

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



830 Union Street, Suite 100
Telephone: (504) 524-6763
New Orleans, LA 70112-1499

----- X	:	No. 90-I-026
In The Matter Of	:	
GARY LAMOYNE BROWN, M.D.	:	
(Certificate No. 015027),	:	
<i>Respondent.</i>	:	CONSENT ORDER
	:	
----- X	:	

Information was provided to the Louisiana State Board of Medical Examiners ("Board") indicating that Gary Lamoyne Brown, M.D. ("Dr. Brown") was charged with violating state statutory law governing medical practice in the state of West Virginia arising out of his failure to comply with his January 12, 1989 Consent Order entered into with the West Virginia Board of Medicine ("Virginia Board").¹ In lieu of formal administrative hearing before the Virginia Board, Dr. Brown entered into a Consent Order on July 10, 1989, effective July 12, 1989, which Order dissolved and terminated the stay of suspension of Respondent's license to practice medicine and surgery,² which stay of suspension had been previously issued by the January 12, 1989 Consent Order. Pursuant to Consent Order, approved and rendered on January 16, 1990 by the Virginia Board, Dr. Brown's license to practice medicine and surgery in the state of West Virginia was actively

¹See Consent Order dated January 12, 1989, between the West Virginia Board of Medicine and Gary L. Brown, M.D., attached hereto as Exhibit A.

²See Order of Dissolution and Termination of Stay of Suspension of License to Practice Medicine and Surgery, dated July 10, 1989, before the West Virginia Board of Medicine, attached hereto as Exhibit B.

reinstated, in a probationary status, for a period of three (3) years, effective January 18, 1990, subject to his compliance with certain terms, conditions and restrictions.³

Alternative to formal adjudicatory proceedings under the Louisiana Medical Practice Act,⁴ the Board has determined that the public interest may be properly and adequately served by Dr. Brown's execution of a Consent Order by virtue of which Respondent's Louisiana license would be placed on probation consistent with the specified terms and conditions imposed by the state of West Virginia, together with a requirement that Dr. Brown notify the Board of any intention to relocate to Louisiana as provided hereunder. As evidenced by his subscription hereto, Dr. Brown has accepted the disposition proposed by the Board in lieu of formal administrative proceedings.

As evidenced by his subscription hereto, without admitting the accuracy of the information described hereinabove, or any violation of the Louisiana Medical Practice Act, Dr. Brown acknowledges that the information developed by the Board's investigation would constitute probable cause for the institution of administrative proceedings against his medical licensure, pursuant to Administrative Complaint and that proof of such information upon administrative evidentiary hearing would establish grounds under the Medical Practice Act for the suspension or revocation of his license to practice medicine in the state of Louisiana, or for such other action as the Board might deem appropriate. Pursuant to La. Rev. Stat. § 37:1285(A)(1)(2)(11) and (29).

Recognizing his right to have notice of the allegations and charges asserted against him, to administrative adjudication of such charges, pursuant to La. Rev. Stat. § 49:955-58, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Brown, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. § 49:955D, consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Brown also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by LSA-R.S. §37:1285 and LSA-R.S. §49:955B,

IT IS ORDERED that, until and unless this Order is modified or rescinded by written order of the Board:

³See Consent Order dated January 16, 1990, between the West Virginia Board of Medicine and Gary L. Brown, M.D., attached hereto as Exhibit C.

⁴LSA-R.S. §37:1261-91. The Board is empowered to suspend, revoke or impose probationary conditions on the license of any physician for "[p]rescribing, dispensing or administering legally controlled substances or any dependency-inducing medication without legitimate justification therefor or in other than a legal or legitimate manner." LSA-R.S. §37:1285A(6). Likewise, the Board is authorized to suspend, revoke or restrict the license of a physician whose license to practice medicine in another state has been restricted by the licensing authority of that state. LSA-R.S. §37:1285A(30).

(a) Strict Adherence to the Terms and Conditions Imposed by the West Virginia Board of Medicine. Gary Lamoyne Brown, M.D., shall strictly adhere to, abide by, and comply in each and every respect with all of the probationary terms and conditions to which he agreed with the West Virginia Board of Medicine to adhere, as evidenced by his subscription to Exhibit C attached hereto, on January 16, 1990, and incorporated herein by reference; and

(b) Authorization for the West Virginia Board of Medicine to Respond to Board's Inquiries. Dr. Gary Lamoyne Brown, M.D., hereby authorizes and directs the West Virginia Board of Medicine to report and respond to the Board's inquiries concerning compliance with the terms and conditions set forth in its January 16, 1990 Consent Order; and

(c) Notification to the Board if Relieved of Restrictions or Relocation to the State of Louisiana. Gary Lamoyne Brown, M.D., will immediately notify the Board in writing if (1) he is relieved of any of the specified terms and conditions of the said Consent Order by the Virginia Board of Medicine or (2) he relocates to the state of Louisiana for the purpose of engaging in the practice of medicine in this state. Upon notice of either of the above-mentioned by Dr. Brown, the Board may undertake to reimpose and supervise the terms and conditions of the said Consent Order on its own behalf. Should Gary Lamoyne Brown, M.D., notify the Board of his intent to relocate to the state of Louisiana for the purpose of engaging in the practice of medicine, the physician will, in that instance, provide written notice of his intent at least sixty (60) days prior to relocation to the state of Louisiana and personally appear before the Board at its meeting preceeding his actual engaging in the practice of medicine in the state of Louisiana.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms, conditions or restrictions of this Order, or of the Consent Order entered into with the West Virginia Board of Medicine, by Dr. Brown, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the suspension or revocation of the medical license of Gary Lamoyne Brown, M.D., or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in LSA-R.S. §37:1285.

New Orleans, Louisiana, this 24th day of May, 1990.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: Ike Muslow
Ike Muslow, M.D.
President

ACKNOWLEDGEMENT
AND CONSENT

I, GARY LAMOYNE BROWN, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 17 day of May, 1990.

WITNESS:

Diana Cusker

Gary Lamoynes Brown MD
GARY LAMOYNE BROWN, M.D.

Please note new address on envelope
GB

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

GARY L. BROWN, M.D.

INVESTIGATION NO. 86-33-W

CONSENT ORDER

The West Virginia Board of Medicine and Gary L. Brown, M.D., freely and voluntarily enter into the following order pursuant to West Virginia Code §30-3-14(n):

FINDINGS OF FACT

1. Dr. Brown is currently the holder of a license to practice medicine and surgery in West Virginia, No. 14125, which license was suspended for a three (3) year period and which suspension was stayed for a period of eighteen (18) months until January 31, 1989, at 11:59 p.m.

2. Dr. Brown underwent psychiatric and physical examinations in October, 1986, the results of which indicated that Dr. Brown does not suffer with any mental impairment which would appreciably limit his ability to practice medicine and that there was no indication at that time of substance abuse, which evaluations did state however, that his addictive disease is one which inherently carries a high risk of relapse and which recommended the attachment of some monitoring conditions to his license to practice medicine.

3. Dr. Brown has appeared before the Board at regular six (6) month intervals since the initial suspension of his license and continues to be in compliance with Orders of the Board to which he has consented.

CONCLUSIONS OF LAW

1. Probable cause exists to substantiate charges of disqualification from the practice of medicine pursuant to the provisions of West Virginia Code §30-3-14(c)21, "the inability to practice medicine and surgery with reasonable skill and safety due to physical or mental disability including. . .abuse of drugs or alcohol."

2. It is appropriate to waive commencement of proceedings against Dr. Brown provided specific probationary conditions and limitations are placed upon his license to practice medicine and surgery in West Virginia.

CONSENT

Gary L. Brown, M.D, by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the ORDER provided for and stated herein, and proceedings conducted in accordance with this ORDER to the following:

1. Dr. Brown acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken

against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, et seq.;

2. Dr. Brown acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him;

3. Dr. Brown waives all such rights to a hearing;

4. Dr. Brown consents to the entry of this ~~ORDER~~ relative to his practice of medicine and surgery in the State of West Virginia; and,

5. Dr. Brown understands that this ORDER is considered public information.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law and on the basis of the consent of Dr. Brown, the West Virginia Board of Medicine hereby ORDERS that the license to practice medicine and surgery of Dr. Brown, No. 14125, is hereby continued in suspension, for a period of eighteen (18) months, but that such suspension be stayed for a period of nine (9) months until 11:59 p.m., October 31, 1989, subject to compliance by Dr. Brown with all of the following conditions:

1. Dr. Brown's practice of medicine and surgery shall occur only with the supervision of another duly-licensed physician approved by the Board, which supervising physician shall be a physician experienced in recovery medicine; and such supervising physician shall meet regularly with Dr. Brown and at least on a monthly basis.

2. Dr. Brown's approved supervising physician shall submit monthly reports to the Board concerning his performance as a physician, except that should the performance of Dr. Brown at any time fall below the level of reasonable skill and safety, the approved supervising physician shall immediately notify the Board.

3. Dr. Brown shall, at his own expense, submit to random and unannounced testing of bodily fluids no less than once a month carried out in a manner directed and approved by the Board for the nine (9) months that this Order is in effect.

4. Dr. Brown shall refrain from the use of any controlled substance except for those specifically prescribed to him by another duly licensed physician.

5. During the nine (9) month period that this Order is in effect, Dr. Brown shall attend a total of two hundred and twenty-five (225) meetings of Alcoholics Anonymous and keep a log of his attendance, which log shall be reviewed periodically by his supervising physician and may be reviewed at the pleasure of the Board.

6. Dr. Brown shall maintain a sponsor in Alcoholics Anonymous who will be permitted to review the log of his attendance on a weekly basis and who will discuss his progress on a weekly basis and who will consent and agree to be available to review on a monthly basis Dr. Brown's progress with his supervising physician.

7. Dr. Brown's Alcoholics Anonymous sponsor shall submit reports to the Board every three (3) months concerning his progress in Alcoholics Anonymous.

8. During the nine (9) month period that this Order is in effect, Dr. Brown shall not prescribe, dispense, give or administer any Schedule II or III controlled substances, except in connection with employment or work in an in-patient or acute care setting and only in an emergency situation, which emergency shall be documented to his supervising physician.

9. Dr. Brown's Board approved psychiatrist shall submit reports to the Board on or before March 15, 1989, on or before May 15, 1989, on or before July 15, 1989, and on or before September 15, 1989, confirming regular care and treatment of Dr. Brown.

10. A copy of this Consent Order shall be presented to any employer or health care or medical facility where Dr. Brown is practicing medicine.

11. At the option of either Dr. Brown or the Board, this Consent Order or a modified version thereof may again be entered into by the parties at the end of the nine (9) month

period during which the stay of suspension is in effect and Dr. Brown agrees that, prior to the conclusion of said nine (9) month period, he will appear before the Board in September, 1989, to discuss the terms and conditions of such a consent agreement.

12. Dr. Brown understands that any violation of this Order, as determined by the Board, shall result in the automatic dissolution and termination of the stay of suspension as of the date of violation.

Dated this 12th day of January, 1989.

WEST VIRGINIA BOARD OF MEDICINE

Eileen Catterson M.D.
Eileen Catterson, M.D.
President
Board of Medicine

George W. Lilley, Jr.
George W. Lilley, Jr., Ed.D.
Acting Secretary
Board of Medicine

Gary L. Brown M.D.
Gary L. Brown, M.D.

Date: 1/22/89

STATE OF WEST VIRGINIA

COUNTY OF Jackson to-wit:

I, James H. Hatcher, a Notary Public for said county and state do hereby certify that Gary L. Brown, M.D.,

whose name is signed above, has this day acknowledged the same
before me.

Given under my hand this 20 day of

January, 1989.

My commission expires Jan 20 1989.

John H. [Signature]
NOTARY PUBLIC

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

GARY L. BROWN, M.D.

ORDER OF DISSOLUTION AND TERMINATION OF
STAY OF SUSPENSION OF
LICENSE TO PRACTICE MEDICINE AND SURGERY

1. Gary L. Brown, M.D., ("Dr. Brown") is currently the holder of a license to practice medicine and surgery in the State of West Virginia, No. 14125, which license was suspended in July, 1987, for a three-year period ending July 31, 1990, by Consent Order entered into between the West Virginia Board of Medicine ("Board") and Dr. Brown.

2. The suspension of license to practice medicine and surgery referenced in paragraph 1 has been stayed through a series of Consent Orders entered into between the Board and Dr. Brown, the most recent of which Orders stays the suspension of Dr. Brown's license to practice medicine and surgery until October 31, 1989, at 11:59 p.m., subject to his compliance with various enumerated conditions all set forth in that Order, a copy of which is attached to this Order as an exhibit.

3. In June, 1989, Dr. Brown informed the Board when he applied for biennial registration of license to practice medicine

and surgery in the State of West Virginia that his privileges at Jackson General Hospital had been suspended in May of 1989.

4. The Board then learned that Dr. Brown was employed at another health care facility in Elkview and that no copy of the January, 1989, Consent Order had been presented to his employers at the facility as required by such Consent Order.

5. No monthly report by Dr. Brown's Board-approved supervising physician was submitted to the Board in June of 1989, as required by the January, 1989, Consent Order, and the Board was informed by the Board-approved supervising physician that he was no longer supervising Dr. Brown.

6. Dr. Brown has been practicing medicine without any Board-approved supervising physician, in violation of the January, 1989, Consent Order.

7. The January, 1989, Consent Order specifies that any violation of this Order, as determined by the Board, shall result in the automatic dissolution and termination of the stay of suspension as of the date of violation.

8. At the regular meeting of the Board on July 10, 1989, where a quorum of the Board was present and voting, the Board determined that Dr. Brown was not in compliance with and had violated his January, 1989, Consent Order as previously set forth and concluded that pursuant to its statutory mandate to protect the public interest under the provisions of WVC §30-3-1, the stay of suspension of the license to practice medicine and surgery of Gary L. Brown, M.D., License No. 14125, must be

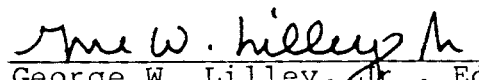
dissolved and terminated, and accordingly, the Board voted unanimously at said regular meeting effective July 12, 1989, at 11:59 p.m., to dissolve and terminate the stay of suspension of license to practice medicine and surgery of Gary L. Brown, M.D., License No. 14125.

WHEREFORE IT IS ORDERED that the stay of suspension of the license to practice medicine and surgery of Gary L. Brown, M.D., License No. 14125, issued by Consent Order in January, 1989, is DISSOLVED AND TERMINATED effective July 12, 1989, at 11:59 p.m.

Entered this 10th day of July, 1989.

WEST VIRGINIA BOARD OF MEDICINE


Eileen Catterson, M.D.
President


George W. Lilley, Jr., Ed.D.
Acting Secretary, Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

GARY L. BROWN, M.D.

INVESTIGATION NO. 86-33-W

CONSENT ORDER

The West Virginia Board of Medicine and Gary L. Brown, M.D., freely and voluntarily enter into the following order pursuant to West Virginia Code §30-3-14(n):

FINDINGS OF FACT

1. Dr. Brown is currently the holder of a license to practice medicine and surgery in West Virginia, No. 14125, which license was suspended for a three (3) year period and which suspension was stayed for a period of eighteen (18) months until January 31, 1989, at 11:59 p.m.

2. Dr. Brown underwent psychiatric and physical examinations in October, 1986, the results of which indicated that Dr. Brown does not suffer with any mental impairment which would appreciably limit his ability to practice medicine and that there was no indication at that time of substance abuse, which evaluations did state however, that his addictive disease is one which inherently carries a high risk of relapse and which recommended the attachment of some monitoring conditions to his license to practice medicine.

3. Dr. Brown has appeared before the Board at regular six (6) month intervals since the initial suspension of his license and continues to be in compliance with Orders of the Board to which he has consented.

CONCLUSIONS OF LAW

1. Probable cause exists to substantiate charges of disqualification from the practice of medicine pursuant to the provisions of West Virginia Code §30-3-14(c)21, "the inability to practice medicine and surgery with reasonable skill and safety due to physical or mental disability including. . .abuse of drugs or alcohol."

2. It is appropriate to waive commencement of proceedings against Dr. Brown provided specific probationary conditions and limitations are placed upon his license to practice medicine and surgery in West Virginia.

CONSENT

Gary L. Brown, M.D, by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the ORDER provided for and stated herein, and proceedings conducted in accordance with this ORDER to the following:

1. Dr. Brown acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken

against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, et seq.;

2. Dr. Brown acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him;

3. Dr. Brown waives all such rights to a hearing;

4. Dr. Brown consents to the entry of this ORDER relative to his practice of medicine and surgery in the State of West Virginia; and,

5. Dr. Brown understands that this ORDER is considered public information.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law and on the basis of the consent of Dr. Brown, the West Virginia Board of Medicine hereby ORDERS that the license to practice medicine and surgery of Dr. Brown, No. 14125, is hereby continued in suspension, for a period of eighteen (18) months, but that such suspension be stayed for a period of nine (9) months until 11:59 p.m., October 31, 1989, subject to compliance by Dr. Brown with all of the following conditions:

1. Dr. Brown's practice of medicine and surgery shall occur only with the supervision of another duly-licensed physician approved by the Board, which supervising physician shall be a physician experienced in recovery medicine; and such supervising physician shall meet regularly with Dr. Brown and at least on a monthly basis.

2. Dr. Brown's approved supervising physician shall submit monthly reports to the Board concerning his performance as a physician, except that should the performance of Dr. Brown at any time fall below the level of reasonable skill and safety, the approved supervising physician shall immediately notify the Board.

3. Dr. Brown shall, at his own expense, submit to random and unannounced testing of bodily fluids no less than once a month carried out in a manner directed and approved by the Board for the nine (9) months that this Order is in effect.

4. Dr. Brown shall refrain from the use of any controlled substance except for those specifically prescribed to him by another duly licensed physician.

5. During the nine (9) month period that this Order is in effect, Dr. Brown shall attend a total of two hundred and twenty-five (225) meetings of Alcoholics Anonymous and keep a log of his attendance, which log shall be reviewed periodically by his supervising physician and may be reviewed at the pleasure of the Board.

6. Dr. Brown shall maintain a sponsor in Alcoholics Anonymous who will be permitted to review the log of his attendance on a weekly basis and who will discuss his progress on a weekly basis and who will consent and agree to be available to review on a monthly basis Dr. Brown's progress with his supervising physician.

7. Dr. Brown's Alcoholics Anonymous sponsor shall submit reports to the Board every three (3) months concerning his progress in Alcoholics Anonymous.

8. During the nine (9) month period that this Order is in effect, Dr. Brown shall not prescribe, dispense, give or administer any Schedule II or III controlled substances, except in connection with employment or work in an in-patient or acute care setting and only in an emergency situation, which emergency shall be documented to his supervising physician.

9. Dr. Brown's Board approved psychiatrist shall submit reports to the Board on or before March 15, 1989, on or before May 15, 1989, on or before July 15, 1989, and on or before September 15, 1989, confirming regular care and treatment of Dr. Brown.

10. A copy of this Consent Order shall be presented to any employer or health care or medical facility where Dr. Brown is practicing medicine.

11. At the option of either Dr. Brown or the Board, this Consent Order or a modified version thereof may again be entered into by the parties at the end of the nine (9) month

period during which the stay of suspension is in effect and Dr. Brown agrees that, prior to the conclusion of said nine (9) month period, he will appear before the Board in September, 1989, to discuss the terms and conditions of such a consent agreement.

12. Dr. Brown understands that any violation of this Order, as determined by the Board, shall result in the automatic dissolution and termination of the stay of suspension as of the date of violation.

Dated this 12th day of January, 1989.

WEST VIRGINIA BOARD OF MEDICINE

Eileen Catterson M.D.
Eileen Catterson, M.D.

President
Board of Medicine

George W. Lilley, Jr., Ed.D.
George W. Lilley, Jr., Ed.D.
Acting Secretary
Board of Medicine

Gary L. Brown M.D.
Gary L. Brown, M.D.

Date: 1/22/89

STATE OF WEST VIRGINIA

COUNTY OF Jackson, to-wit:

I, James H. Jackson, a Notary Public for said county and state do hereby certify that Gary L. Brown, M.D.,

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I, DEBORAH LEWIS RODECKER, Counsel for the West Virginia Board of Medicine, do hereby certify that I have deposited in the United States Certified Mail, postage prepaid, this 11th day of July, 1989, a copy of the foregoing Order of Dissolution and Termination of Stay of Suspension of License to Practice Medicine and Surgery addressed as follows:

Gary L. Brown, M.D.
2008 Beechwood Drive
South Charleston, West Virginia 25301

Deborah Lewis Rodecker
Deborah Lewis Rodecker

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

GARY L. BROWN, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Gary L. Brown, M.D., ("Dr. Brown") freely and voluntarily enter into the following Order pursuant to West Virginia Code §30-3-14.

FINDINGS OF FACT

1. On July 10, 1989, the Board entered an Order effective July 12, 1989, which Order dissolved and terminated the stay of suspension of the license to practice medicine and surgery of Gary L. Brown, M.D., License No. 14125, which stay of suspension had been previously issued by Consent Order between Dr. Brown and the Board in January, 1989. (A true and accurate copy of said Order of Dissolution of July 10, 1989, is attached to this Order as an exhibit.)

2. Dr. Brown seeks reinstatement of his license to practice medicine and surgery in West Virginia, and after two discussions with Dr. Brown and a full review of information relating to Dr. Brown supplied to the Board by Jackson General Hospital, the Board determined at its regular meeting on

January 8, 1990, to reinstate Dr. Brown's medical license with specified conditions and limitations thereon.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to West Virginia Code §30-3-1 to protect the public interest.
2. Probable cause exists to substantiate charges of disqualification from the practice of medicine due to violations of West Virginia Code §30-3-14(c)(17), violating an order of the Board.
3. It is appropriate and in the public interest to reinstate the license to practice medicine and surgery of Dr. Brown provided certain specific conditions and limitations are placed thereon.

CONSENT

Gary L. Brown, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Brown acknowledges that he is fully aware that, without his consent, here given, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, et seq.;
2. Dr. Brown waives all rights to such a hearing;

3. Dr. Brown consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia; and,

4. Dr. Brown understands that this Order is considered public information.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law and on the basis of the consent of Dr. Brown, the West Virginia Board of Medicine hereby ORDERS that effective January 18, 1990, at 12:01 a.m., the license to practice medicine and surgery in the State of West Virginia of Gary L. Brown, M.D., License No. 14125, is reinstated in a probationary status for a period of three years, and subject to his compliance with all of the following terms and conditions:

1. During the three-year period that this Order is in effect, Dr. Brown's practice of medicine and surgery shall occur only with the supervision of another duly licensed physician approved by the Board, which supervising physician shall be a physician experienced in recovery medicine; and such supervising physician shall meet regularly with Dr. Brown and at least on a monthly basis. The names of two physicians willing to serve as Dr. Brown's supervising physician shall be provided in writing by Dr. Brown to the Board within 15 days from the effective date of this Order, with written confirmation that such physicians have in their possession a copy of this Order.

2. At such time as Dr. Brown's supervising physician is approved by the Board, such supervising physician shall begin the submission of written monthly reports to the Board beginning March 1, 1990, concerning Dr. Brown's performance as a physician, except that should the performance of Dr. Brown at any time fall below the level of reasonable skill and safety, the supervising physician shall immediately notify the Board.

3. During the three-year period that this Order is in effect, Dr. Brown shall, at his own expense, submit to random and unannounced testing of bodily fluids no less than once a month carried out in a manner directed and approved by the Board for the three-year period of time that this Order is in effect.

4. During the three-year period that this Order is in effect, Dr. Brown shall refrain from the use of any controlled substances except for those specifically prescribed to him by another duly licensed physician.

5. During the three-year period that this Order is in effect, Dr. Brown shall attend a total of 225 meetings of Alcoholics Anonymous and keep a log of his attendance, which log shall be reviewed periodically by his supervising physician and may be reviewed at the pleasure of the Board.

6. During the three-year period that this Order is in effect, Dr. Brown shall maintain a sponsor in Alcoholics Anonymous who will be permitted to review the log of his attendance on a weekly basis and who will discuss his progress on a weekly basis and who will consent and agree to be available to

review on a monthly basis Dr. Brown's progress with his approved supervising physician.

7. During the three-year period that this Order is in effect, Dr. Brown's Alcoholics Anonymous sponsor shall submit written reports to the Board every three months concerning Dr. Brown's progress in Alcoholics Anonymous, and the first report shall be submitted to the Board on March 1, 1990.

8. During the three-year period that this Order is in effect, Dr. Brown shall not prescribe, dispense, give or administer any Schedule II or III controlled substances, except in connection with employment or work in an in-patient or acute care setting and only in an emergency situation, which emergency shall be documented in writing to his supervising physician.

9. During the three-year period that this Order is in effect, Dr. Brown's Board-approved psychiatrist shall submit reports to the Board on or before March 1, 1990, and every 60 days thereafter, and such Board-approved psychiatrist must confirm in writing to the Board within 15 days from the effective date of this Order that such psychiatrist has in his or her possession a copy of this Order.

10. During the three-year period that this Order is in effect, Dr. Brown is prohibited from working in any emergency room setting, except that he may do so provided that his work schedule must not exceed 12 hours in any 24-hour period.

11. During the three-year period that this Order is in effect, a copy of this Consent Order shall be presented by

Dr. Brown to any employer or health care or medical facility where Dr. Brown is practicing medicine.

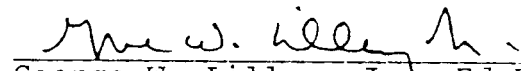
12. At the option of either Dr. Brown or the Board, this Consent Order or a modified version thereof may again be entered into by the parties at the end of the three-year period of probation.

13. Dr. Brown understands that any violation of this Order, as determined by the Board, shall result in the AUTOMATIC REVOCATION of his license to practice medicine and surgery, License No. 14125, as of the date of violation, without hearing, and that by signing this Order, he has consented to the same. Should any such revocation occur, no motions for reconsideration may be presented to the Board on behalf of Dr. Brown, nor may any effort be made to contact by telephone or by writing or by any other method any member of the Board or its staff on behalf of reinstatement in any form whatsoever of the license to practice medicine and surgery of Dr. Brown for a period of two years from the date of such revocation.

Dated this 16th day of January, 1990.

WEST VIRGINIA BOARD OF MEDICINE


S. Eileen Catterson, M.D.
President


George W. Lilley, Jr., Ed.D.
Acting Secretary

Gary L. Brown, M.D.

Date: 1/17/90

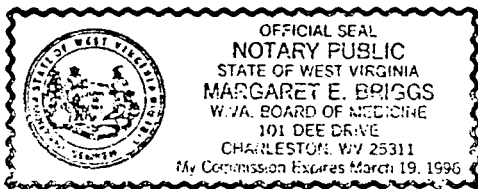
STATE OF West Virginia

COUNTY OF Kanawha, to-wit:

I, Margaret E. Briggs, a Notary Public for
said county and state do hereby certify that Gary L. Brown, M.D.,
whose name is signed above, has this day acknowledged the same
before me.

Given under my hand this 17th day of
January, 1990.

My commission expires March 19, 1996.



Margaret E. Briggs
NOTARY PUBLIC