

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

IN THE MATTER OF:

ROBERT EDWARD HOLLAND, M.D.,  
License No. 59662,  
Respondent.

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GEORGIA COMPOSITE  
MEDICAL BOARD

DEC 04 2014

DOCKET NUMBER:  
20150023

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Board") and ROBERT EDWARD HOLLAND, 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.

On or about June 13, 2014, Respondent, a psychiatrist, voluntarily disclosed to the Board that he had engaged in a boundary violation involving one of his female patients. At the time of the disclosure, Respondent had ceased his practice of medicine, was in treatment for alcohol dependency, and was arranging for further evaluation concerning the boundary violation.

3.

The evaluation indicated that Respondent was unable to practice with reasonable skill and safety to patients and recommended treatment. Respondent entered and completed treatment for

professional sexual misconduct at a Board approved facility. Upon completing treatment, it has been determined by Respondent's treating physicians that Respondent can safely return to the practice of psychiatry under specific requirements, including but not limited to enrollment in a professional sexual misconduct maintenance treatment program. Respondent has enrolled in a professional sexual misconduct maintenance treatment program and a Board approved monitoring program for his alcohol dependency.

4.

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 sanctions 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 Georgia Composite Medical Board. Respondent waives any further conclusions of law with respect to this matter.

#### **ORDER**

The Georgia Composite Medical Board, having considered the particular facts and circumstances of this case, hereby orders 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) Maintenance Program. Respondent shall participate in a Board approved professional sexual misconduct maintenance treatment program (“maintenance program”), which shall include polygraph examinations, at Respondent’s expense, every six (6) months. The maintenance program shall also include, but not be limited to, professional group meetings once per month, individual therapy at a frequency determined by his treatment team, and various practices to be employed relative to Respondent’s medical office. Within ten (10) days of the effective date of this Order, Respondent shall provide the Board with a copy of his maintenance program contract. Respondent shall abide by the terms of his maintenance program contract and/or all of the program’s guidelines and requirements. Failure of Respondent to comply with the maintenance program contract or the program’s guidelines and requirements may subject Respondent’s license to summary suspension, pending further proceedings, or further disciplinary action. Respondent shall notify the Board in writing of any changes in his maintenance program contract.

(b) Participation in Support Groups. On a weekly basis, Respondent shall attend meetings of support groups such as Caduceus Club or AA meetings or similar support group acceptable to the Board.

(c) Supervision and Monitoring. Respondent shall designate an acceptable supervising (“supervising”) physician to supervise him in the workplace. The supervising physician may also serve, as required by the maintenance program contract, as Respondent’s Professional Mentor, a physician with whom he can discuss problematic patients and/or his interactions with office staff on a regular basis. Respondent shall personally meet with the supervising physician no less than once every two (2) weeks. Any change in frequency of meetings between Respondent and the supervising physician/professional mentor shall require preapproval by the Board in writing.

Respondent shall also designate an acceptable treating (“monitoring”) physician with whom he will continue therapeutic care as to the professional boundary issues 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. Within ten (10) days of the effective date of this Order, Respondent shall submit or cause to be submitted written statements from his supervising and monitoring physicians to the Board stating he/she has read this Order and agrees to act as Respondent's supervising/monitoring physician. By executing this Consent Order, Respondent specifically consents to his supervising and monitoring physicians reporting upon Respondent's condition or behavior, notwithstanding any privilege provided by state or federal law.

Respondent shall obtain prior written Board approval through the Executive or Medical Director for any change in supervising and monitoring physicians.

(d) Quarterly Reports. Respondent shall submit or cause to be submitted quarterly reports from his monitoring and supervising 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 providers 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 providers or any other facility where Respondent obtains medical treatment reporting upon Respondent's condition, notwithstanding any privilege provided by state or federal law.

(e) No Contact. (1) Respondent shall not have sexual contact of any kind with any staff members; and (2) Respondent shall not have sexual contact of any kind with current patients or their family members or with any former patients per Board Rule 360-3-.02; this does not include Respondent's family members.

(f) Window Installed in Office Door. Respondent shall have a vertical window placed in his office door which is of a sufficient size to allow any individual passing the door to look in and see exactly where Respondent is sitting but protects patient identity and privacy.

(g) Practice Limitation. Respondent shall not provide individual or group psychotherapy to patients that are in their first two (2) years of recovery from addiction(s). Respondent may provide medication management including the use of buprenorphine.

(h) Employee Affidavits. If deemed necessary by the Board or Respondent's supervising and/or monitoring physicians, the Board or the monitoring physician may facilitate the submission of employee affidavits concerning Respondent's compliance with the terms of this Order and/or Respondent's observed behavior with female patients. The forms shall be submitted to the maintenance program and/or monitoring physician and shall be submitted to the Board upon Board request.

(i) Staff Surveillance Forms. Respondent shall submit Staff Surveillance Forms concerning Respondent's compliance with the terms of this Order and/or Respondent's observed behavior with female patients at a frequency to be determined by Respondent's treating physician. The forms shall be submitted to the maintenance program and/or monitoring physician and shall be submitted to the Board upon Board request.

(j) Abstain from Alcohol and Other Substances. Respondent shall completely abstain from the consumption of alcohol and other mood altering substances.

(k) Drug/Alcohol Screens. Respondent shall submit to random drug and alcohol screens. Screens required under a Board approved program shall satisfy this requirement. 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.

(l) Further Evaluation. At any time during the period of probation, the Board shall 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.

(m) Continuing Medical Education. In addition to the mandated continuing medical education ("CME") required of all Georgia physicians, Respondent shall obtain an additional 6 hours of continuing medical education each year of probation in the area of medical ethics. Respondent must obtain the additional 6 hours on an annual basis and shall submit proof of completion of said additional hours to the board by December 31 of each year of the probation. Prior to obtaining the CME, Respondent shall submit the title of the course(s) he plans to attend and information concerning the course(s) to the Board for approval.

(n) Periods of Residency Outside Georgia 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 monitoring period, except as authorized by the Board.

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

(p) 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 Georgia Composite Medical Board 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, Respondent's license shall be subject to 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.

(q) 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 by submitting written disclosures statement to the Board.

(r) Termination of Probation. Respondent shall not be eligible to petition for termination of probation until five (5) years 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 probation, including, but not limited to, a written statement from Respondent's supervising and monitoring physicians indicating their agreement with terminating the probation period. The Georgia Composite Medical Board shall review and evaluate the practice of Respondent prior to lifting the probation period. At such time, the Board shall be authorized, but



is not required, to terminate the probation period. If the Board denies Respondent's petition for termination of 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 reprimand of Respondent by the Board and may be disseminated as a public disciplinary action.

3.

Approval of this Consent Order by the Georgia Composite Medical Board shall in no way be construed as condoning Respondent's conduct and shall not be construed as a waiver of any of the lawful rights possessed by the Board. Respondent also acknowledges that the Board has the right to initiate further disciplinary proceedings against Respondent based on additional complaints of misconduct, or other violation of the Medical Practice Act, Board rules or other State or Federal law, and the Board acknowledges that for other actions, the Respondent has a right to a hearing under O.C.G.A. T. 50, Ch. 13.

4.

Respondent understands 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 the Physician's Profile reflecting this Consent Order.

5.

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 a

hearing in this matter and freely, knowingly, and voluntarily waives that right. Respondent understands that the Consent Order will not become effective until approved and docketed by the Georgia Composite Medical Board. 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, a public record, evidencing disciplinary action by 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 4<sup>th</sup> day of December, 2014.

**GEORGIA COMPOSITE MEDICAL BOARD**

(BOARD SEAL)

BY:

David W. Retterbush  
DAVID W. RETTERBUSH, M.D.  
Chairperson

ATTEST:

Lasharn Hughes  
LASHARN HUGHES  
Executive Director

**CONSENTED TO:**

[As to Respondent's signature:]

Sworn to and subscribed before me  
This 21 day of November, 2014.

Sarah T. Gordon

NOTARY PUBLIC

My Commission Expires: 12/29/14

Robert Edward Holland  
ROBERT EDWARD HOLLAND, M.D.  
Respondent

Anthony L. Cochran  
ANTHONY L. COCHRAN, ESQ.  
Attorney for Respondent

