

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:

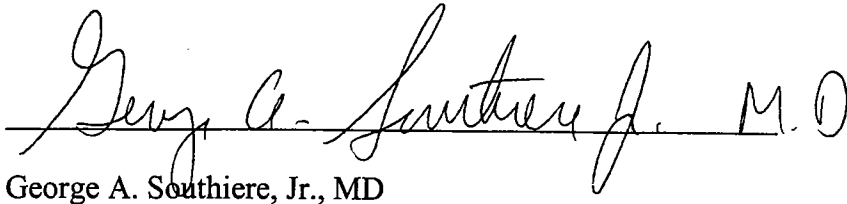
1. The right to appear personally or by counsel or both before the Board;
2. The right to produce witnesses and evidence in his behalf at a hearing;
3. The right to cross-examine witnesses;
4. The right to have subpoenas issued by the Board;
5. The right to further procedural steps except for specifically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

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

**KANSAS STATE BOARD OF
HEALING ARTS**

Docket No. 03-HA-75

**KANSAS STATE BOARD
APR 20 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

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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,

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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

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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

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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

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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

