BEFORE THE MISSOURI BOARD OF REGISTRATION FOR THE HEALING ARTS

State Board of Registration For the Healing Arts, Petitioner	)	
	)	Case Number: 2006-004311
v.	)	
Brandon D. Riesenmy, M.D. Respondent	)	

ORDER

It is hereby ordered that effective February 6, 2010 the Order issued on February 6, 2008 upon Respondent's license to practice medicine and surgery, number 112406 is hereby terminated and said license is hereby returned to its full privileges free and clear of all restrictions.

Tina Steinman
Executive Director

February 16, 2010
Date

BEFORE THE
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
STATE OF MISSOURI

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS,	)	
Petitioner	)	
v.	)	Case No. 2006-004311
BRANDON D. RIESENMY, M.D.,	)	AHC Case No. 07-0757 HA
Respondent.	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW & DISCIPLINARY ORDER PUBLICLY REPRIMANDING & PROBATING LICENSE

The Missouri State Board of Registration for the Healing Arts, in accordance with law and pursuant to notice, took up this matter at its regularly scheduled meeting on January 25, 2008. The Board's general counsel, Sreenu Dandamudi, presented evidence on behalf of the Board. Dr. Riesenmy did not appear, personally or by attorney. Division of Professional Registration Senior Legal Counsel David Barrett acted as the Board's legal advisor in these proceedings, in the Board's deliberations, and in preparing this order.

Evidence was adduced, exhibits were received, and the argument of counsel was heard. The Board took the matter under advisement to deliberate and determine an appropriate disposition. Being fully advised in the premises, the Board now enters its findings of fact, conclusions of law, and disciplinary order publicly reprimanding Dr. Riesenmy's license as a physician and surgeon for permitting an advanced practice nurse

to order the refill of controlled substance prescriptions without his direction or supervision, and probating his license for two years for this and other offenses.

FINDINGS OF FACT

1. The Administrative Hearing Commission is an agency of the State of Missouri created and established pursuant to §621.015, RSMo, for the purpose of conducting hearings and making findings of fact and conclusions of law in cases in which disciplinary action may be taken against a licensee or certificate holder by certain agencies, including the Missouri State Board of Registration for the Healing Arts.

2. On September 18, 2007, the Administrative Hearing Commission of the State of Missouri issued its Order Granting Summary Determination in Part, finding that Dr. Riesenmy's license to practice medicine is subject to disciplinary action by this Board pursuant to the provisions of § 334.100.2(6), (13) and (23) RSMo Supp. 2007, because, in general terms, Dr. Riesenmy was disciplined by the Bureau of Narcotics and Dangerous Drugs, he permitted an advanced practice nurse to authorize refills for controlled substances without his direction or supervision, and violated various record keeping and dispensing laws and regulations pertaining to controlled substances.

3. This Board has received the record of the proceedings before the Administrative Hearing Commission and the Order Granting Summary Determination in Part. The Order Granting Summary Determination in Part issued by the Administrative Hearing Commission in Case No. 07—0757 HA is incorporated herein by reference as if fully set forth in this document.

4. Each member of this Board who participated in this decision certified on the record that he or she had read the Administrative Hearing Commission's Order Granting Summary Determination in Part. All the members of this Board who were present participated in the Board's deliberations, vote and order.

5. Brandon D. Riesenmy, M.D., Respondent, is licensed by the Board, license number 112406. Respondent's registration lapsed on January 31, 2007.

6. Dr. Riesenmy had notice of the date, time and place of this hearing.

CONCLUSIONS OF LAW

1. This Board has jurisdiction over this proceeding pursuant to § 621.110, RSMo. Supp. 2007.

2. Respondent's license is subject to the disciplinary actions set out in § 334.100.4 RSMo. Supp. 2007.

DISCIPLINARY ORDER

Having fully considered all evidence before this Board, and giving full weight to the AHC's Order Granting Summary Determination in Part, it is the ORDER of this Board that the license of Brandon D. Riesenmy, M.D., number 112406, be and hereby is **PUBLICLY REPRIMANDED** for permitting an advanced practice nurse to order the refill of controlled substance prescriptions without his direction or supervision.

It is the further order of the board that Dr. Riesenmy's license be placed on Probation for a period of two (2) years for all of the violations found in the AHC's Order, upon the following terms and conditions:

1. During the probationary period Dr. Riesenmy shall strictly adhere to and obey all of the terms and conditions imposed upon his controlled substance registration by the Bureau of Narcotics and Dangerous Drugs; said terms and conditions, which are attached to this Order, are incorporated into this Order by reference as though fully set out. Any violation of the BNDD terms and conditions shall be a violation of this Order; a determination of violation by the BNDD shall not be a predicate to action by this Board.

2. In addition, Dr. Riesenmy is required to take and complete a Board-approved prescribing course within six (6) months of the effective date of this Order.

Dr. Riesenmy is reminded that his license by this board has lapsed, and that failure to promptly renew it would be a violation of Article IV, section 12.

The probation period set forth herein shall be tolled during any time that this order is stayed by a court, or upon the filing of a complaint with the Board alleging that Dr. Riesenmy has violated the terms or conditions of this probation. The tolling of the probation period shall continue until disposition of any probation violation complaint. The Board's jurisdiction to file and dispose of a probation violation complaint shall continue for a reasonable period of time after the end of the probation for violations alleged to have occurred during the probation period.

SO ORDERED, this 6th day of February, 2008.

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS

Tina M. Steinman

Tina M. Steinman
Executive Director

SETTLEMENT AGREEMENT

I

Come now Brandon Riesenmy, M.D., and the Missouri Department of Health and Senior Services', Bureau of Narcotics and Dangerous Drugs (hereinafter the Bureau) and enter into this Agreement for the purpose of resolving the question of whether Dr. Riesenmy's application for a Missouri Controlled Substances Registration at 2001 Connor, Joplin, MO 65804, should be denied.

The parties understand that this Agreement is in lieu of a trial-type hearing of the Bureau's charges against Dr. Riesenmy at the Administrative Hearing Commission where he would have the right to appear and be represented by legal counsel; the right to have all charges proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending and, subsequently, the right to a disciplinary hearing before the Bureau, at which time evidence in mitigation of discipline may be presented; and the right to a claim for attorney's fees and expenses if Dr. Riesenmy were a prevailing party. Being aware of these rights, the parties knowingly and voluntarily waive each and every one of these rights and agree to abide by the terms of this document, in lieu of proceedings before the Administrative Hearing Commission.

Dr. Riesenmy acknowledges that he is aware he may, at the time this Agreement becomes effective, or within 15 days thereafter, submit this Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for denial of Dr. Riesenmy's application for a Missouri Controlled Substance Registration.

Dr. Riesenmy acknowledges that he has been informed of his right to consult legal counsel in this matter.

II

Dr. Riesenmy and the Bureau stipulate to the following facts:

1. The Bureau of Narcotics and Dangerous Drugs is a Bureau within the Missouri Department of Health and Senior Services, an agency of the State of Missouri.

2. Dr. Riesenmy was registered by the Bureau to stock, prescribe, dispense and administer controlled substances under Missouri Controlled Substances Registration number 28367 at 2001 Connor, Joplin, MO 65804 from April 29, 2003 to May 31, 2006.

3. On April 7, 2006, the Bureau received an application from Dr. Riesenmy for a new Missouri Controlled Substances Registration.

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4. On September 21, 2005, Dr. Riesenmy faxed a prescription for Xanax™ to Wal-Mart Pharmacy for patient G.M. G.M.'s patient chart reads, "faxed 2 wks of Xanax™ w/0 refills."

5. Xanax™ is brand name for a drug product containing alprazolam, which is codified as a Schedule IV controlled substance pursuant to Section 195.017.8(2)(a), RSMo. Supp. 2005.

6. Dr. Riesenmy did not maintain faxed prescriptions separately from patients' charts in written form in chronological order.

7. Section 195.050.6, RSMo. 2000, states:

> Every person registered to manufacture, distribute or dispense controlled substances under sections 195.005 to 195.425 shall keep records and inventories of all such drugs in conformance with the record keeping and inventory requirements of federal law, and in accordance with any additional regulations of the department of health and senior services.

8. Regulation 19 CSR 30-1.048(7) states:

> Prescriptions which are transmitted by facsimile to a pharmacy for dispensing shall include the telephone number of the facsimile machine or computer from which it is sent and the date and time of transmission. Immediately after a Schedule III, IV or V prescription or a Schedule II prescription for a long-term care facility patient or hospice patient or for a Schedule II narcotic substance to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion is transmitted to a pharmacy by facsimile equipment, the practitioner or the practitioner's agent shall sign and date the face of the prescription. The prescriptions shall be maintained in chronological order separately from patient medical records in a manner so each prescription is readily retrievable for inspection at the transmitting practitioner's office. In the event the facsimile is transmitted from a long-term care facility or hospital, the prescription shall be maintained at the long-term care facility or hospital in chronological order separately from the patient medical records in a manner so each prescription is readily retrievable, or maintained in the patient medical records.

9. Dr. Riesenmy did not document the patients' addresses on all controlled substance prescriptions.

10. Title 21 CFR 1306.05(a) states:

> (a) All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use and the name, address and registration number of the practitioner. In addition, a prescription for a Schedule III, IV, or V narcotic drug approved by FDA specifically for "detoxification treatment" or "maintenance treatment" must include the identification number issued by the Administrator under §1301.28(d) of this chapter or a written notice stating that the practitioner is acting under the good faith exception of §1301.28(e). Where a prescription is for gamma-hydroxybutyric acid, the practitioner shall note on the face of the prescription the medical need of the patient for the prescription. A practitioner may sign a prescription in the same manner as he would sign a check or legal document (e.g., J.H. Smith or John H. Smith). Where an oral order is not permitted, prescriptions shall be written with ink or indelible pencil or typewriter and shall be manually signed by the practitioner. The prescriptions may be prepared by the secretary or agent for the signature of a practitioner, but the prescribing practitioner is responsible in case the prescription

does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the pharmacist, including a pharmacist employed by a central fill pharmacy, who fills a prescription not prepared in the form prescribed by DEA regulations.

11. Section 195.060.1, RSMo. 2000, states:

> Except as provided in subsection 3 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed, no prescription for a drug in schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

12. Regulation 19 CSR 30-1.048(2) states:

> Each individual practitioner shall maintain a record of the date, full name and address of the patient, the drug name, strength, dosage form and quantity for all controlled substances prescribed or administered. This record may be maintained in the patient's medical record. When the controlled substance record is maintained in the patient's medical record and the practitioner is not the custodian of the medical record, the practitioner shall make the controlled substance record available as required in 19 CSR 30-1.041 and 19 CSR 30-1.044.

13. On December 16, 2005, Dr. Riesenmy issued a controlled substance prescription to patient F.W. for Norco™ and did not maintain a record of it. No chart was at the registered location.

14. Norco™ is brand name for a drug product containing hydrocodone, which is codified as a Schedule III controlled substance pursuant to Section 195.017.6(4)(d), RSMo. Supp. 2005.

15. Section 195.050.6, RSMo. 2000, states:

> Every person registered to manufacture, distribute or dispense controlled substances under sections 195.005 to 195.425 shall keep records and inventories of all such drugs in conformance with the record keeping and inventory requirements of federal law, and in accordance with any additional regulations of the department of health and senior services.

16. Regulation 19 CSR 30-1.048(2) states:

Each individual practitioner shall maintain a record of the date, full name and address of the patient, the drug name, strength, dosage form and quantity for all controlled substances prescribed or administered. This record may be maintained in the patient's medical record. When the controlled substance record is maintained in the patient's medical record and the practitioner is not the custodian of the medical record, the practitioner shall make the controlled substance record available as required in 19 CSR 30-1.041 and 19 CSR 30-1.044.

17. Dr. Riesenmy issued a controlled substance prescription to patient J.C. for Concerta™ 27mg, #60 that listed the date written as June 15, 2006 prior to that date.

18. Concerta™ is brand name for a drug product containing methylphenidate, which is codified as a Schedule II controlled substance pursuant to Section 195.017.4(3)(d), RSMo. Supp. 2005.

19. Title 21 CFR 1306.05(a) states:

(a) All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use and the name, address and registration number of the practitioner. In addition, a prescription for a Schedule III, IV, or V narcotic drug approved by FDA specifically for "detoxification treatment" or "maintenance treatment" must include the identification number issued by the Administrator under §1301.28(d) of this chapter or a written notice stating that the practitioner is acting under the good faith exception of §1301.28(e). Where a prescription is for gamma-hydroxybutyric acid, the practitioner shall note on the face of the prescription the medical need of the patient for the prescription. A practitioner may sign a prescription in the same manner as he would sign a check or legal document (e.g., J.H. Smith or John H. Smith). Where an oral order is not permitted, prescriptions shall be written with ink or indelible pencil or typewriter and shall be manually signed by the practitioner. The prescriptions may be prepared by the secretary or agent for the signature of a practitioner, but the prescribing practitioner is responsible in case the prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the pharmacist, including a pharmacist employed by a central fill pharmacy, who fills a prescription not prepared in the form prescribed by DEA regulations.

20. Section 195.050.6, RSMo. 2000, states:

Every person registered to manufacture, distribute or dispense controlled substances under sections 195.005 to 195.425 shall keep records and inventories of all such drugs in conformance with the record keeping and inventory requirements of federal law, and in accordance with any additional regulations of the department of health and senior services.

21. Section 195.060.1, RSMo. 2000, states:

Except as provided in subsection 3 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his own

signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

22. Dr. Riesenmy did not maintain complete and accurate controlled substance records.

23. Section 195.050.6, RSMo. 2000, states:

> Every person registered to manufacture, distribute or dispense controlled substances under sections 195.005 to 195.425 shall keep records and inventories of all such drugs in conformance with the record keeping and inventory requirements of federal law, and in accordance with any additional regulations of the department of health and senior services.

24. Regulation 19 CSR 30-1.044(1) states:

> Every registrant required to keep records shall maintain on a current basis a complete and accurate record of each such substance manufactured, imported, received, sold, delivered, exported or otherwise disposed of by him/her.

25. Dr. Riesenmy did not always document with the complete date that controlled substance prescriptions were issued in the patients' charts. Examples of controlled substance prescriptions Dr. Riesenmy issued without documenting the complete date in the patients' charts include the following:

PATIENT	DRUG	DATE
N.P.	Xanax™	8-4
N.P.	Xanax™	12-8
N.P.	Xanax™	4-18
B.E.J.	Valium™	10-10
B.E.J.	Valium™	12-9
B.E.J.	Valium™	12-28
J.C.	Concerta™	3-16
J.C.	Concerta™	4-14
J.C.	Concerta™	5-15
J.C.	Concerta™	6-15
J.C.	Xanax™	4-13
J.C.	Xanax™	5-15

26. Valium™ is brand name for a drug product containing diazepam, which is codified as a Schedule IV controlled substance pursuant to Section 195.017.8(2)(n), RSMo. Supp. 2005.

27. Section 195.050.6, RSMo. 2000, states:

Every person registered to manufacture, distribute or dispense controlled substances under sections 195.005 to 195.425 shall keep records and inventories of all such drugs in conformance with the record keeping and inventory requirements of federal law, and in accordance with any additional regulations of the department of health and senior services.

28. Regulation 19 CSR 30-1.048(2) states:

> Each individual practitioner shall maintain a record of the date, full name and address of the patient, the drug name, strength, dosage form and quantity for all controlled substances prescribed or administered. This record may be maintained in the patient's medical record. When the controlled substance record is maintained in the patient's medical record and the practitioner is not the custodian of the medical record, the practitioner shall make the controlled substance record available as required in 19 CSR 30-1.041 and 19 CSR 30-1.044.

29. Dr. Riesenmy has a collaborative practice agreement with Advanced Registered Nurse Practitioner Doris McMahon. According to Dr. Riesenmy's collaborative practice agreement with Nurse McMahon, Dr. Riesenmy would authorize the initial controlled substance prescription, then she would authorize subsequent refills, only contacting Dr. Riesenmy when a dosage change was required. Dr. Riesenmy would sign off on those refills later. Nurse McMahon authorized the following controlled substance prescriptions without Dr. Riesenmy's signing off on the order:

PATIENT	DRUG	DATE
N.P.	Xanax™	8-4
N.P.	Xanax™	12-8
N.P.	Xanax™	4-18
B.E.J.	Valium™	12-9
B.E.J.	Valium™	12-28
B.E.J.	Valium™	1-3-06
B.E.J.	Valium™	2-2-06
B.E.J.	Xanax™	3-6-06
J.C.	Xanax™	4-13
J.C.	Concerta™	4-14
J.C.	Xanax™	5-15

30. Dr. Riesenmy allowed a non-registrant to prescribe controlled substances outside the scope of authority and in violation of the collaborative practice agreement.

31. Section 195.070.1, RSMo. 2000, states:

> A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

32. Section 334.104, RSMo. Supp. 2005, states in material part:

> 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services

is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

33. Regulation 4 CSR 150-5.100(3)(I)(9) states:

(3) Methods of Treatment

* * *

(I) Methods of treatment delegated and authority to administer, dispense, or prescribe drugs shall be subject to the following:

* * *

9. An advanced practice nurse shall not, under any circumstances, prescribe controlled substances. The administering or dispensing of a controlled substance by a registered professional nurse or advanced practice nurse in a collaborative practice arrangement shall be accomplished only under the direction and supervision of the collaborating physician, or other physician designated in the collaborative practice arrangement, and shall only occur on a case-by-case determination of the patient's needs following verbal consultation between the collaborating physician and collaborating registered professional nurse or advanced practice nurse. The required consultation and the physician's directions for the administering or dispensing of controlled substances shall be recorded in the patient's chart and in the appropriate dispensing log. These recordings shall be made by the collaborating registered professional nurse or advanced practice nurse and shall be cosigned by the collaborating physician following a review of the records;

34. Regulation 19 CSR 30-1.060 states:

When determining if controlled substances are being lawfully prescribed, dispensed and administered by practitioners, the Department of Health shall enforce Chapter 195, RSMo, the Department of Health rules in 19 CSR 30 pertaining to controlled substances, and the federal Controlled Substances Act 21 U.S.C. 801–966, and its regulations, 21 CFR 1300–1399. In determining lawful prescribing, dispensing and administering of controlled substances, the Department of Health also shall consider the provisions of Chapters 330, 332, 334, 335, 336, 338 and 340, RSMo, the rules in 4 CSR 110, 4 CSR 150, 4 CSR 200, 4 CSR 210, 4 CSR 220, 4 CSR 230 and 4 CSR 270, and protocols relating to the respective practitioners established and on file at the respective licensing boards.

35. Section 195.040, RSMo. 2000, states in material part:

7. A registration to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the department of health and senior services upon a finding that the registrant:

* * *

(4) Has violated any federal controlled substances statute or regulation, or any provision of sections 195.005 to 195.425 or regulation promulgated pursuant to sections 195.005 to 195.425.

III

Dr. Riesenmy and the Bureau stipulate to the following conclusions of law:

1. The Bureau of Narcotics and Dangerous Drugs is a Bureau within the Missouri Department of Health and Senior Services created and established pursuant to section 192.005, RSMo 2000 for the purpose of administering, executing and enforcing the provisions of Chapter 195, RSMo, the "Comprehensive Drug Control Act of 1989."

2. Dr. Riesenmy did not maintain faxed prescriptions separately from patients' charts in written form in chronological order in violation of Section 195.050.6, RSMo. 2000 and 19 CSR 30-1047(7).

3. Dr. Riesenmy did not document the patients' addresses on all controlled substance prescriptions in violation of 21 CFR 1306.05(a), Section 195.060.1, RSMo. 2000, and 19 CSR 30-1.048(2).

4. On December 16, 2005, Dr. Riesenmy issued a controlled substance prescription to patient F.W. for Norco™ and did not maintain a record of it in violation of Section 195.050.6, RSMo. 2000 and 19 CSR 30-1.048(2).

5. Dr. Riesenmy issued a controlled substance prescription to patient J.C. for Concerta™ 27mg, #60 that listed the date written as June 15, 2006 prior to that date in violation of 21 CFR 1306.05(a), Section 195.050.6, RSMo. 2000, and Section 195.060.1, RSMo. 2000.

6. Dr. Riesenmy did not maintain complete and accurate controlled substance records in violation of Section 195.050.6, RSMo. 2000 and 19 CSR 30-1.044(1).

7. Dr. Riesenmy issued controlled substances without documenting the complete date in the patients' charts in violation of Section 195.050.6, RSMo. 2000 and 19 CSR 30-1.048(2).

8. Dr. Riesenmy allowed a non-registrant to prescribe controlled substances outside the scope of authority and in violation of the collaborative practice agreement in violation of 195.070.1, RSMo. 2000, Section 334.104, RSMo. Supp. 2005, 4 CSR 150-5.100(3)(I)(9), and 19 CSR 30-1.060.

9. Cause exists to deny Dr. Riesenmy 's application for a Missouri Controlled Substances Registration at 2001 Connor, Joplin, MO 65804, pursuant to Section 195.040, RSMo. 2000.

10. Cause exists to deny Dr. Riesenmy 's application for a Missouri Controlled Substances Registration.

IV

In light of the foregoing stipulation of facts and in order to provide adequate security against theft and diversion of controlled substances, Dr. Riesenmy and the Bureau hereby consent and agree that the Bureau shall grant Dr. Riesenmy a Missouri Controlled Substances Registration on probation under the following terms:

1. All prescription or medication orders for controlled substances issued by Dr. Riesenmy shall indicate whether or not the prescription may be refilled. If the prescription is not to be refilled, the word "NONE" shall be entered on the order. If the prescription may be refilled, the number of times shall be written on the order. Arabic numerals only are not acceptable; the amount to be dispensed shall be written out longhand in order in addition to Roman or Arabic numerals in order to discourage alterations in written prescription orders.

2. A separate prescription blank shall be used for each controlled substance order.

3. Dr. Riesenmy shall institute a procedure whereby a daily record of telephone prescriptions and refill authorizations for Schedule III, IV and V controlled substances by Dr. Riesenmy or his staff on his behalf shall be established and maintained. The following information shall be included in the record: date, patient's name, patient's address, drug, drug strength, drug quantity, name of firm requesting authorization, and name of person transmitting approval.

4. Dr. Riesenmy shall not dispense any controlled substances other than by administering or prescribing.

5. Dr. Riesenmy shall not order, purchase or accept controlled substances, including samples. Should unsolicited samples of controlled substances be received via mail or common carrier, the Bureau shall be notified immediately after receipt of said samples by the doctor for proper disposal.

6. All controlled substances in Dr. Riesenmy's possession shall be transferred to the possession of another authorized registrant within 30 days of the date of the execution of this agreement.

7. Within 30 days of the execution of this agreement, Dr. Riesenmy shall implement a policy and procedure to verify compliance with controlled substance laws in his practice. Dr. Riesenmy shall provide the Bureau with a copy of the implemented policy. The policy and procedures shall include, but not be limited to the following:

   A. The procedure for documenting controlled substance administrations and prescriptions in the patients' charts;
   B. How often Dr. Riesenmy reviews the controlled substance record keeping practices to verify security and record keeping compliance.
   C. The procedure for maintaining the phones in prescription log.

8. Dr. Riesenmy shall provide a copy of the above-mentioned controlled substance policy and procedures to each member of his staff. Dr. Riesenmy shall review the contents of the policy and procedure with the staff and collect the signature of each staff member to represent that the information was presented to the practice employees. Dr. Riesenmy shall provide the Bureau with the list of employee signatures within sixty (60) days of the execution of this agreement.

9. Dr. Riesenmy shall not violate any provision of Chapter 195 of the Revised Statutes of Missouri nor any regulation promulgated thereunder.

10. Dr. Riesenmy agrees that the Bureau and investigators from the United States Drug Enforcement Administration and the Missouri State Board of Registration for the Healing Arts shall have access to all required controlled drug records at any time during regular office hours.

11. Dr. Riesenmy understands that should he relocate his professional practice, the controlled substance registration for that practice will terminate immediately, and he may not conduct activities with controlled substances until he has been issued a new certificate of registration for the new practice location.

12. Dr. Riesenmy shall apply for Missouri Controlled Substance Registrations and professional licenses in a timely fashion and shall be current in his registrations at all times, including the reporting of any change in his practice address.

13. Dr. Riesenmy agrees that if the Bureau issues him a registration, the Bureau shall not be limited to statutory grounds for revocation as set out in Section 195.040.7, RSMo. 2000, but may also use the provisions of Sections 195.040.11 and 195.040.3, RSMo. 2000 whenever the Bureau has reason to believe that Dr. Riesenmy has violated any federal or state controlled substance laws or regulations.

14. Violation of any term of this Agreement by Dr. Riesenmy is sufficient basis for the Bureau to revoke or suspend his controlled substances registration or deny an application for a controlled substances registration.

15. Copies of this Agreement shall be forwarded by the Bureau to the Missouri State Board of Registration for the Healing Arts and to the Federal Drug Enforcement Administration (DEA) in accordance with Section 195.190, RSMo. 2000.

16. The conditions of this Agreement shall be in effect for two years from the date of execution of this Agreement.

17. Within 30 days of the execution of this Agreement, Dr. Riesenmy shall notify each of his practice locations, employer, long-term care facility, hospital, clinic or other location where he conducts activities with controlled substance authority, of this Agreement.

18. All costs and expenses incurred by Dr. Riesenmy in complying with this Settlement Agreement shall be the sole responsibility of Dr. Riesenmy, and shall in no way be the obligation of the Missouri Department of Health and Senior Services.

Brandon Riesenmy, M.D.

Susan McCann, R.Ph., Administrator
on behalf of the Missouri Department of Health and Senior Services' Bureau of Narcotics and Dangerous Drugs.

12/12/06
Date

12/18/06
Date

Witness

Bureau of Narcotics and Dangerous Drugs
Witness

12/12/06
Date

12/18/06
Date