

ALABAMA BOARD OF MEDICAL EXAMINERS NEWSLETTER

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Beware of Methadone Prescribing

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A new patient presents at your office and informs you that he is being detoxed at an area Methadone Clinic. The patient is quite unhappy that the detoxification process takes so long and believes that, with your expert help, he can be detoxed more rapidly. You are then advised that the patient's current dosage level is 60 mg. daily; however, he believes he can handle less. He suggests 50 mg., maybe even 40 mg. The patient requests your help, guidance, and more importantly, your prescriptions for methadone tablets. You are a compassionate physician, therefore you:

1. Comply with the request by prescribing 50 mg. daily with the intention of decreasing the dosage 5 mg. each week.
2. Contact the Methadone Clinic to confirm the patient's status and to advise them of the request being made of you.
3. Contact another physician that you consider to be an expert in the field of pain management and/or addiction and learn that "it sounds like a good plan to me; I've handled a few cases like that myself."
4. Refer the patient back to the Methadone Clinic.

Obviously, number 4 is the correct choice. However, if some of you are honest in your assessment of the above choices and in recognizing your limited knowledge of methadone prescribing, you'll admit that numbers 1, 2, and 3 don't really sound all that unreason-

able. Why, then, should a physician who is duly licensed and has unrestricted DEA and ACSC numbers be so limited in his ability to help a patient? The answer is simple. **BECAUSE IT IS AGAINST THE LAW.**

The Narcotic Addict Treatment Act of 1974 (PL 93-281) established strict regulations regarding the maintenance and detoxification of drug dependent patients. These regulations require that a physician be appropriately registered and approved for the purpose of maintenance and detoxification before any patient is maintained or detoxed by said physician. This would include "weaning off" of a patient known to the physician as having an addiction problem. Physicians who do not have the appropriate registration may administer a narcotic substance to a patient for the treatment of acute withdrawal symptoms for a period not to exceed 72 hours. During this period not more than a single day's dose may be administered at a time, and the patient **must** be referred to an approved narcotic treatment program.

As an investigator for the Alabama Board of Medical Examiners, I have become aware of the ever increasing number of requests being made of physicians to prescribe methadone. Some of the requests are from patients who are Methadone Clinic patients who hope to double up on the dosage of methadone they are taking. These patients know that the strict confidentiality regarding narcotic treatment programs prevents those programs from disclosing any information, even to another physician, without the patient's prior consent. In other words, the Methadone Clinics can not legally disclose or confirm the identity of a patient, even to the most discreet of physicians.

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Methadone Prescribing (continued from page one)

This situation makes established pain clinics most vulnerable as it is becoming increasingly common for them to prescribe methadone in the management of chronic pain. The real dilemma here is that the Methadone Clinic's drug screens are sometimes negative as methadone is not the substance they are looking to identify in a "dirty patient."

Methadone (especially the tablet form) has a street value and can be an abused substance. This is one of the reasons that Methadone Clinics use the liquid form or the disket. These clinics also strictly regulate the on site dosing and, during the levels where permitted, the take home doses.

How, then should a physician prescribe methadone? By prescribing it only for analgesic purposes and then with caution and discretion. I would suggest that you:

1. Make certain of your diagnosis. Use criteria other than just the patient's complaint of pain. You are the physician. You should know what is necessary to support your prescribing.
2. Document your diagnosis well. Copious and accurate record keeping does not seem to get physicians in trouble, though poor documentation does.
3. Don't let the patient do the prescribing. You make the decision about the substance to be utilized as well as the dosage amount.
4. Personally obtain prior medical documentation from the sources themselves. Don't routinely accept medical records presented by the patient. Medical records are often bought and sold on the street. Confirm the patient's identity, then confirm the authenticity of the records via a written request or through personal contact with the other physician or facility.
5. Don't, if you doubt! If you have any legitimate doubts about the patient's honesty, or if the patient fails to follow your medical advice, don't continue with long term prescribing. If you haven't already done so, refer the patient to a pain clinic or a specialist who might help with the diagnosis. If the patient fails to follow this advice and you suspect addiction, refer them to an approved program. If this all fails and the patient still refuses your medical advice you might consider legally

removing them from your practice. This is where your documentation proves helpful.

Please understand that even if you follow the suggestions that I've made and have used all the discretion you can summon, there is still no guarantee that you will not be conned. Unscrupulous patients have all the time in the world to devise new and convincing schemes to use on unsuspecting physicians. How quickly and effectively you deal with that patient can determine whether or not you continue to be targeted by such patients. Quick and effective action can also help protect your practice. Remember, it is your extensive education and training, coupled with your professional registration, that allows you to practice medicine and prescribe controlled substances such as methadone. Protect your future by knowing your limitations under Federal and State law as well as professional regulations. ■

Investigation Nets Uncertified PA

A routine investigation by the Alabama Bureau of Investigation into the death of a Franklin County jail inmate led to the discovery of an uncertified physician assistant treating jail inmates. William L. (Billy) Blackwell, Jr. had practiced in the Colbert County community of Tusculumbia as a physician assistant to Timothy L. Martin, M.D. for more than four years preceding the investigation. During the course of the investigation, ABI agents attempted to verify Blackwell's medical credentials, since he had treated the Franklin County inmate. After discovering that Blackwell was not certified by the State Board of Medical Examiners, a separate investigation was initiated.

According to published news accounts, Blackwell allegedly presented forged credentials to secure his position as a physician assistant for Dr. Martin. These reports, published in the Florence Times Daily, indicated that Blackwell's only formal education has been passing a high school equivalency examination.

In order to practice legally in Alabama, physician assistants must meet rigid educational requirements and be certified to their supervising physician by the State Board of Medical Examiners. State law provides that any person other than one who has been approved by the Board who holds himself or herself out as a physician assistant is guilty of a misdemeanor.

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Investigation Nets Uncertified PA (continued)

In addition, an uncertified physician's assistant could face charges of fraud, forgery, unlawfully prescribing medication and other offenses. Sources in the Colbert County District Attorney's office indicate that no decision has yet been made on charges in connection with the Blackwell investigation. Physicians needing information on the qualifications and certification procedures for physician assistants should contact the Board at 334-242-4116. ■

Medical Licensure Commission Public Action Report January 1998 through March 1998

On February 25, 1998, the Medical Licensure Commission entered a Stipulation and Consent Order which suspended, indefinitely, the Alabama medical license of Kris Anthony McCormack, M.D., license number 8166.

On February 25, 1998, the Medical Licensure Commission entered a Stipulation and Consent Order which placed the medical license of Donald Pittard McCurdy, M.D., license number 17085 on probation subject to the terms contained in the Consent Order. Dr. McCurdy was also assessed an administrative fine in the amount of \$5,000.

On March 2, 1998, the Medical Licensure Commission entered an order which denied the reinstatement application of John Scott Houston, M.D., license number 12293. ■

Alabama Board of Medical Examiners Public Action Report January 1998 through March 1998

On December 1, 1997, a voluntary restriction was entered against the certificate of qualification and license to practice medicine in Alabama of Glenna Joanna Bryant Trockman, M. D., license number 11858, Indianapolis, Indiana. These restrictions parallel the conditions of probation entered against Dr. Trockman's license to practice medicine in Indiana. The restrictions were implemented to monitor the health status of Dr. Trockman.

On January 21, 1998, the Alabama Board of Medical Examiners denied the application of Douglas Blaine

Bonds, M.D., Baton Rouge, Louisiana, for a certificate of qualification for a license to practice medicine in Alabama. The denial was based on a disciplinary action taken against the license to practice medicine in Texas of Dr. Bonds. Dr. Bonds has appealed the Board's decision to the Medical Licensure Commission of Alabama.

On February 11, 1998, the Alabama Board of Medical Examiners entered an order terminating the voluntary restriction previously entered on March 25, 1993, against the certificate of qualification of Gary D. Carr, M.D., license number 12196, Hattiesburg, Mississippi. Dr. Carr's certificate of qualification and license to practice medicine in Alabama have been reinstated to full, unrestricted status.

On March 4, 1998, a voluntary restriction was entered against the certificate of qualification and license to practice medicine in Alabama of John W. Scarborough, M.D., license number 9992, Florence, Alabama. The voluntary restrictions were entered in connection with Dr. Scarborough's treatment for chemical dependency. The restrictions are intended to monitor Dr. Scarborough's recovery status.

On March 18, 1998, the Alabama Board of Medical Examiners accepted the voluntary surrender of the certificate of qualification of John Melburn D. Holmes, M.D., license number 9079, Roanoke, Alabama. Dr. Holmes surrendered his certificate of qualification following the filing of a third Administrative Complaint by the Board seeking the revocation of Dr. Holmes' license to practice medicine in Alabama. Dr. Holmes is no longer authorized to practice medicine in the State of Alabama. ■

MEDICAL ASSOCIATION OF THE STATE OF ALABAMA ANNUAL SESSION June 25-28, 1998 Grand Hotel Point Clear, AL

For more information contact
MASA's CME Department at
1-800-239-6272 or check MASA's website
www.masalink.org

MARK YOUR CALENDAR

1998 CME Calendar —

May 1-3

Guntersville AL—*Spring Seminar 98, "Diabetes, Metabolic & Cardiovascular Disorders"*
Contact: Dr. David Haigler (205) 502-6358
CME Credit: 8 hours Category 1; 8 hours Prescribed

May 2

Birmingham AL—*Derby Day Topics in Medicine*
Contact: Annette Lee 205-877-1692
CME Credit: 6 hours Category 1

May 7-9

Huntsville—*15th Annual Review of Modern Therapeutics*
Contact: UASOM/Huntsville - Office of CME (205) 551-4490
CME Credit: 15 hours Category 1

May 7

Point Clear AL—Alabama Chapter, American College of Surgeons - 1998 Loss Prevention Seminar - *Communicate Your Way to Effective Patient Relationships*
Contact: Mutual Assurance (your policyholder services representative) (800) 282-6242 or (205) 877-4400
CME Credit: 2 hours of Category 1

May 9

Birmingham AL—*Personal Planning For Retirement*
Contact: MASA Education Department (800) 239-5272 (334) 263-6441

May 14

Birmingham, AL—*Practical Day of Pediatrics*
Contact: Mardi Morard Trimble, Children's Hospital (205) 939-9898
CME Credit: TBA

May 14

Birmingham, AL—*Mastering Patient Challenges in 1998*
Contact: Pam Fowler (205) 680-3434
CME Credit: 6.5 hours of Category 1

May 21-25

Deatsville FL—*29th Annual Pediatrics Symposium, "Practical Pediatrics" and Pediatric Advanced Life Support (PALS)* Contact: Medical Education Council of Pensacola (850) 416-6557
CME Credit: 25 hours of Category 1

June 1-3

Destin FL—Alabama Chapter, American College of Emergency Physicians - 1998 Loss Prevention Seminar - *Communicate Your Way to Effective Patient Relationships*
Contact: Mutual Assurance (your policyholder services representative) (800) 282-6242 or (205) 877-4400
CME Credit: 2 hours of Category 1

June 8-11

Panama City FL—*AAFP Annual Scientific Assembly*
Contact: Holly Midgley (334) 263-6441 ext. 248 (800) 239-6272
CME Credit: TBA

June 9-13

Hilton Head Island SC—*General Surgery Seminar*
Contact: George M. Converse, MD Lloyd Noland Foundation (205) 783-5276
CME Credit: 10 hours of Category 1

June 12

Panama City FL—Alabama Academy of Family Physicians - 1998 Loss Prevention Seminar - *Communicate Your Way to Effective Patient Relationships*
Contact: Mutual Assurance (your policyholder services representative) (800) 282-6242 or (205) 877-4400
CME Credit: 2 hours of Category 1

June 14

Orange Beach AL—Alabama Society of Internal Medicine - 1998 Loss Prevention Seminar - *Communicate Your Way to Effective Patient Relationships*
Contact: Mutual Assurance (your policyholder services representative) (800) 282-6242 or (205) 877-4400
CME Credit: 2 hours of Category 1

June 16-20

Hilton Head Island SC—*Adult Infectious Disease Seminar*
Contact: George M. Converse, MD Lloyd Noland Foundation (205) 783-5276
CME Credit: 19 hours of Category 1

June 23-27

Hilton Head Island SC—*Pediatric Infectious Disease Seminar*
Contact: George M. Converse, MD Lloyd Noland Foundation (205) 783-5276
CME Credit: 19 hours of Category 1

June 25-28

Destin FL—*Dermatology on the Beach* Contact: Eric W. Baum, MD (205) 543-2380
CME Credit: 15 hours of Category 1

June 25-28

Point Clear AL—*1998 MASA Annual Session*
Contact: MASA Education Department (334) 263-6441
CME Credit: 14 hours of Category 1

June 28

Point Clear AL—MASA Annual Session - 1998 Loss Prevention Seminar - *Communicate Your Way to Effective Patient Relationships*
Contact: Mutual Assurance (your policyholder services representative) (800) 282-6242 or (205) 877-4400
CME Credit: 2 hours of Category 1

June 30-July 4

Hilton Head Island SC—*Family Practice Seminar*
Contact: George M. Converse, MD Lloyd Noland Foundation (205) 783-5276
CME Credit: 19 hours of Category 1

July 7-11

Hilton Head Island SC—*Anesthesiology Update*
Contact: George M. Converse, MD Lloyd Noland Foundation (205) 783-5276
CME Credit: 19 hours of Category 1

July 14-18

Hilton Head Island SC—*Internal Medicine Update*
Contact: George M. Converse, MD Lloyd Noland Foundation (205) 783-5276
CME Credit: 19 hours of Category 1

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