

BEFORE THE SOUTH CAROLINA STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:)

Jon C. Kazaglis, M.D.,)

Medical License #17925,)

(M-271-98) Respondent.)

FINAL ORDER

This matter came before the Board of Medical Examiners (the Board) for hearing on February 7, 2000, as a result of the Notice and Complaint served upon the Respondent and filed on March 30, 1999. A quorum of Board members was present. The hearing was held pursuant to S.C. Code Ann. §§40-47-200 and 211 (Supp. 1999) to determine whether sanctions should be imposed based upon the Memorandum of Agreement and Stipulations signed by the Respondent on November 8, 1999. Robert M. Wood, Esquire, represented the State. O. Grady Query, Esquire, and Alvin J. Neal, Esquire represented the Respondent.

The Respondent was charged with violation of S.C. Code Ann. §§40-47-200(F)(7), (8), and (12); and Regulations No. 81-60 (A), (C), and (D)(Supp. 1998) of the Rules and Regulations of the Board.

FINDINGS OF FACT

Based upon the preponderance of the evidence on the whole record, the Board finds the facts of the case to be as follows:

1. The Respondent is a physician duly licensed to practice medicine in South Carolina.
2. The Respondent entered into an Administrative Consent Order with the Department of Health and Environmental Control (DHEC), which was approved on October 26, 1998. In the consent order, the Respondent admitted that he issued, without a valid physician-patient relationship, several prescriptions for controlled substances to H.H., C.G., and G.G.
3. H.H. was a personal friend of the Respondent who lived with the Respondent for a time. The Respondent gave H.H. at least two prescriptions for Valium, a Schedule IV controlled substance, and at least two prescriptions for Tylox, a Schedule II controlled substance.
4. C.G. and G.G. were also personal friends of the Respondent. The Respondent gave C.G. at least two prescriptions for Flexeril, at least two prescriptions for Tranxcne, a Schedule IV

controlled substance, and at least one prescription for Ambien, also a Schedule IV controlled substance. The Respondent gave G.G. at least one prescription for Ambien, a Schedule IV controlled substance.

5. The Respondent's illegal prescribing activity for these persons occurred in 1995 and 1996.

6. The DHEC consent order imposed the following sanctions:

- A. The Respondent's state controlled substances registration was placed in a probationary status for three years;
- B. The Respondent was fined five thousand (\$5,000.00) dollars;
- C. The Respondent was ordered to refrain from prescribing any controlled substance, except for patients treated and diagnosed by the Respondent through his mental health employment duties. The Respondent was further ordered to document such prescriptions on the patient charts maintained on the premises of the mental health facility.

7. The Respondent, in the Memorandum of Agreement and Stipulations, admitted the above-mentioned facts and that these acts presented grounds that constitute misconduct under S.C. Code Ann. §40-47-200, *supra*, as alleged.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this matter, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §40-47-200, *supra*, has the authority to order the revocation or suspension of a license to practice medicine or osteopathy, publicly or privately reprimand the holder of a license, or take other reasonable action short of revocation or suspension, such as requiring the licensee to undertake additional professional training subject to the direction and supervision of the Board or imposing restraint upon the medical or osteopathic practice of the licensee as circumstances warrant until the licensee demonstrates to the Board adequate professional competence. Additionally, the Board may require the licensee to pay a civil penalty of up to ten thousand dollars to the Board and the costs of the disciplinary action.

2. The Respondent has violated S.C. Code Ann. §§40-47-200(F)(7), (8), and (12); and Regulations No. 81-60 (A), (C), and (D)(Supp. 1998) of the Rules and Regulations of the Board,

in the following particulars:

A. The Respondent has violated S.C. Code Ann. §40-47-200(F)(7), in that he has violated the following Principles of Medical Ethics adopted by the Board:

(1) Regulation 81-60(A), in that he did not provide competent medical service with compassion and respect for human dignity, as evidenced by his prescribing controlled substances for three persons outside of a valid physician-patient relationship.

(2) Regulation 81-60(C), in that he failed to respect the law, as evidenced by his prescribing controlled substances for three persons outside of a valid physician-patient relationship in violation of state law.

(3) Regulation 81-60(D), in that he failed to respect the rights of patients, colleagues, and other health professionals, as evidenced by his prescribing controlled substances for three persons outside of a valid physician-patient relationship.

B. The Respondent has violated S.C. Code Ann. §40-47-200(F)(8), in that he engaged in dishonorable, unethical, or unprofessional conduct that is likely to deceive, defraud, or harm the public, as evidenced by his prescribing controlled substances for three persons outside of a valid physician-patient relationship.

C. The Respondent has violated S.C. Code Ann. §40-47-200(F)(12), in that he has been found by the Board to lack the ethical or professional competence to practice medicine, as evidenced by his prescribing controlled substances for three persons outside of a valid physician-patient relationship.

3. The sanction imposed is consistent with the purpose of these proceedings and has been made after weighing the public interest and the need for the continuing services of qualified medical doctors against the countervailing concern that society be protected from professional ineptitude and misconduct.

4. The sanction imposed is designed not to punish the physician, but to protect the life, health, and welfare of the people at large.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The Respondent be, and he hereby is, publicly reprimanded.

2. The Respondent shall pay a fine of Two Thousand and No/100 (\$2,000.00) Dollars within thirty days of the date of this order. Failure to comply with this requirement shall result in

the immediate temporary suspension of the Respondent's license to practice medicine until such time as full compliance with this order has been made by the Respondent, or until further hearing and order of the Board.

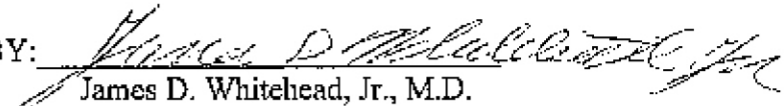
3. Within one year of the date of this order, the Respondent must attend and document completion of the Clinical, Legal, and Ethical Issues in Prescribing Abusable Drugs program offered by the Florida Medical Association and the University of South Florida, or an equivalent course approved in advance by the Board. The Respondent must file written proof of compliance with the Board within fifteen (15) days after completing this requirement. The cost of the course shall be borne by the Respondent. Failure to comply with this requirement shall result in the immediate temporary suspension of the Respondent's license to practice medicine until such time as full compliance with this order has been made by the Respondent.

4. This final order shall take effect upon the service of this order on the Respondent or his counsel.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS

BY:


James D. Whitehead, Jr., M.D.
President of the Board

7-17, 2000.

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING, AND REGULATION
BEFORE THE SOUTH CAROLINA STATE BOARD OF MEDICAL EXAMINERS**

In the Matter of:

Jon Christopher Kazaglis, MD,
Medical License No. MMD-17925,
Licensee.

Case No. 2008-0162

**FINAL
ORDER
(Public)**

This matter came before the Board of Medical Examiners (the Board) for hearing on November 3, 2009, as a result of the Notice and Complaint served upon the Respondent and filed with the Board. A quorum of Board members was present. The hearing was held pursuant to S.C. Code Ann. §40-47-117 to determine whether sanctions should be imposed based upon the Memorandum of Agreement and Stipulations agreed upon by the Respondent and the State. Patrick D. Hanks, Assistant General Counsel, represented the State. The Respondent appeared without counsel.

The Respondent was charged with violation of S.C. Code Ann. §40-47-110(B)(2) and (B)(9) (Supp. 2008).

FINDINGS OF FACT

Based upon the preponderance of the evidence on the whole record, the Board finds the facts of the case to be as follows:

1. The Respondent is duly licensed to practice medicine in South Carolina, and was so licensed at all times relevant to the issues in this matter.

2. The Respondent entered Loyola University at age fifteen (15). Afterward, he lived in the Dominican Republic where he attended medical school, graduating in 1983. He was first licensed in South Carolina in August 1995. Before his current position, he provided psychiatric services to the South Carolina Department of Mental Health (DMH), in Greenville, South Carolina. He later was employed at Forest Hospital before becoming a sole practitioner. As a sole practitioner, he contracts with the South Carolina Department of Disabilities and Special Needs (DDSN), in Greenville, to provide psychological counseling; he also provides these services at other facilities in the Greater Greenville area.

3. In a December 20, 2007, Plea Agreement with the State, the Respondent pled guilty to one (1) count of filing a false claim. Before entering the plea, he was required to remit One Hundred, Three Thousand, Five Hundred, and Seven Dollars (\$103, 507.00) in restitution.

4. Resulting from the Plea Agreement, the Respondent was sentenced to three (3) years of

confinement and fine One Thousand Dollars (\$1,000.00); the confinement and fine were suspended.

5. During the plea proceeding, the State alleged that from January 1, 2005, through May 31, 2007, the Respondent engaged in a scheme to bill for services not provided. He billed for periods of service greater than those for which he provided service, even billing for more than twenty-four (24) hours in a day. The Respondent cooperated with the investigation, and paid the costs of the investigation as well as restitution.

6. The Respondent completed the term of a disciplinary order dated February 17, 2000. That order resulted from his writing prescriptions for three (3) friends without establishing a proper physician-patient relationship and being sanctioned by the South Carolina Department of Health and Environmental Control (DHEC). The Board publicly reprimanded the Respondent, imposed a fine of Two Thousand Dollars (\$2,000.00), and ordered him to complete the University of Florida's prescribing course.

7. The Respondent admits the aforementioned acts by him present grounds that constitute misconduct as alleged.

8. Should a finding of fact constitute a conclusion of law, or *vice versa*, it is adopted as such and directed that it be treated accordingly.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this matter, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §40-47-200, *supra*, has the authority to order the revocation or suspension of a license to practice medicine or osteopathy, publicly or privately reprimand the holder of a license, or take other reasonable action short of revocation or suspension, such as requiring the licensee to undertake additional professional training subject to the direction and supervision of the Board, or imposing restraint upon the medical or osteopathic practice of the licensee as circumstances warrant until the licensee demonstrates to the Board adequate professional competence. Additionally, the Board may require the licensee to pay a fine of up to twenty-five thousand dollars and the costs of disciplinary action.

2. The Respondent violated S.C. Code Ann. §40-47-110(B)(2) in that he has been convicted of, has pled guilty to, or has pled *nolo contendere* to a felony or other crime involving moral turpitude or drugs, as evidenced by the admitted facts described above.

3. The Respondent violated S.C. Code Ann. §40-47-110(B)(9), in that he engaged in dishonorable, unethical, or unprofessional conduct that is likely either to deceive, defraud, or harm the public, as evidenced by the admitted facts described above.

4. The sanction imposed is consistent with the purpose of these proceedings and has been made after weighing the public interest and the need for the continuing services of qualified medical doctors against the countervailing concern that society be protected from professional ineptitude and misconduct.

5. The sanction imposed is designed not to punish the physician, but to protect the life, health, and welfare of the people at large.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The Respondent is publicly reprimanded.

2. The Respondent's license is placed on probation for a period of two (2) years, beginning on the date of this Final Order, during which his practice is subject to random audits. Prior to the lifting of probation, the Respondent shall appear before the Board and present, among other possible matters, evidence satisfactory to the Board regarding his fitness to practice. At that time, the Board, in its discretion, may deny licensure, require passage of an examination(s), among other requirements, and may impose such additional terms and conditions upon the Respondent's license as it may deem appropriate.

3. The Respondent shall pay investigative and legal costs in the amount of One Hundred, Sixty Dollars (\$160.00) and Ninety Dollars (\$90.00), respectively, for a total of Two Hundred, Fifty Dollars (\$250.00). These costs shall not be deemed paid until the Board receives payment. Failure to pay these costs may prevent the Respondent from being re-licensed.

4. This final order shall take effect upon service of this order on the Respondent.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS

BY: Louis E. Costa II, MD
Louis E. Costa II, MD
President of the Board

11-10, 2009

CERTIFICATE OF SERVICE BY MAIL
This is to certify that the undersigned has this date served this FO in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party (ies) or their attorney (s), to the following address: 200 Cooper Lane #A, Esley, SC 29643
This 10 day of January, 2009
By: [Signature]
Printed name, title & signature

[Signature]