

DARIA A. LOY-GOTO 6175
DENISE P. BALANAY 5526

RECEIVED
PROF & VOCATIONAL
LICENSING DIVISION

DEPT. OF COMMERCE
AND CONSUMER AFFAIRS

Regulated Industries Complaints Office
Department of Commerce and Consumer Affairs
State of Hawaii
Leiopapa A Kamehameha Building
235 South Beretania Street, Suite 900
Honolulu, Hawaii 96813
Telephone: 586-2660

2007 AUG 13 P 4: 17
DEPT OF COMMERCE
& CONSUMER AFFAIRS
STATE OF HAWAII

2007 AUG -3 P 1: 43
HEARINGS OFFICE

Attorney for Department of Commerce
and Consumer Affairs

BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

DEPT. OF COMMERCE
AND CONSUMER AFFAIRS
2007 SEP 18 A 11: 11
HEARINGS OFFICE

In the Matter of the) MED 2006-257-L
License to Practice Medicine of)
)
DAVID S. ROTH, M.D.,) SETTLEMENT AGREEMENT *after Ke* ~~PRIOR~~ TO
) FILING OF PETITION FOR DISCIPLINARY
) ACTION AND BOARD'S FINAL ORDER;
Respondent.) EXHIBITS "1" AND "2"
)

SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION
FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER

Respondent DAVID S. ROTH, M.D. (hereinafter "Respondent"), and the Department of
Commerce and Consumer Affairs, through its Regulated Industries Complaints Office
(hereinafter "RICO"), through its undersigned attorneys enter into this Settlement Agreement on
the terms and conditions set forth below.

A. UNCONTESTED FACTS

1. Respondent is licensed by the Board of Medical Examiners (hereinafter the
"Board") as a physician under License Number MD 5649. Said license was issued on August 28,
1986, expired on January 31, 2006, and will forfeit on January 31, 2008.

2. The last known address for Respondent is [REDACTED]

3. RICO received information that a Consent Order, effective January 12, 2006, was issued against Respondent by the Composite State Board of Medical Examiners of the State of Georgia (hereinafter the "Georgia Order"). A true and correct copy of the Georgia Order is attached as Exhibit "1."

4. The Georgia Order included findings indicating, among other things, that Respondent inappropriately prescribed controlled substances for his own personal use.

5. Pursuant to the Georgia Order, Respondent's license to practice medicine in the State of Georgia (License Number 54051) was suspended indefinitely.

6. Respondent failed to report the Georgia Order to the Board within thirty (30) days, as required by Hawaii Revised Statutes (hereinafter "HRS") §§ 436B-19(15) and 453-8(14).

7. On or about December 7, 2006, Respondent's license to practice medicine in the State of Georgia was reinstated, with conditions, by the Composite State Board of Medical Examiners for the State of Georgia (hereinafter "Georgia Order of Reinstatement"). Attached hereto as Exhibit "2" is a true and correct copy of the Georgia Order of Reinstatement. Respondent forwarded a copy of the Georgia Order of Reinstatement to RICO on or about December 13, 2006.

8. RICO is prepared to file a petition for disciplinary action against the Respondent for his failure to comply with HRS §§ 436B-19(15) and 453-8(14).

9. The Board has jurisdiction over the subject matter herein and over the parties hereto.

B. REPRESENTATIONS BY RESPONDENT

1. Respondent is fully aware that he has the right to be represented by an attorney of his choosing in this matter and voluntarily waives that right.

2. Respondent enters into this Settlement Agreement freely and voluntarily and under no coercion or duress.

3. Respondent has been informed of his right to have a hearing to determine the issues in RICO's investigation. Pursuant to HRS § 91-9(d), Respondent voluntarily waives his right to a hearing and agrees to a disposition of this case in accordance with the terms and conditions of this Settlement Agreement.

4. Respondent being at all times relevant herein licensed as a physician by the Board acknowledges that he is subject to penalties including but not limited to, revocation, suspension or limitation of his license and civil fines, if the foregoing violations are proven at hearing.

5. Respondent does not admit that he has violated any law or rule, but acknowledges that RICO has sufficient cause to file a Petition for Disciplinary Action against his license to practice medicine.

6. Respondent enters into this Settlement Agreement as a compromise of the claims and to conserve on the expenses of proceeding with an administrative hearing on this matter.

7. Respondent agrees that this Settlement Agreement is intended to resolve the issues raised in RICO's investigation in RICO Case No. MED 2006-257-L.

C. TERMS OF SETTLEMENT

1. Probation. Respondent's license to practice medicine in the State of Hawaii is hereby placed on probation for a period of six (6) months. During the probationary period, Respondent agrees to pay the administrative fine set forth in paragraph C.2 below.

2. Administrative fine. Respondent agrees to pay a fine in the amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00.). Said payment shall be made by **cashier's check or money order made payable to "State of Hawaii - Compliance Resolution Fund"** and mailed to the Regulated Industries Complaints Office, Attn: Denise P. Balanay, Esq., 235 S. Beretania Street, 9th Floor, Honolulu, Hawaii 96813. Payment of the fine shall be due at the time this fully executed Settlement Agreement is returned to RICO.

3. Compliance with Order(s). Respondent shall fully comply with the terms and conditions as set forth in the Georgia Order of Reinstatement.

4. Failure to Comply with Settlement Agreement. If Respondent fails to fully and timely comply with the terms of this Settlement Agreement as set forth in paragraph(s) C.1, C.2, and C.3 above, Respondent's license shall be automatically revoked for a period of five (5) years upon RICO's filing of an affidavit with the Board attesting to such failure. In case of such revocation, Respondent shall turn in all indicia of his licensure to the Executive Officer of the Board within ten (10) days after receipt of notice of the revocation. Upon completion of the revocation period, Respondent understands that if he desires to continue to practice as a physician, he will need to apply to the Board for a new license pursuant to and subject to the requirements and conditions set forth in HRS §§ 92-17, 436B-21, and all other applicable laws and rules.

5. Possible further sanction. The Board, at its discretion, may pursue additional disciplinary action as provided by law to include further fines and other sanctions as the Board may deem appropriate if Respondent violates any provision of the statutes or rules governing the conduct of physicians in the State of Hawaii, or if Respondent fails to abide by the terms of this Settlement Agreement.

6. Approval of the Board. Respondent agrees that, except for the representations, agreements and covenants contained in Paragraphs C.6, C.7, C.8, and C.9 below, this Settlement Agreement shall not be binding on any of the parties unless and until it is approved by the Board.

7. No Objection if Board Fails to Approve. If the Board does not approve this Settlement Agreement, does not issue an order pursuant thereto, or does not approve a lesser remedy, but instead an administrative hearing is conducted against Respondent in the Board's usual and customary fashion pursuant to the Administrative Procedure Act, Respondent agrees that neither he nor any attorney that he may retain, will raise as an objection in any administrative proceeding or in any judicial action, to the Board's proceeding against him on the basis that the Board has become disqualified to consider the case because of its review and consideration of this Settlement Agreement.

8. Any Ambiguities Shall be Construed to Protect the Consuming Public. It is agreed that any ambiguity in this Settlement Agreement is to be read in the manner that most completely protects the interests of the consuming public.


9. No Reliance on Representations by RICO. Other than the matters specifically stated in this Settlement Agreement, neither RICO nor anyone acting on its behalf has made any representation of fact, opinion or promise to Respondent to induce entry into this Settlement

Agreement, and Respondent is not relying upon any statement, representation or opinion or promise made by RICO or any of its agents, employees, representatives or attorneys concerning the nature, extent or duration of exposure to legal liability arising from the subject matter of this Settlement Agreement or concerning any other matter.

10. Complete Agreement. This Settlement Agreement is a complete settlement of the rights, responsibilities and liabilities of the parties hereto with respect to the subject matter hereof; contains the entire agreement of the parties; and may only be modified, changed or amended by written instrument duly executed by all parties hereto.

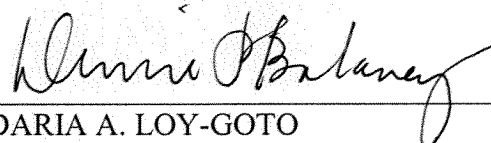
IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date(s) set forth below.

DATED: RICHMOND HILL, GEORGIA, 7/25/2007
(CITY) (STATE) (DATE)



DAVID S. ROTH, M.D.
Respondent

DATED: Honolulu, Hawaii, AUG - 3 2007



DARIA A. LOY-GOTO
DENISE P. BALANAY
Attorneys for Department of Commerce and
Consumer Affairs

IN THE MATTER OF THE LICENSE TO PRACTICE MEDICINE OF DAVID S. ROTH,
M.D.; SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION FOR
DISCIPLINARY ACTION AND BOARD'S FINAL ORDER; EXHIBITS "1" AND "2";
RICO CASE NO. MED 2006-257-L

APPROVED AND SO ORDERED:
BOARD OF MEDICAL EXAMINERS
STATE OF HAWAII

H. Roger Netzer M.D.
H. ROGER NETZER, M.D. -
Chairperson

9-14-07
DATE

Maria Brusca Patten
MARIA BRUSCA PATTEN, D.O. -
Vice-Chairperson

Brian E. Cody
BRIAN E. CODY

Ronald H. Kientz
RONALD H. KIENITZ, D.O.

John T. McDonnell
JOHN T. McDONNELL, M.D.

M. Pierre K.W. Pang
M. PIERRE K.W. PANG, M.D.

Fereydoun Don Parsa
FEREYDOUN DON PARSA, M.D.

Ben K. Azman
BEN K. AZMAN, M.D.

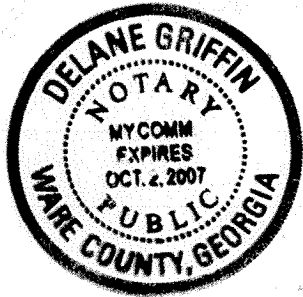
G. Markus Polivka
G. MARKUS POLIVKA

Peter A. Matsuura
PETER A. MATSUURA, M.D.

Danny M. Takanishi, Jr.
DANNY M. TAKANISHI, JR., M.D.

STATE OF Georgia)
)
COUNTY OF Ware) SS.

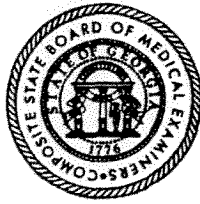
On this 25 day of July, 2007, before me personally appeared David S. Roth, to me known to be the person described and who executed the foregoing instrument and acknowledged the same as his free act and deed.



Delane Griffin
Name: Delane Griffin
Notary Public – State of GA.

My Commission expires: Oct. 2, 2007

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS



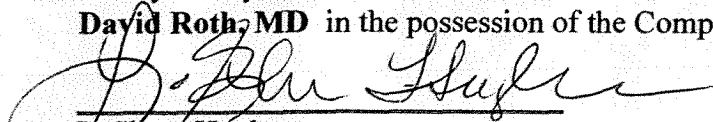
EXECUTIVE DIRECTOR
LaSharn Hughes

MEDICAL DIRECTOR
Jim H. McNatt, MD

2 Peachtree Street, N.W., 36th Floor • Atlanta, Georgia 30303 • Tel: 404.656.3913 • <http://www.medicalboard.state.ga.us>
E-Mail: Medboard@dch.state.ga.us


To Whom It May Concern:

I, LaSharn Hughes, Executive Director of the Composite State Board of Medical Examiners do hereby certify that the attached are true and correct copies of the Public Board Orders concerning **David Roth, MD** in the possession of the Composite State Board of Medical Examiners.



LaSharn Hughes
Executive Director

Sworn before me this 15th day of May 2006



My Commission Expires 12/17/2006

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DEPT OF COMMERCE
& CONSUMER AFFAIRS
STATE OF HAWAII

EXHIBIT 1

Administratively Attached to Community Health
An Equal Opportunity Employer

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS
Composite State Board
of Medical Examiners

STATE OF GEORGIA

JAN 12 2006

IN THE MATTER OF:

DAVID ROTH, M.D.
License No. 54051

Respondent.

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*
*

DOCKET NUMBER
DOCKET NO. 10050023

PUBLIC CONSENT ORDER

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

JAN 12 '06 10:08

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.

In or about January, 2004 Respondent began prescribing controlled substances inappropriately for his own personal use. *(DSP)*

3.

On or about March 2005, a mental/physical assessment of the Respondent indicated that Respondent should enter a residential treatment program for chemical dependence.

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2006 JUN - 1 A 11: 38
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STATE OF GEORGIA

4.

On or about April 13, 2005 Respondent signed a Private Agreement Not to Practice and agreed to follow the treatment recommendations of the March 2005 mental/physical assessment. Respondent further agreed not to practice medicine in the State of Georgia until he received the written permission of the Board.

5.

In September 2005 Respondent sought an evaluation and treatment from Bradford Health Services. Said evaluation supported the recommendations of the March 2005 assessment and recommended that Respondent submit to long-term residential treatment for chemical dependence. *(OSR)*

6.

In or about December, 2005, Respondent entered, but has not yet completed, a residential treatment program for chemical dependence. He alleges that this was due to financial constraints. *(ASR)*

7.

Respondent waives any further findings of fact with respect to the above matter.

CONCLUSIONS OF LAW

Respondent's actions constitute sufficient grounds for the Board exercise its disciplinary authority and to impose sanctions on Respondent as a licensee under O.C.G.A. Chapters 1 and 34, T. 43, as amended and the Rules of the Composite State Board of Medical Examiners. Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

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& CONSUMER AFFAIRS
STATE OF HAWAII

ORDER

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of this case, hereby orders, and Respondent hereby agrees, to the following terms:

1.

Respondent agrees that his license as a physician shall be suspended indefinitely and that he shall not practice as a physician until further order of the Board. If Respondent practices as a physician without express written permission of the Board, Respondent's license shall be subject to revocation, upon substantiation thereof.

2.

Respondent shall enter and complete treatment. Following discharge from treatment, Respondent shall comply with any recommended follow-up care, including a continuing care program, as may be suggested by his treating physician and/or shall comply with further recommendations of the Board. Respondent shall execute a release so that the Board may obtain the results and records relating to any of Respondent's evaluation(s) and/or treatment.

3.

Respondent shall completely abstain from the consumption of alcohol. Respondent shall also completely abstain from the consumption of any mood altering substances, except as prescribed by a duly licensed practitioner for a legitimate medical purpose.

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2006 JUN - 1 A 11: 30
DEPT OF COMMERCE
& CONSUMER AFFAIRS
STATE OF HAWAII

4.

Respondent shall obtain professional advocacy from an advocate acceptable to the Board for his return to the practice of medicine and may be requested to personally meet with the Impairment Committee of the Board to discuss the course of Respondent's rehabilitation. The Board shall have the discretion following such meeting to lift the Respondent's suspension, to place upon Respondent's license any conditions that the Board may deem appropriate, or to deny lifting the suspension if the Board determines that Respondent needs further rehabilitation.

5.

This Consent Order constitutes a PUBLIC REPRIMAND and may be disseminated by the Board as public disciplinary action.

6.

During the period of suspension, the Respondent shall continue to pay the license renewal fee by and before each expiration date, as established by the Board. Failure to pay the license renewal fee shall be grounds for the administrative revocation of Respondent's license without a hearing, as provided by O.C.G.A. § 43-1-19(l), with reinstatement within the discretion of the Board. Respondent acknowledges that when considering the reinstatement of an administratively revoked license, the Board has the authority to review any investigative file relating to the Respondent.

7.

Respondent also 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

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STATE OF HAWAII

executing this Consent Order, the Respondent hereby agrees to permit the Board to update his Physician Profile reflecting this Consent Order.

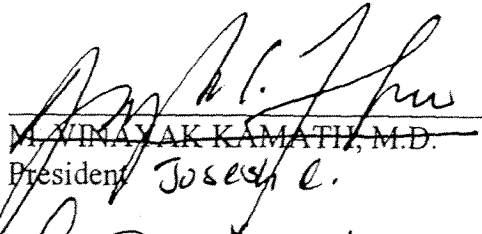
8.

Respondent acknowledges that he has read and understands the contents of this Consent Order. Respondent understands that he has the right to a hearing in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent Order. He understands that this Consent Order will not become effective until approved and docketed by the Composite State Board of Medical Examiners. He further understands and agrees that a representative of the Department of Law may be present during presentation of this Consent Order to the Board and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent further understands that this Consent Order, once approved, shall constitute a public record, which may be disseminated by the Board as a disciplinary action of the Board. If this 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 this matter. Respondent consents to the terms and conditions contained herein.

Approved, this 12th day of January, 2006

COMPOSITE STATE BOARD OF
MEDICAL EXAMINERS

BY:


M. VINAYAK KAMATH, M.D.
President

ATTEST:


LASHARN HUGHES
Executive Director

(BOARD SEAL)

(Signatures continued on next page.)

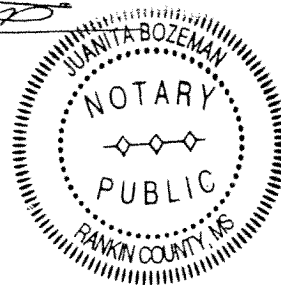
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DEPT. OF COMMERCE
& CONSUMER AFFAIRS
STATE OF HAWAII

CONSENTED TO:

David Roth

DAVID ROTH, M.D.

Respondent



State of Miss
Co. of Rankin
Sworn to and Subscribed
Before me this 10th day
of January, 2006

Juanita Bozeman
NOTARY PUBLIC

My Commission Expires:

Mississippi Statewide Notary Public
My Commission Expires: April 12, 2009
Bonded Thru Notary Public Underwriters

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2006 JUN - 1 A 11: 38
DEPT. OF COMMERCE
& CONSUMER AFFAIRS
STATE OF HAWAII

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS
Composite State Board
of Medical Examiners
STATE OF GEORGIA

DEC 07 2006

IN THE MATTER OF:

DAVID SAMUEL ROTH, M.D.,
License No: 54051,

*
*
*
*
*

DOCKET NO.

DOCKET NUMBER
10050023

Respondent.

PUBLIC CONSENT ORDER REINSTATING LICENSURE

By agreement of the Composite State Board of Medical Examiners (the "Board") and David Samuel Roth, M.D. (the "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 licensed as such at all times relevant to the matters stated herein.

2.

On or about January 12, 2006, Respondent signed a Public Consent Order of indefinite suspension of his license, agreeing not to practice as a physician until further order of the Board.

3.

On or about April 10, 2006, Respondent was discharged from the Harbor House Recovery Center in Jackson, Mississippi upon the successful completion of treatment goals related to his recovery from opioid dependence.

4.

On or about May 12, 2006, the Board received correspondence from Kevin J. Winders, M.D., a psychiatrist in Savannah, Georgia. Dr. Winders confirmed Respondent's continued sobriety since beginning treatment with him in January 2005, as well as Respondent's

EXHIBIT " 2 "

compliance with his directives. Dr. Winders also offered a positive prognosis for Respondent based on his continued adherence to treatment goals.

5.

Respondent entered outpatient treatment with D. Ray Gaskin, Jr., M.D., an addiction medicine specialist in Savannah, Georgia, in June 2006. The Board received correspondence from Dr. Gaskin dated August 18, 2006, advocating for the Respondent to be allowed to return to the practice of medicine. Dr. Gaskin submitted an aftercare plan for the Respondent to the Board on August 23, 2006, containing suggestions for Respondent's ongoing treatment for chemical dependence.

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 conduct/conditions constitute sufficient grounds to impose conditions upon Respondent's license to practice medicine in the State of Georgia, at such time as a license may be reinstated, pursuant to O.C.G.A. Chs. 1 and 34, T. 43, as amended. Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of the case, hereby orders, and Respondent hereby agrees, to the following terms and conditions:

1.

Beginning on the effective date of the Public Consent Order Reinstating Licensure, the suspension on Respondent's license shall be lifted and his license reinstated and placed upon

2

probation until terminated by a written order of the Board, and he will be allowed to practice medicine in the State of Georgia under the following terms and conditions:

(a) Restrictions on Practice. Respondent may practice medicine only at a Board approved facility in the metro Savannah area or at another location approved by the Board. Prior to beginning employment, Respondent shall submit information about the practice, location and facility to the Medical Director for approval. In the event that Respondent changes employment or practice location during the period of probation, Respondent shall submit information about the practice, location and to the Medical Director for approval prior to beginning practice.

(b) Work Hours Restrictions. Respondent shall work only an average of 40 hours per calendar week, but no more than 45 hours in one calendar week. After working under this limitation for one (1) year, the restriction may be lifted by the Board provided that Respondent has the support of his treatment counselor(s). Until the Board enters an Order increasing the maximum work hours per calendar week, Respondent will work under this restriction.

(c) Treatment/Aftercare/Monitoring Physician. During the probationary period, the Respondent agrees to continue to participate in treatment and/or an aftercare program acceptable to the Board under D. Ray Gaskin, Jr., M.D., or another monitoring physician approved by the Board. Respondent shall provide a copy of this Consent Order to said monitoring physician, and said monitoring physician shall sign a statement in substantially the form attached hereto as Attachment A to be submitted to the Board within ten (10) days of the docketing of this Order, as evidence of having read and understood same and having agreed to serve as Respondent's monitoring physician. Respondent's monitoring physician shall submit to the Board reports as provided in section (f) regarding Respondent's progress in the therapy program and any medications Respondent is prescribed. Respondent shall obtain prior Board approval through the Medical Director for any change in monitoring physician. Failure of Respondent to comply with any of the

requirements of his aftercare contract shall subject Respondent's license to revocation, upon substantiation thereof after notice and hearing. After attending an aftercare program for four (4) years, Respondent may request a lifting or modification of this restriction. At the time of Respondent's request, he must provide written statements from his Monitoring physician that (s)he supports lifting or modifying this restriction. This restriction shall remain in effect pending notification from the Board that the restriction has been lifted.

(d) Participation in Support Group. Respondent shall continue to regularly participate in meetings of Alcoholics Anonymous, Narcotics Anonymous, Caduceus Club or another similar support group acceptable to the Board a minimum of three (3) times per week in accordance with his aftercare contract or as otherwise required by the Board. Respondent shall also obtain an Alcoholics Anonymous sponsor and will relinquish anonymity to the extent to permit verification of attendance and participation.

(e) Abstain from Mood Altering Substances. Respondent shall completely abstain from the consumption of alcohol. Respondent shall also completely abstain from the consumption of 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 treating physician obtain a consultation with the Board approved monitoring physician, who shall notify the Medical Director within ten (10) calendar days of the event.

(f) Quarterly Reports. Respondent shall submit or cause to be submitted quarterly reports from his monitoring physician regarding his 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 monitoring

physician will immediately report any change in Respondent's condition, which would render Respondent unable to practice with reasonable skill and safety to patients. By executing the Consent Order, Respondent specifically consents for such monitoring physician or any other facility where Respondent obtains medical treatment to report on Respondent's condition, notwithstanding any privilege provided by state or federal law. Respondent shall obtain prior Board approval through the Medical Director or Executive Director for any change in the monitoring physician.

(g) Random Urine Drug/Alcohol Screens and other Screens. The Board or its representative or Respondent's monitoring physician shall have the authority at any time to order Respondent to undergo random witnessed and immediate drug/alcohol urine, biological fluid, hair or blood screen analysis, and at Respondent's expense. Proper chain of custody shall be maintained and positive results shall be confirmed by such means as may be required to ensure the validity of such screening. Refusal to undergo a properly requested drug/alcohol, biological fluid, hair 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.

(h) Prescribing Restrictions. Except as provided herein, Respondent hereby agrees to relinquish his right to prescribe, administer, dispense, order or possess (except as prescribed, administered, or dispensed to Respondent by another person authorized by law to do so), opioid medications as defined by the Federal or Georgia Controlled Substances Act. *Respondent may request a lifting or modification of this restriction after one (1) year of his reentry to practice.* After lifting this restriction the Board may impose additional terms and conditions on Respondent's prescribing as it deems necessary.

(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 physicians

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. In the event 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 to the reduction of Respondent's probation period, except as authorized by the Board.

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

(l) Abide By Laws, Rules and Terms. Respondent shall abide by all State and Federal laws regulating his practice as a physician or relating to drugs, the Rules and Regulations of the Composite State Board of Medical Examiners and the terms of the Consent Order and probation. If Respondent shall fail to abide by such laws, rules or terms, or if it should appear from probation reports submitted to the Board that Respondent is otherwise unable to practice 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 the 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 Respondent shall be entitled to an expedited hearing to substantiate such violation(s), if the Board exercises such right.

(m) 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 physician's assistants 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, utilization of a physician's assistant, 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 utilizing the form attached hereto as Attachment B, or a substantially similar form.

(n) Termination of Probation. Respondent shall not be eligible to petition for termination of probation until demonstrating five (5) years of 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 probation, including, but not limited to, a written statement from Respondent's supervisor and monitoring physician that said supervisor and monitoring physician agree with terminating the probation period. The Composite State Board

of Medical Examiners shall review and evaluate the practice of Respondent prior to lifting the probation. At such time, the Board shall be authorized, but is not required, to terminate the probation period. If the Board denies the 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 Reinstating Licensure shall constitute a public order of the Board and may be disseminated as such.

3.

Respondent acknowledges that Respondent has read the Consent Order and understands its contents. Respondent understands that he has a right to an appearance, 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 application file and all relevant evidence in considering the Consent Order. Respondent further understands that the Consent Order, once approved, shall constitute a public record that may be disseminated as provided in Paragraph 2. 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 7th day of December, 2006.

(BOARD SEAL)

COMPOSITE STATE BOARD OF
MEDICAL EXAMINERS

Joseph C. Finley, Sr.
JOSEPH C. FINLEY, SR., M.D.
President

ATTEST:

Lasharn Hughes
LASHARN HUGHES
Executive Director

CONSENTED TO:

David Samuel Roth, M.D.
DAVID SAMUEL ROTH, M.D.
Respondent

Sworn to and Subscribed
before me this 28 day
of 11 2006.

Elizabeth P. Miles
NOTARY PUBLIC
My Commission Expires:

ELIZABETH P. MILES
Notary Public, Chatham County, GA
My Commission Expires August 12, 2007

DISCLOSURE STATEMENT

I _____, have been provided with a copy of the Consent Order between David Samuel Roth, M.D., and the Georgia Composite State Board of Medical Examiners. My relationship to Dr. David Samuel Roth is that of a _____.

NAME (please print) _____
ADDRESS: _____
TELEPHONE: _____
LICENSE NO.: _____

Sworn to and subscribed
before me the _____ day
of _____ 2006.

NOTARY PUBLIC
My commission expires:

ATTACHMENT B

MONITORING PHYSICIAN'S STATEMENT

The undersigned monitoring physician acknowledges that he has read the attached Consent Order and agrees to serve as Dr. David Samuel Roth's monitoring physician.

Sworn to and subscribed before me the 28 day of 11 2006.

Elizabeth P. Miles
NOTARY PUBLIC

My commission expires:

(Signed) *D. Ray Gaskin, Jr.*
Name: D. Ray Gaskin, Jr., M.D.
Monitoring Physician/Therapist

Program: D. Ray Gaskin, Jr., M.D.
Address: 315 Commercial Drive
Suite B-3
Savannah, GA 31416-3145
Telephone: 912-352-9902
License No. 28117

ELIZABETH P. MILES
Notary Public, Chatham County, GA
My Commission Expires August 12, 2007

ATTACHMENT A