

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

GEORGIA COMPOSITE  
MEDICAL BOARD

IN THE MATTER OF:

ERIC M. CHAVEZ, MD  
License # 57056  
Respondent.

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Docket No. 2008-0063

OCT 04 2012

DOCKET NUMBER

20080063

PUBLIC ORDER TERMINATING PROBATION

WHEREAS, the Georgia Composite Medical Board ("Board") entered a Public Consent Order in the above-styled matter on June 6, 2008, which placed on probation Respondent's license to practice medicine in the State of Georgia; and

WHEREAS, Respondent has petitioned to have the probation terminated; and


WHEREAS, the Board has determined that the Respondent has complied with all the terms and conditions of the probation.

NOW, THEREFORE, IT IS HEREBY ORDERED that the probation of Respondent's license to practice medicine in the State of Georgia be **TERMINATED**.

SO ORDERED, this 4th day of October.

GEORGIA COMPOSITE MEDICAL BOARD

BY:

  
William J. Butler, MD,  
Chairperson

(Board Seal)

ATTEST:

  
LASHARN HUGHES  
Executive Director

**GEORGIA COMPOSITE  
MEDICAL BOARD**

**BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS**

MAY 05 2011

STATE OF GEORGIA

IN THE MATTER OF:

**ERIC M. CHAVEZ, M.D.,  
License No. 057056,  
Respondent.**

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**DOCKET NUMBER**

20080063

**DOCKET NO.**

**SECOND AMENDMENT TO PUBLIC CONSENT ORDER**

WHEREAS, on or about June 6, 2008, Eric M. Chavez, M.D. ("Respondent") entered into a Public Consent Order ("Order") with the Georgia Composite Medical Board ("Board"), Docket Number 2008-0063, which subjected his license to a period of probation with terms and conditions.

WHEREAS, on or about June 5, 2009, the Board issued an Amendment to Public Consent Order which lifted a practice restriction.

WHEREAS, on or about December 10, 2010, the Respondent petitioned the Board to allow him to supervise nurse practitioners. In support of his petition, the Board received letters from Respondent's monitoring and supervising physicians supporting lifting of the restriction.

NOW THEREFORE, the Board hereby further amends the Order as follows:

1.

The restriction on the use of nurse practitioners as set forth in paragraph 1(1) on page 6 of the Order is hereby lifted. The restriction remains as to Respondent's use of physician assistants.

2.

Except as provided herein, the Respondent's license shall remain subject to the period of probation and to all of the remaining terms and conditions as set forth in the Public Consent Order of June 6, 2008 and any amendments thereto.

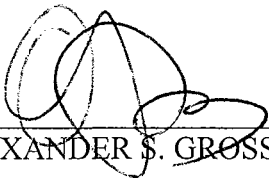
3.

This Second Amendment to Public Consent Order shall become effective upon its acceptance by the Georgia Composite Medical Board and its docketing by the Executive Director of the Georgia Composite Medical Board.

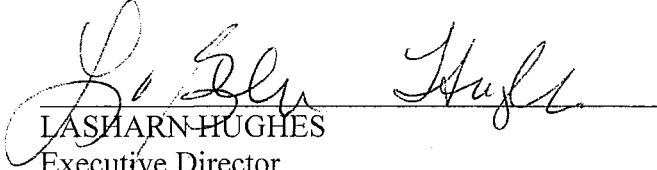
Accepted this 5<sup>th</sup> day of May, 2011.

**GEORGIA COMPOSITE MEDICAL BOARD**

BY:

  
\_\_\_\_\_  
ALEXANDER S. GROSS, M.D.  
Chairperson

ATTEST:

  
\_\_\_\_\_  
LASHARN HUGHES  
Executive Director

(BOARD SEAL)

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

Composite State Board  
of Medical Examiners

STATE OF GEORGIA

JUN 05 2009

IN THE MATTER OF:

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ERIC M. CHAVEZ, M.D.,  
License No. 057056,  
Respondent.

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DOCKET NO.

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DOCKET NUMBER

2008 0063

AMENDMENT TO PUBLIC CONSENT ORDER

WHEREAS, on or about June 6, 2008, Eric M. Chavez, M.D., Respondent, entered into a Public Consent Order ("Order") with the Composite State Board of Medical Examiners ("Board"), Docket Number 2008-0063, which subjected his license to a period of probation with terms and conditions.

WHEREAS, on or about April 22, 2009, the Board received a letter from Respondent requesting the Board lift the term in the Order restricting Respondent from providing primary care to patients with a primary diagnosis of active addiction. The Order provides the restriction may be lifted by the Board after Respondent has worked under the restriction for six (6) months.

WHEREAS, in support of his petition, the Board received letters from Respondent's monitoring and supervising physicians supporting lifting of the restriction.

NOW THEREFORE, the Board hereby amends the Order as follows:

1.

The terms in paragraph 1(e)(3), entitled "Additional Practice Restriction" on page 4 of the Order is hereby terminated.

2.

Except as provided herein, the Respondent's license shall remain subject to the period of probation and to all of the remaining terms and conditions as set forth in the Public Consent Order of June 6, 2008.

3.

This Amendment to Public Consent Order shall become effective upon its acceptance by the Composite State Board of Medical Examiners and its docketing by the Executive Director of the Composite State Board of Medical Examiners.

Accepted this 5<sup>th</sup> day of June, 2009.

**COMPOSITE STATE BOARD OF MEDICAL EXAMINERS**

BY: *Jean Rawlings Sumner MD*  
JEAN RAWLINGS SUMNER, M.D.  
President

(BOARD SEAL)

ATTEST:

*Lasharn Hughes*  
LASHARN HUGHES  
Executive Director

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

**Composite State Board  
of Medical Examiners**

IN THE MATTER OF:

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**JUN 06 2008**

ERIC M. CHAVEZ, M.D.,  
License No. 057056,

DOCKET NO.

**DOCKET NUMBER**

2008 0063

Respondent.

PUBLIC CONSENT ORDER

By agreement of the Composite State Board of Medical Examiners ("Board") and ERIC M. CHAVEZ, M.D. ("Respondent"), the following disposition of the matter is entered into pursuant to the provisions of O.C.G.A. § 50-13-13 (a) (4), as amended.

FINDINGS OF FACT

1.

Respondent is licensed to practice medicine in the State of Georgia and was so licensed at all times relevant to the matters stated herein.

2.

Respondent has a history of substance abuse, which he disclosed to the Board on his application for licensure in or about August 2005. Respondent had received treatment for substance abuse while in the Navy, was discharged from treatment in or about June 2000, and participated in the California Medical Board's diversion program for about 5 years.

3.

In or about December 2007, Respondent voluntarily ceased the practice of medicine in the State of Georgia.

4.

Respondent entered and completed treatment for substance abuse at Talbott Recovery Campus from November 13, 2007 through February 16, 2008.

5.

Respondent has petitioned the Board to allow him to return to the practice of medicine. Respondent has professional advocacy supporting his efforts to return to the practice medicine in the State of Georgia.

6.

Respondent admits the above findings of fact and waives any further findings of fact with respect to the above-styled matter.

#### CONCLUSIONS OF LAW

Respondent's condition and/or conduct constitute sufficient grounds for the Board to impose conditions on Respondent's license to practice medicine in the State of Georgia under O.C.G.A. Chs. 34, T. 43, as amended, and O.C.G.A. § 43-1-19(a) and the Rules of the Composite State Board of Medical Examiners. Respondent waives any further conclusions of law with respect to this matter.

#### ORDER

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of this case, it is hereby ordered, and Respondent hereby agrees, as follows:

1.

Commencing on the effective date of this Consent Order, Respondent's license to practice medicine in the State of Georgia shall be placed on a period of probation until discharged by the Board, with the following terms and conditions:

(a) Treatment/Aftercare. Respondent has provided the Board with a copy of his continuing care plan, also referred to herein as “aftercare plan”, with Talbott Recovery Campus. Respondent shall abide by all terms of his aftercare plan.

(b) Participate in Support Group. Respondent shall continue to regularly participate in meetings of either Alcoholics Anonymous, Narcotics Anonymous, Caduceus Club or other similar support group acceptable to the Board in accordance with his aftercare contract or as otherwise required by the Board.

(c) Therapy. Respondent shall remain in individual therapy as specified in his continuing care plan.

(d) Supervision and Monitoring. Respondent shall designate an acceptable workplace supervising (“supervising”) physician who will supervise his work and an acceptable treating (“monitoring”) physician with whom he will continue therapeutic care and who will monitor any medications prescribed to Respondent. Respondent shall provide a copy of this Order to both the supervising and the monitoring physicians. Each physician shall sign a statement in substantially the form attached hereto as Attachment ~~3~~ to be submitted in conjunction with this Order, as evidence of having read and understood the same and having agreed to serve as Respondent’s supervising and monitoring physicians. Respondent shall obtain prior written Board approval through the Medical Coordinator for any change in supervising and monitoring physicians.

(e) Work Restrictions.

(1) Work Hours Restriction. Upon Respondent’s return to the practice of medicine, Respondent shall be limited to forty (40) hours of work per calendar week. Respondent may petition to have this work restriction on his license to practice lifted after he has practiced for six (6) months under this restriction. Such petition shall include a statement from Respondent’s monitoring and supervising physicians supporting lifting



of restrictions. At such time, the Board shall have the discretion to permit Respondent to work more than forty (40) hours per calendar week. The restriction set forth in this paragraph shall remain in effect pending Respondent's receipt of a written order from the Board that the work restriction has been modified or lifted. In no case, however, will a denial of such petition be considered a contested case as defined by O.C.G.A. Title 50, the Georgia Administrative Procedure Act.

(2) Workplace Restriction. Respondent agrees that he shall only practice medicine in a group practice for the duration of the probation period.

(3) Additional Practice Restriction. Respondent agrees that he shall not provide primary care to patients with a primary diagnosis of active addiction. Respondent may petition to have this practice restriction lifted after he has practiced for six (6) months under this restriction. Such petition shall include a statement from Respondent's monitoring and supervising physicians supporting lifting of restrictions. At such time, the Board shall have the discretion to permit Respondent to provide primary care to patients with a primary diagnosis of active addiction. The restriction set forth in this paragraph shall remain in effect pending Respondent's receipt of a written order from the Board that the work restriction has been modified or lifted. In no case, however, will a denial of such petition be considered a contested case as defined by O.C.G.A. Title 50, the Georgia Administrative Procedure Act.

(f) Abstain from Mood Altering Substances. Respondent shall completely abstain from the consumption of alcohol and mood altering substances, except as prescribed by a duly licensed practitioner for a legitimate medical purpose. If such treatment entails the use of narcotics or other potentially addictive substances, Respondent shall have his

practitioner/physician obtain a consultation with the Board approved monitoring physician, who shall notify the Medical Coordinator within ten (10) calendar days of the event.

(g) Quarterly Reports. Respondent shall submit or cause to be submitted quarterly reports from his supervising and monitoring physicians regarding his performance and mental/physical condition by March 31, June 30, September 30 and December 31 of each calendar year, including a report on any medication being prescribed to Respondent. Failure to submit or have such reports submitted in a timely manner shall be considered a violation of the Consent Order. It is expected that said supervising and monitoring physicians shall be in communication with each other and will immediately report any change in Respondent's condition that would render Respondent unable to practice medicine with reasonable skill and safety to patients. By executing the Consent Order, Respondent specifically consents to such supervising and monitoring physicians or any other facility where Respondent obtains medical treatment reporting upon Respondent's condition, notwithstanding any privilege provided by state or federal law. Respondent shall obtain prior Board approval through the Medical Coordinator or Executive Director for any change in the supervising or monitoring physician.

(h) Drug/Alcohol Screens. The Board or its representative or Respondent's supervising or monitoring physician shall have the authority at any time to order Respondent to undergo witnessed and immediate drug/alcohol urine, biological fluid, hair sample, or blood screen analysis at Respondent's expense. Respondent further agrees that all alcohol/drug screens submitted to the Board pursuant to this paragraph shall be admissible in any administrative hearing concerning the Respondent without the necessity of establishing chain of custody or other testimony to authenticate the test results. Refusal to undergo a properly requested drug/alcohol, biological fluid or blood screen analysis shall be considered a violation of this

Consent Order and shall be grounds for revocation of Respondent's license to practice medicine in the State of Georgia.

(i) Further Evaluation. At any time during the period of probation, the Board shall also have the authority to order Respondent to undergo a physical or mental evaluation by a physician designated by the Board. Respondent shall execute such releases as may be required for the Board to obtain the results of such evaluations.

(j) Periods of Residency Outside Georgia and/or Periods When Not Actively Practicing Medicine. In the event that Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of Georgia as well as periods when Respondent is not actively engaged in practicing as a physician will not apply toward the reduction of Respondent's probation period, except as authorized by the Board.

(k) Employment/ Residency Change. Respondent shall advise the Board of any change in address of record or employment status within 10 days of the change.

(l) Restriction on Use of Physician's Assistant or Nurse Practitioner. Respondent agrees that he shall not employ or delegate to or supervise any Physician's Assistants or Nurse Practitioners ("P.A." and "N.P.", respectively) in his practice of medicine. Respondent may petition the Board allow him to employ or delegate to or supervise P.A.s and/or N.P.s after one (1) year from the effective date of this Order. Respondent agrees not employ or supervise P.A.s and/or N.P.s until the Board responds to Respondent's petition. At such time, the Board is authorized, but not required, to allow Respondent to employ, delegate to and/or supervise P.A.s and/or N.P.s with any terms or conditions the Board deems appropriate or the Board may deny the petition. In the event the Board authorizes Respondent to employ, delegate to or supervise

P.A.s and/or N.P.s in his practice, Respondent shall not utilize them to perform tasks which are otherwise prohibited by the terms of this Consent Order, or otherwise utilize the services of the P.A or N.P. in such a way as to circumvent any restriction, term or condition outlined herein. In no case, however, will a denial of such petition be considered a contested case as defined by O.C.G.A. Title 50, the Georgia Administrative Procedure Act.

(m) Abide By Laws, Rules and Terms. Respondent shall abide by all State and Federal laws regulating the practice of medicine or relating to drugs, the Rules and Regulations of the Composite State Board of Medical Examiners and the terms of this Consent Order. If Respondent shall fail to abide by such laws, rules or terms, or if it should appear from reports submitted to the Board that Respondent is otherwise unable to practice medicine with reasonable skill and safety to patients, or should Respondent violate the criminal laws of the State, including any term of probation, if any, Respondent's license shall be subject to further discipline, including revocation, upon substantiation thereof after notice and hearing, and if revoked, the Board in its discretion may determine that the license should be permanently revoked and not subject to reinstatement. Respondent further agrees that any violation of this Consent Order shall be deemed to be sufficient to authorize the Board to order summary suspension of Respondent's license, pending further proceedings, pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), or any other statute authorizing emergency action, but Respondent understands that he shall be entitled to an expedited hearing to substantiate such violation(s), if the Board exercises such right.

(n) Disclosure. In addition to other disclosures required by the Consent Order, Respondent shall supply a copy of the Consent Order, once approved and docketed, and within ten (10) days from receipt of the docketed copy by Respondent, to each hospital or other institution in Georgia where Respondent maintains staff privileges of any kind, and to any person

with whom Respondent is associated in practice, including other physicians or to any person or entity for whom Respondent is employed as a physician in the State of Georgia. Respondent shall also be required to disclose the existence of and provide a copy of the Consent Order to such individuals or entities in connection with any future application for institutional appointment, associated practice, or employment as a physician in the State of Georgia while the Consent Order is in effect. By executing the Consent Order, Respondent specifically consents to any such individuals or entities reporting to the Board information which would affect Respondent's ability to practice medicine with reasonable skill and safety to patients, notwithstanding any privilege provided by state or federal law. Respondent shall document compliance with this condition of probation utilizing the form attached hereto as Attachment A, or a substantially similar form.

(o) Termination of Probation. Respondent shall not be eligible to petition for termination of probation until five (5) years of continuous sobriety from the effective date of this Consent Order. At such time, Respondent may petition for termination by certifying under oath before a notary public that he has complied with all conditions of probation and by providing documentation supporting discharge from monitoring, including, but not limited to, a written statement from Respondent's supervising and monitoring physicians that said supervising and monitoring physicians agree with terminating probation. The Composite State Board of Medical Examiners shall review and evaluate the practice of Respondent prior to terminating probation. At such time, the Board shall be authorized, but is not required, to terminate probation. If the Board denies Respondent's petition to terminate probation, Respondent may petition for termination of probation on an annual basis thereafter. In any event, the Consent Order shall remain in effect pending a final determination by the Board and notification that the probation

period has terminated.

2.

This Consent Order shall constitute a public order of the Board and may be disseminated as such.

3.

Respondent understands and agrees that pursuant to O.C.G.A. Title 43, Chapter 34A, the contents of this order shall be placed on Respondent's Physician Profile. Furthermore, by executing this Consent Order, Respondent hereby agrees to permit the Board to update his Physician's Profile reflecting this Consent Order.

4.

Respondent acknowledges that he is represented by counsel and that he has read this Consent Order and understands its contents. Respondent understands that he has a right to appear before the Board, and freely, knowingly, and voluntarily waives that right. Respondent understands that the Consent Order will not become effective until approved and docketed by the Composite State Board of Medical Examiners. Respondent further understands and agrees that a representative of the Department of Law may be present during the presentation of the Consent Order to the Board and that the Board shall have the authority to review the investigative file and all relevant evidence in considering the Consent Order. Respondent further understands that the Consent Order, once approved, shall constitute a public record of the Board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in the proceeding, or prejudice the right of the Board to adjudicate the matter. Respondent consents to

the terms and conditions contained herein.

Approved, this 6<sup>th</sup> day of June, 2008.

**COMPOSITE STATE BOARD OF  
MEDICAL EXAMINERS**

(BOARD SEAL)

E. R. Cheeks, M.D.  
EDDIE CHEEKS, M.D.  
President

ATTEST: Lasharn Hughes  
LASHARN HUGHES  
Executive Director

CONSENTED TO:

Chavez  
ERIC M. CHAVEZ, M.D.  
Respondent

[AS TO SIGNATURE OF ERIC M.  
CHAVEZ, M.D.]

Sworn to and Subscribed  
before me this 29 day  
of May, 2008.

B. [Signature]  
NOTARY PUBLIC

My Commission Expires: 12-12-09

ATTACHMENT B

SUPERVISING AND MONITORING PHYSICIANS' STATEMENT

The undersigned supervising and monitoring physicians acknowledge that they have read the attached Private Consent Order and agree to serve as ERIC M. CHAVEZ M.D.'s supervising or monitoring physician as indicated below.

Sworn to and subscribed  
Before me the \_\_\_\_\_ day  
of \_\_\_\_\_, 2008.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires:

(Signed) \_\_\_\_\_  
Name (please print): \_\_\_\_\_

Supervising Physician  
Address: \_\_\_\_\_

Telephone: \_\_\_\_\_  
License No. \_\_\_\_\_

Sworn to and subscribed  
before me the 29 day  
of May, 2008.

Wilma Hanson  
NOTARY PUBLIC  
My commission expires:

**WILMA J. HANSON**  
Notary Public, Henry County, Georgia  
My Commission Expires Sept. 15, 2008

(Signed) NAVJYOT SINGH BEDI  
Name (please print): Navjot S. Bedi

Monitoring Physician/Therapist  
Program: TRC  
Address: 5448 Yorktowne Dr.  
Atlanta, GA 30349  
Telephone: 678-251-3141  
License No. 055658