III Controlled Substance. A certified copy of the Judgment in a Criminal Case is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the privilege of Robert A. Knox, D.P.M., to renew his license practice podiatry in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

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

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

OHIO STATE MEDICAL BOARD

DEC 21 2006


Sandra Whitley Ryals, Director
Department of Health Professions

ENTERED:

November 17, 2006



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

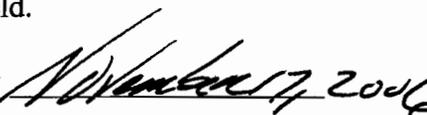
Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

www.dhp.virginia.gov
TEL (804) 662 9900
FAX (804) 662 9943
TDD (804) 662 7197

CERTIFICATION OF DUPLICATE RECORDS

I, Sandra Whitley Ryals, Director of the Department of Health Professions, hereby certify that the attached Judgment in a Criminal Case dated May 16, 2006, regarding Robert A. Knox, D.P.M., are true copies of the records received from the United States District Court for the Southern District of West Virginia, at Bluefield.


Sandra Whitley Ryals

Date: 

STATE MEDICAL BOARD

DEC 21 2006

UNITED STATES DISTRICT COURT

Southern

District of

West Virginia, at: BLUEFIELD

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

ROBERT KNOX

Case Number: 1:05-00205

USM Number: 07485-088

David L. White

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) One of a one-count information

pleaded nolo contendere to count(s) which was accepted by the court.

was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count	
21 U.S.C. 841(a)(1)	Distribution of Hydrocodone, a Schedule III controlled substance	4/29/2005	One	of the Information

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

May 16, 2006
Date of Imposition of Judgment

A TRUE COPY CERTIFIED ON

OCT 24 2006

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

By _____ Deputy

David A. Faber

David A. Faber
Chief Judge

**COPY - The original was filed in
the Clerk's Office at Charleston on**

OCT 24 2006

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

May 19, 2006
Date

STATE WILSONAL COURT

DEC 21 2006

PENNSYLVANIA, N. J.
COMMONWEALTH'S
EXHIBIT
1

DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

PROBATION

The defendant is hereby sentenced to probation for a term of :
three years

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court’s determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant’s criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant’s compliance with such notification requirement.

OHIO STATE MEDICAL BOARD

DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with Standard Conditions of Supervision 1-17 adopted by the Southern District of West Virginia by Order entered December 17, 1998.

DEC 21 2006

SDWV (Rev. 04/05) Special Conditions of Supervision
— Supervised Release

Judgment—Page 4 of 6

DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

SPECIAL CONDITIONS OF SUPERVISION

- (1) The defendant shall participate, as directed by the probation officer and approved by the Court, in a program for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility, until such time as the defendant is released from the program by the probation officer with the approval of the Court.
- (2) The defendant shall not possess a firearm or destructive device and shall reside in a residence free of firearms and destructive devices.
- (3) The defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- (4) The defendant shall provide the probation officer access to any requested financial information.

UNIVERSAL MEDICAL CORP.

DEC 21 2006

SDVW Crim Jmt-Prsn (Rev. 04/05) Judgment in a Criminal Case-- Prison
— Criminal Monetary Penalties

DEFENDANT: ROBERT KNOX

CASE NUMBER: 1:05-00205

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments below.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 5000.00	\$

The determination of restitution is deferred until _____.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name and Address of Payee</u>	<u>Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

TOTALS	\$0.00	\$0.00
---------------	--------	--------

Restitution amount ordered pursuant to plea _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

OHIO STATE MEDICAL BOARD

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DEFENDANT: ROBERT KNOX
CASE NUMBER: 1:05-00205

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 100.00 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
The special assessment has already been paid. Defendant shall pay the fine in \$200 monthly installments commencing in January 2007. The first monthly installment shall be paid by January 31, 2007, and continue until the full amount has been paid. The defendant shall notify the United States Attorney for this district within 30 days of any change in mailing or residence address that occurs while any portion of the sum remains unpaid. Fine payments shall be paid to the Clerk of the Court at the following address: United States District Clerk, P.O. Box 4128, Bluefield, WV 24701-4128.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several
Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

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Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of Inspector General

Washington, D.C. 20201

SEP 29 2006

Secretary
Attn: Assistant Director of Investigations
Ohio State Medical Board
77 South High Street, 17th Floor
Columbus, OH 43215-6127

Dear Secretary:

RE: Robert Alan Knox	Podiatrist
401 Rogers Street	DOB: [REDACTED]
Princeton, WV 24740	SSN: [REDACTED]
UPIN: T80702	Medicaid #: Unknown
License # 0103000788 (WV)	Medicare #: Unknown
00231 (VA)	Authority: 1128(a)(4)
36-002382 (OH)	OI File Number: 3-06-40383-9
SC003186L(PA)	

The subject identified above is being excluded from participation in any capacity in the Medicare, Medicaid, and all Federal health care programs as defined in section 1128B(f) of the Social Security Act (Act). These actions are effective 20 days from the date of this letter. The section 1128(a)(4) exclusion action is due to the subject's felony conviction in the United States District Court for the Southern District of West Virginia, of a criminal offense related to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.

Section 1128(e) of the Act requires that the appropriate licensing or certification authority be notified such an exclusion, requested to make appropriate investigations and invoke sanctions in accordance with State law and policy, and asked to inform the Inspector General of this Department with respect to any actions taken in response to this request.

Accordingly, if you have not already done so, we request you to make appropriate investigations and invoke sanctions pursuant to applicable State law and policy. We also ask that you fully and currently inform us with respect to any action taken. The information to be supplied should be sent to the Special Agent in Charge, Office of Investigations, Office of Inspector General, P.O. Box 40029, Philadelphia, PA 19106. That office may be reached at (215) 861-4586.

Sincerely,

Maureen R. Byer

Maureen R. Byer
Director
Exclusions Staff
Office of Investigations

OHIO STATE MEDICAL BOARD

OCT 02 2006