

DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

File No: C05 - 275

In the matter of:

George A. Southiere, Jr., MD
License #: MD 9907

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) the State of Kansas, Board of Healing Arts notified the Board of Medical Licensure and Discipline that the Respondent had been subject to disciplinary action in the State of Kansas. The Rhode Island Board of Medical Licensure and Discipline has jurisdiction to take reciprocal action by virtue of §5-37-5.1 of the General Laws. The following constitutes the Investigating Committee's Findings of Fact:

Findings of Facts

1. The Respondent, George A. Southiere, Jr., M.D., was disciplined by the Kansas State Board of Healing Arts, for substance abuse. The Kansas order dated June 10, 2003 is incorporated and attached herewith pursuant to R.I.G.L. 5-37-5.1 (21).
2. The Respondent is also licensed in the States of Ohio. The State of Ohio also entered into a consent agreement with the respondent. The Ohio order dated May 10, 2004 is incorporated and attached herewith pursuant to R.I.G.L. 5-37-5.1 (21).

3. The Respondent has inactive medical licenses in Massachusetts, Maryland and New York. A consent order with the State of New York dated October 30, 2003 is incorporated and attached herewith pursuant to R.I.G.L. 5-37-5.1 (21).

4. The Respondent has complied with a program of mentoring and monitoring in Ohio as stipulated in the referenced consent orders.

The parties agree as follows:

The Respondent is a physician with an allopathic license No. MD 9907. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

Respondent hereby acknowledges and waives:

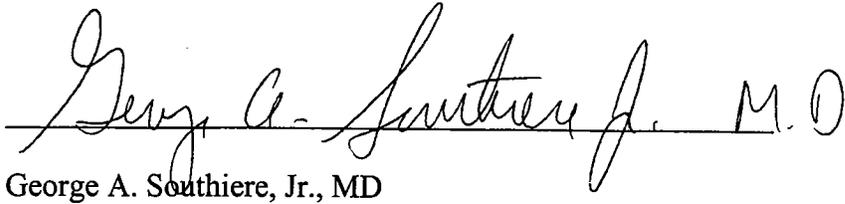
1. The right to appear personally or by counsel or both before the Board;
2. The right to produce witnesses and evidence in his behalf at a hearing;
3. The right to cross-examine witnesses;
4. The right to have subpoenas issued by the Board;
5. The right to further procedural steps except for specifically contained herein;

Any and all rights of appeal of this Consent Order;

6. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;

7. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
8. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.
9. Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
10. Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
11. Respondent shall be subject to the same restrictions and limitations as imposed by the State's of Kansas, Ohio and New York.
12. Respondent accepts a finding of unprofessional conduct in violation of § 5-37-5.1 Respondent accepts a sanction of 5 years Probation, and agrees to ongoing treatment and a 5 year monitoring and mentoring program to be administered via the Rhode Island Medical Society's Physician's Health Committee. This program may include a local mental health evaluation and ongoing treatment. Respondent consents to having the PHC release confidential information regarding his treatment and monitoring to the Board through regular reports and communications.

Signed this 26th day of July, 2005.


George A. Southiere, Jr., MD

Ratified by the Board of Medical Licensure and Discipline at a meeting held
on *July 13*, 2005.


David Gifford, MD, MPH
RI Director of Health

FILED

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

JUN 9 2003

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
GEORGE A. SOUTHIERE JR., M.D.)
Kansas License No. 04-28139)
_____)

Docket No. 03-HA-75

**KANSAS STATE BOARD
OF HEALING ARTS
ANNUAL MEETING
AUGUST 2003**

CONSENT ORDER

COME NOW, the Kansas State Board of Healing Arts ("Board") by and through Stacy L. Cook, Litigation Counsel ("Petitioner"), and George Armand Southiere, M.D. ("Licensee"), and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is 1213 Red Bud Court, Andover, Kansas 67002. Licensee currently practices medicine and surgery at the Gallup Indian Medical Center, 516 E. Nizhoni Boulevard NE, Gallup, New Mexico 87301.

2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-28139 on April 10, 1999. At all times relevant to the allegations set forth below, Licensee has held a current license to engage in the practice of medicine and surgery in the State of Kansas, having last renewed his license on June 20, 2002.

3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.*; K.S.A. 65-2869.

4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case.

6. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

7. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

8. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

9. On or about October 10, 2001, Licensee reported to work, at Via Christi Medical Center, under the influence of a narcotic and benzodiazepine.

10. On or about October 19, 2001, Licensee's clinical privileges were suspended at Via Christi Regional Medical Center.

11. Pursuant to K.S.A. 65-2836(b) and 65-2836(i), the Board has authority to revoke, suspend, censure or otherwise limit Licensee's license.

12. In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following regarding his license to engage in the practice of medicine and surgery:

- a. Licensee shall at all times keep the Board informed of his current residential address and all practice location addresses.
- b. Licensee shall at all times keep the Board informed of any and all practice locations and all hospitals at which Licensee holds privileges. Licensee shall immediately notify the Board of any changes in practice locations or terminations of privileges.
- c. Licensee is prohibited from prescribing or dispensing any controlled substance to himself or his family. Licensee shall abstain from the use of alcohol, controlled substances, and any other mind-altering and potentially addicting drugs or medications, unless prescribed by a licensed physician for a medically necessary purpose and taken pursuant to the directives of a physician.
- d. Licensee shall submit quarterly reports from the New Mexico Monitored Treatment Program to the Board.

- e. If Licensee decides to practice in Kansas, Licensee shall enter into a monitoring contract with the Kansas Medical Society's Medical Advocacy Program ("KMS-MAP") prior to such practice.
- f. Licensee shall fully comply with all terms and conditions of his monitoring contract with KMS-MAP. Licensee shall immediately notify the Board of any revisions to his monitoring contract, and immediately provide a copy of such revised contract to the Board. The provisions of said contract are incorporated herein as if fully restated.
- g. Licensee shall provide releases to KMS-MAP and the Board when requested in order to authorize any evaluation or treatment professionals to release any and all records regarding Licensee to KMS-MAP and the Board.
- h. Licensee shall submit to random drug screens at the request of KMS-MAP or Board staff and such testing shall be at Licensee's own expense.
- i. Licensee shall have affirmative duty not to ingest any other substance which will cause a body fluid sample to test positive for controlled or illegal substances.
- j. Licensee agrees that all test results for alcohol and or other substances conducted within the KMS-MAP shall be admissible in any Board hearing and that Licensee shall not object to the admissibility of such test results, other than regarding the accuracy of

OHIO STATE MEDICAL BOARD
AUG 26 2003

OHIO STATE MEDICAL BOARD
AUG 26 2003

any test result.

13. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

14. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act.

15. Licensee hereby releases the Board, its individual members (in their official and personal capacities), attorneys, employees and agents, hereinafter collectively referred to as ("Releasees"), from any and all claims, including but not limited to, those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

16. Licensee further understands and agrees that upon signature by Licensee,

AUG 2 2003

this document shall be deemed a public record, and shall be reported to the National Practitioner Databank, Federation of State Medical Boards, and any other reporting entities requiring disclosure of this Consent Order.

17. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

18. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

19. Licensee, by signature to this document, waives any objection to the participation of the Board members in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

20. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

21. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

22. All correspondence or communication between Licensee and the Board

relating to this Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Stacy L. Cook, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

23. Licensee shall obey all federal, state and local laws and rules governing the practice of medicine and surgery in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

24. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

25. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that:

- a. Licensee shall at all times keep the Board informed of his current residential address and all practice location addresses.
- b. Licensee shall at all times keep the Board informed of any and all practice locations and all hospitals at which Licensee holds privileges. Licensee shall immediately notify the Board of any changes in practice locations or terminations of privileges.

- c. Licensee is prohibited from prescribing or dispensing any controlled substance to himself or his family. Licensee shall abstain from the use of alcohol, controlled substances, and any other mind-altering and potentially addicting drugs or medications, unless prescribed by a licensed physician for a medically necessary purpose and taken pursuant to the directives of a physician.
- d. Licensee shall submit quarterly reports from the New Mexico Monitored Treatment Program to the Board.
- e. If Licensee decides to practice in Kansas, Licensee shall enter into a monitoring contract with the Kansas Medical Society's Medical Advocacy Program ("KMS-MAP") prior to such practice.
- f. Licensee shall fully comply with all terms and conditions of his monitoring contract with KMS-MAP. Licensee shall immediately notify the Board of any revisions to his monitoring contract, and immediately provide a copy of such revised contract to the Board. The provisions of said contract are incorporated herein as if fully restated.
- g. Licensee shall provide releases to KMS-MAP and the Board when requested in order to authorize any evaluation or treatment professionals to release any and all records regarding Licensee to KMS-MAP and the Board.
- h. Licensee shall submit to random drug screens at the request of KMS-MAP or Board staff and such testing shall be at Licensee's own

OHIO STATE MEDICAL BOARD
AUG 26 2003

expense.

i. Licensee shall have affirmative duty not to ingest any other substance which will cause a body fluid sample to test positive for controlled or illegal substances.

j. Licensee agrees that all test results for alcohol and or other substances conducted withing the KMS-MAP shall be admissible in any Board hearing and that Licensee shall not object to the admissibility of such test results, other than regarding the accuracy of any test result.

IT IS SO ORDERED on this 9th day of June, 2003.

**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**


Lawrence T. Buening, Jr.
Executive Director

OHIO STATE MEDICAL BOARD
AUG 26 2003

AGREED TO BY:

George A. Southiere Jr. M.D. 5/12/2003
George A. Southiere Jr., M.D. Date

PREPARED AND APPROVED BY:

Stacy L. Cook #16385
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065
(785) 296-7413

CERTIFICATE OF SERVICE

I, Stacy L. Cook, do hereby certify that I served a true and correct copy of the
CONSENT ORDER by United States mail, postage prepaid, on this 16th day of ^{June} ~~May~~,
2003 to the following:

George A. Southiere Jr., M.D.
1213 Red Bud Court
Andover, KS 67002

and the original was hand-delivered to:

Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

OHIO STATE MEDICAL BOARD

AUG 26 2003

Stacy L. Cook
Stacy L. Cook

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER	CONSENT
OF	AGREEMENT
GEORGE ARMAND SOUTHIERE, JR., M.D.	AND ORDER
CO-03-08-3745-A	

GEORGE ARMAND SOUTHIERE, JR., M.D., (Respondent) deposes and says:

That on or about September 8, 1992, I was licensed to practice as a physician in the State of New York, having been issued License No. 190346 by the New York State Education Department.

My current address is 1213 Redbud Court, Andover, KS 67002 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct. I understand this action is based solely on the June 9, 2003, Kansas Order referenced below.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

I do not contest the two (2) specifications, in full satisfaction of the charges against me. I, hereby, agree to the following penalties:

I shall fully comply with the June 9, 2003, Consent Order of the Kansas Board and any extension or modification thereof.

I shall provide a written authorization for the Kansas Board to provide the Director, OPMC, with any/all information or documentation as requested by OPMC to enable OPMC to determine whether I am in compliance with the Kansas Order.

I shall submit semi-annually a signed Compliance Declaration to the Director, OPMC, which truthfully attests whether I have been in compliance with the Kansas Order.

Should I practice medicine in New York state or in any jurisdiction where that practice is predicated on my New York state medical license to practice prior to my license being fully restored by the State of Kansas, I shall provide ninety (90) days notice, in writing, to the Director, OPMC. The Director in his sole discretion, may impose whatever probation, limitation(s), term(s) or further conditions, he in his sole discretion deems reasonable.

Any practice of medicine in the State of New York shall at a minimum be limited for a period of five (5) years to practicing only in accordance with the terms of conditions as described in Exhibit B, attached, hereto.

I further agree that the Consent Order for which I, hereby, apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition

shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possess his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I, hereby, stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, the agreement and order shall be admitted into evidence in that proceeding.

I, hereby, make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in

any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement or to my attorney or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, in consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I, hereby, apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED: 11/25/03


GEORGE ARMAND SOUTHIERE, JR., M.D.
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 11/26/03


SHARIF MAHDAVIAN, ESQ.
Attorney for Respondent

DATE: 01 December 2003


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 02 December 2003


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
GEORGE ARMAND SOUTHIERE, JR., M.D.
CO-03-08-3745-A

STATEMENT
OF
CHARGES

GEORGE ARMAND SOUTHIERE, JR., M.D., the Respondent, was authorized to practice medicine in New York state on September 8, 1992, by the issuance of license number 190346 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 9, 2003, the Board of Healing Arts of the State of Kansas, (hereinafter "Kansas Board"), by a Consent Order, (hereinafter "Kansas Order"), prohibited Respondent from prescribing or dispensing any controlled substance to himself or his family; to abstain from use of alcohol, controlled substances, and any other mind-altering and potentially addictive drugs or medications unless prescribed by a licensed physician for a medically necessary purpose and taken pursuant to the directives of a physician; and if he practices medicine in Kansas, to enter into a monitoring contract, comply with all its terms and conditions, and submit to random drug screens, based on reporting to work under the influence of a narcotic and benzodiazepine.

B. The conduct resulting in the Kansas Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(4) (gross negligence);
2. New York Education Law §6530(7) (practicing the profession while impaired by alcohol, drugs, physical disability or mental disability); and/or
3. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530 (9)(d) by having had his disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *October 30*, 2003
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT B

Conditions

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. The period of conditions shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of conditions shall resume and any terms of conditions which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
7. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
8. Respondent shall remain drug/alcohol free.
9. Respondent shall remain active in self help groups such as, but not limited to, Narcotics Anonymous, Alcoholics Anonymous and Caduceus.
10. Respondent shall notify all treating physicians of his history of alcohol/chemical dependency. Respondent shall advise OPMC of any controlled or mood-altering substance given or prescribed by treating physicians.

11. Respondent shall practice only when monitored by qualified health care professionals ("sobriety monitor", "practice supervisor" and "therapist") proposed by Respondent and approved, in writing, by the Director of OPMC. Monitors shall not be family members or personal friends, or be in professional relationships which would pose a conflict with monitoring responsibilities.

12. Respondent shall ensure that the monitors are familiar with Respondent's drug/alcohol dependency and with the terms of this Order. Respondent shall cause the monitors to report any deviation from compliance with the terms of this Order to OPMC. Respondent shall cause the monitors to submit required reports on a timely basis.

13. Respondent shall submit, at the request of a monitor, to random, unannounced observed blood, breath and/or urine screens for the presence of drugs/alcohol. This monitoring will be on a random, seven-days a week, twenty-four hours a day basis. Respondent shall report for a drug screen within four (4) hours of being contacted by the monitor. Respondent shall cause the monitor to report to OPMC within 24 hours if a test is refused or delayed by Respondent or a test is positive for any unauthorized substance.

14. Respondent shall meet with a sobriety monitor on a regular basis who will submit quarterly reports to OPMC certifying Respondent's sobriety. These reports are to include a) forensically valid results of all drug/alcohol monitoring tests to be performed at a frequency of no less than six per month for the first 12 months of the period of condition, then at a frequency to be proposed by the sobriety monitor and approved by OPMC and b) an assessment of self-help group attendance (e.g., AA/NA/Caduceus, etc.), 12 step progress, etc.

15. Respondent shall avoid all substances which may cause positive urines such as poppy seeds/mouthwash/cough medication. Any positive result will be considered a violation of this Order.

16. Respondent shall practice medicine only when supervised in his medical practice. The practice supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC. Respondent shall not practice medicine until a practice supervisor has been approved. Respondent shall ensure that the practice supervisor is in a position to regularly observe and assess Respondent's medical practice. Respondent shall cause the practice supervisor to report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.

17. Respondent shall cause the practice supervisor to review Respondent's practice regarding the prescribing, administering, dispensing, inventorying, and disposal of controlled substances.

18. Respondent shall cause the practice supervisor to submit quarterly reports to OPMC regarding the quality of Respondent's medical practice, including the evaluation and treatment of patients, physical and mental condition, time and attendance or any unexplained absences from work, prescribing practices, and compliance or failure to comply with any term of probation.

19. Respondent shall continue in counseling or other therapy with a therapist as long as the therapist determines is necessary, or for the period of time dictated in the Order.

20. Respondent shall cause the therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. Respondent shall cause the therapist to report to OPMC within 24 hours if Respondent leaves treatment against medical advice, or displays any symptoms of a suspected or actual relapse.

21. Respondent shall comply with any request from OPMC to obtain an independent psychiatric/chemical dependency evaluation by a health care professional proposed by the Respondent and approved, in writing, by the Director of OPMC.

22. Respondent shall enroll (or continue enrollment) in the Committee for Physicians' Health (CPH) and shall engage in a contract with CPH which fully describes the terms, conditions and duration of a recovery program. Respondent shall fully comply with the contract.

23. Respondent shall provide a written authorization for CPH to provide to the Director of OPMC with any/all information or documentation requested by OPMC to determine whether Respondent is in compliance with the contract.

24. Respondent shall cause CPH to report to OPMC if Respondent refuses to comply with the contract, refuses to submit to treatment or whose impairment is not substantially alleviated by treatment. CPH shall report immediately to OPMC if Respondent is regarded at any time to be an imminent danger to the public.

25. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.

**CONSENT AGREEMENT
BETWEEN
GEORGE ARMAND SOUTHIERE, JR., M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

OHIO STATE MEDICAL BOARD

MAY 06 2004

This Consent Agreement is entered into by and between George Armand Southiere, Jr., M.D., and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Southiere enters into this Consent Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4731.22, Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(22), Ohio Revised Code, “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another state, 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,” and/or violation of “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(B)(22) and (B)(26), Ohio Revised Code, as set forth in Paragraphs E through I, below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.

- C. Dr. Southiere is applying for restoration of his license to practice medicine and surgery in the State of Ohio, license #35-070885, which expired on or about January 1, 2000.
- D. Dr. Southiere states that he also has active licenses to practice medicine and surgery in the States of Kansas, and Rhode Island; and inactive licenses in Massachusetts, Maryland and New York; however, the Kansas and New York licenses are subject to terms of probation.
- E. Dr. Southiere admits that he attended 30 days of inpatient treatment at Edghill, in New Port, Rhode Island, when he was 18 years old, in or about 1981, for chemical dependence.

Dr. Southiere admits that on or about December 13, 1999, he was evaluated for chemical dependency at his own request by the Addiction Specialists of Kansas, Inc., because he relapsed on alcohol. Dr. Southiere further admits that at the Addiction Specialists of Kansas, his diagnoses included substance abuse. Dr. Southiere further admits that he failed to follow the treatment team recommendations upon discharge, which included intensive outpatient treatment for 32 sessions, over eight weeks.

Dr. Southiere further admits that on or about November 20, 2000, after many unsuccessful attempts at maintaining sobriety, he entered inpatient treatment at Halstead Valley Hope in Halstead, Kansas, for treatment of alcohol dependence and depression and was discharged on or about December 18, 2000.

Dr. Southiere further admits that he relapsed on alcohol, Xanax and Lortab. Dr. Southiere further admits or about October 10, 2001, he reported to work at the hospital emergency room under the influence of Xanax and Lortab. Consequently, a drug screen was ordered and reported as positive for benzodiazepines and opiates. Dr. Southiere further admits that on or about October 16, 2001, he entered inpatient treatment at Palmetto Addiction Recovery Center in Rayville, Louisiana, for treatment. Dr. Southiere further admits that he was discharged on or about January 18, 2002, with discharge diagnoses including opiate and alcohol dependence, sedative/hypnotic abuse, and major depression, moderate. Dr. Southiere further admits that the discharge summary included the recommendation that Dr. Southiere should not work more than 92 hours per a two-week period for the second and third years of monitoring. Dr. Southiere further admits that upon discharge from Palmetto Addiction Recovery Center, he entered into an Aftercare Plan with the Center.

Dr. Southiere states and the Board acknowledges receipt of information to support that he has been sober since October 10, 2001, that he attends three to four AA meetings a week, that he attends aftercare with his advocate physician once a week, and that he submits to random drug screens twice a month.

- F. Dr. Southiere further admits that he was evaluated by Mukhtar Shah, M.D., who is a psychiatrist in Wichita, Kansas, and his former treatment provider. Dr. Southiere further admits that Dr. Mukhtar submitted a report to the Board on or about April 19, 2004, indicating that Dr. Southiere had been a patient due to complaints of depression; that Dr. Southiere's depression is in control without medication; and that his ability to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place, including that he maintains his sobriety and attends AA meetings.
- G. Dr. Southiere further admits that the State of Kansas, Board of Healing Arts, [Kansas Board] issued a Consent Order on or about June 9, 2003, placing his license to practice medicine and surgery in Kansas subject to certain accommodations, restrictions and limitations, including that he is prohibited from prescribing or dispensing any controlled substance to himself or his family, that he shall submit to random drug screens and that he shall comply with all the conditions of the Kansas Medical Society's Medical Advocacy Program [KMSMAP]. A copy of the Kansas Consent Order is attached hereto and fully incorporated herein.
- H. Dr. Southiere further admits that on or about December 2, 2003, the State of New York, Department of Health, State Board for Professional Medical Conduct, adopted and implemented a Consent Order, conditioning and limiting his license based upon the actions of the Kansas Board, as stated above. A copy of the New York Consent Order is attached hereto and fully incorporated herein.
- I. Dr. Southiere states and the Board acknowledges receipt of information to support that he has remained compliant with the terms of his Monitoring Contract with KMSMAP, which is effective from on or about February 5, 2002, to February 5, 2007; with the terms of his Chemical Dependency Monitoring and Treatment Contract with the New Mexico Monitored Treatment Program, which is effective from on or about September 17, 2002, to September 17, 2007; with the terms of his June 9, 2003, Consent Order with the Kansas Board; and with the terms of his December 2, 2003, New York Consent Order. Dr. Southiere further states that he has contacted the Ohio Physician Effectiveness Program [OPEP] and will enter into an Advocacy Contract with OPEP upon his return to Ohio.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, the certificate of Dr. Southiere to practice medicine and surgery in the State of Ohio shall be restored upon receipt and appropriateness of necessary documentation, and Dr. Southiere knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Southiere shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Southiere shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Southiere shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. In the event that Dr. Southiere should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Southiere must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under this Consent Agreement, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
5. In the event Dr. Southiere is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, 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 Consent Agreement.

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Southiere shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, thirty days prior to Dr. Southiere's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Southiere shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
7. Dr. Southiere shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Southiere to administer or personally

furnish controlled substances, Dr. Southiere shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board thirty days prior to Dr. Southiere's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Southiere shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board upon request.

Sobriety

8. Dr. Southiere shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Southiere's history of chemical dependency.
9. Dr. Southiere shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

10. Dr. Southiere shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Southiere shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Within thirty days of the effective date of this Consent Agreement, Dr. Southiere shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Southiere shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Southiere. Dr. Southiere and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Southiere shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Southiere must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as

practicable. Dr. Southiere shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Southiere's quarterly declaration. It is Dr. Southiere's responsibility to ensure that reports are timely submitted.

11. The Board retains the right to require, and Dr. Southiere agrees to submit, blood or urine specimens for analysis at Dr. Southiere's expense upon the Board's request and without prior notice. Dr. Southiere's refusal to submit a blood or urine specimen upon request of the Board shall result in a minimum of one year of actual license suspension.

Monitoring Physician

12. Before engaging in any medical practice, Dr. Southiere shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Southiere and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Southiere and his medical practice, and shall review Dr. Southiere's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Southiere and his medical practice, and on the review of Dr. Southiere's patient charts. Dr. Southiere shall ensure that the 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. Southiere's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Southiere must immediately so notify the Board in writing. In addition, Dr. Southiere shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Southiere shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Rehabilitation Program

13. Dr. Southiere shall maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Southiere shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Southiere's quarterly declarations.

Aftercare

14. Dr. Southiere shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, provided that, where terms of the aftercare contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Physician Health Program

15. Dr. Southiere shall maintain continued compliance with the terms of the advocacy contract entered into with the Ohio Physicians Effectiveness Program, or, if approved in advance by the Board, another physician health program, provided that, where terms of the advocacy contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Work Hour Limitation

16. Dr. Southiere shall limit his work hours to no more than 92 hours of work per a two-week period until otherwise approved by the Board. Dr. Southiere shall keep a log reflecting the dates, times, and facilities and/or locations at which he works. Dr. Southiere shall submit his work log for receipt in the Board's offices no later than the due date for Dr. Southiere's quarterly declaration.

Any request by Dr. Southiere for modification of the limitation on work hours as set forth in this paragraph shall be accompanied by a written report indicating that Dr. Southiere's ability to practice has been assessed within the preceding 90 days, but not prior to 180 days from the effective date of this Consent Agreement. Such written report shall be documentation from a physician affiliated with a Board approved treatment provider, or other physician approved by the Board for this purpose, who has evaluated Dr. Southiere, indicating that such physician supports Dr. Southiere's request for modification.

Releases

17. Dr. Southiere shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.

Required Reporting by Licensee

18. Within thirty days of the effective date of this Consent Agreement, Dr. Southiere shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Southiere shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
19. Within thirty days of the effective date of this Consent Agreement, Dr. Southiere shall provide a copy of this Consent Agreement 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. Southiere further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license. Further, Dr. Southiere shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Southiere appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Southiere has violated any term, condition or limitation of this Consent Agreement, Dr. Southiere agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Dr. Southiere shall not request termination of this Consent Agreement for a minimum of three years. In addition, Dr. Southiere shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year, with the exception of the limitations included in Paragraph 16 requiring that he limit his work hours to no more than 92 hours per a two-week period for at least 180 days. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

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

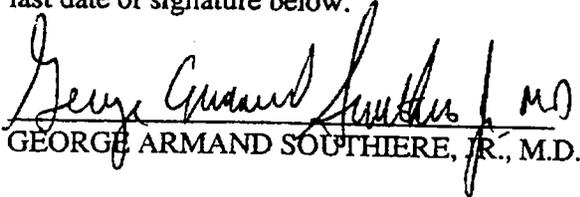
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Southiere hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Southiere agrees to provide his social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

EFFECTIVE DATE

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


GEORGE ARMAND SOUTHIERE, JR., M.D.


LANCE A. TALMAGE, M.D.
Secretary

5/5/2004
DATE

5-12-04
DATE


RAYMOND J. ALBERT
Supervising Member

5/12/04
DATE

Marcie Burrow
MARCIE BURROW
Enforcement Attorney

May 10, 2004
DATE