

BEFORE THE SOUTH CAROLINA BOARD OF MEDICAL EXAMINERS

In the Matter of:

ALBERTO BENITO SANTOS, M.D.
Medical License No.: 8365,

OIE Case No.: 2009-311

Respondent.

ORDER OF TEMPORARY SUSPENSION

WHEREAS, the Office of General Counsel has provided probable cause warranting an Order of the Board to temporarily suspend the Respondent from practice in accordance with the South Carolina Medical Practice Act (S.C. Code of Laws Ann., Section 40-47-5, *et seq.*, as amended.)¹

THEREFORE, IT IS ORDERED THAT, in accordance with section 40-47-110(D)(1), the Respondent's license to practice medicine in this State is hereby temporarily suspended, effective immediately, pending further Order of the Board.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS

1-5-10

Date

BY:

Louis E. Costa II, D.M.D., M.D.

LOUIS E. COSTA, II, D.M.D., M.D.

President of the Board

¹ Further reference to the South Carolina Code of Laws and South Carolina Code of Regulations shall be by code section only.

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS OF SOUTH CAROLINA

In the Matter of:

Alberto Benito Santos, MD
Medical License No.: 8365

AFFIDAVIT OF SERVICE

OIE# 2009-311 Respondent.

PERSONALLY appeared before me, Thomas T. Byrd, who, being duly sworn states:

1. That he/she is an investigator with the South Carolina Department of Labor, Licensing & Regulation, Office of Investigations and Enforcement.
2. That he/she hereby certifies that on JAN 21, 2010, 11:45 AM am/pm, he/she served the Order of Temporary Suspension in the above-captioned matter by hand delivery to the following individual at his/her last known address:

ATTY: for Respondent.
 ALBERTO B. SANTOS
 67 President Street
 Charleston SC 29425 0002
 ALLYN R. HOLMES
 171 Church St.
 Charleston SC 29425

SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING AND REGULATION

Thomas T. Byrd
 Investigator
 LLR - Office of Investigations and Enforcement
 Post Office Box 11329
 Columbia, SC 29211-1329
 (803) 896-4470

SWORN to before me this
22ND day of JANUARY, 2010
[Signature] (L.S.)
 Notary Public for South Carolina

My Commission expires: 9-12-2016

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

In the Matter of:

ALBERTO BENITO SANTOS, M.D.
Medical License No.: 8365,

OIE Case No.: 2009-311

Respondent.

**INTERIM ORDER
OF
REINSTATEMENT**

WHEREAS, the State Board of Medical Examiners (hereinafter “the Board”), in accordance with S.C. Code Ann. § 1-23-370(c) (1976, as amended)¹, issued an Order of Temporary Suspension, dated January 5, 2010, with respect to Alberto Benito Santos (hereinafter “the Respondent”) based upon the Respondent’s arrest on October 29, 2009; and

WHEREAS, the Board is prepared to file and serve a Formal Complaint alleging the Respondent engaged in professional misconduct and substance abuse and or dependency, among other things, in violation of section 40-47-110; and

WHEREAS, the Respondent has petitioned for reinstatement of his license to the practice of medicine pending resolution of the allegations of professional misconduct pending before the Board; and

WHEREAS, the Respondent has complied with all prerequisites required by the Board to obtain reinstatement of his license to practice medicine in this State; and

WHEREAS, the Respondent has advised the Board of his commitment to follow the ethical guidelines established by the Board, to a life of sobriety and willingness to submit, at his expense, to such tests and other conditions as the Board may desire, from time to time, to assure it of his continued compliance with these commitments and all other requirements of law pending a Final Order of the Board at the conclusion of all pending charges; and

¹ Further reference to the South Carolina Code of Laws and South Carolina Code of Regulations shall be by code section only.

WHEREAS, the Board believes that it is in the public’s interest to reinstate the Respondent to the practice of medicine in the interim upon certain conditions, as specified below.

THEREFORE, IT IS ORDERED THAT:

1. The Respondent shall be reinstated to the practice of medicine, pending a Final Order of the Board concerning the aforementioned allegations of professional misconduct, provided the Respondent faithfully complies with the following terms and conditions, which shall continue in full force and effect until further Order of the Board:

- a. The Respondent shall be compliant with **all** the requirements listed in the Talbott Recovery Campus (hereinafter “Talbott”) comprehensive continuing care plan dated February 25, 2010. The Talbott requirements include, but are not limited to, the following:
 - i. The Respondent shall be compliant with any monitoring contracts or agreements, for substance abuse and or dependence, with the South Carolina Recovering Professional Program and Talbott.
 - ii. The Respondent shall be compliant with his relapse prevention plan and recovery crisis plan, to include, but not be limited to, maintaining a forty (40) hour workweek.
 - iii. The Respondent shall not work as a solo practitioner for a minimum of one (1) year.
- b. The Respondent shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. All use of such substances is to be reported by the Respondent to the Board or its designee within 48 hours of initiation. All such medical treatment and prescribing shall be reported directly to the Board in writing by the treating practitioner within ten (10) days after the date of treatment. The Respondent must inform the treating practitioner of this responsibility, provide a copy of this Interim Order to the treating practitioner, and ensure timely compliance. Failure to comply with any of these requirements shall be considered a violation of this Interim Order.

- c. The Respondent shall be subject to periodic, unannounced blood and urine alcohol and/or drug analysis as desired by the Board, the purpose being to ensure that the Respondent remains drug and/or alcohol-free. The cost of such blood and urine alcohol and/or drug analyses and reports will be borne by the Respondent, which costs shall be paid within thirty (30) days after the date of the invoice therefor. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Interim Order.
- d. The Respondent must have a written contract with and be an active participant in the activities of the Recovering Professional Program (hereafter "the Program"), as approved in advance in writing by the Board, until a period of not less than five (5) years of documented continuous sobriety and compliance with this Order has been satisfactorily established by the Respondent and until this Order has been terminated as provided herein. Such contract shall include provisions for any assessment, treatment, monitoring and aftercare activities, and other activities, as the Program shall deem appropriate. The level of participation that is appropriate for the Respondent shall be determined by the Program. The Respondent must fully comply with all requirements and recommendations of the Program. If required or recommended by the Program, the Respondent shall submit, at Respondent's expense, to an evaluation at a facility approved by the Program, any treatment deemed appropriate by the Program at an approved facility, and any monitoring and aftercare activities specified by the Program. The Program shall submit regular written reports documenting the Respondent's full compliance with the terms of the contract with the Program and this Order.
- e. Within thirty (30) days of the date of this Order, the Respondent must provide to the Board written verification from an appropriate representative of the Program verifying that the Respondent has signed a written contract with and become an active participant in the activities of the Program, as required above. Compliance with this paragraph shall not be deemed satisfied until said written verification is received by the Board. Failure to comply with this requirement within the prescribed time shall automatically result in the immediate temporary suspension

of the Respondent's license to practice until such time as full compliance has been made by the Respondent.

- f. The Respondent shall appear and report to the Board as requested by the Board.
- g. The Respondent shall promptly advise this Board in writing of any changes in employment, address, activities, hospital privileges, professional status, or compliance with this Interim Order. Correspondence and copies of reports and notices mentioned herein shall be directed to:

LLR-Board of Medical Examiners
P. O. Box 11289
Columbia, SC 29211-1289

2. The Respondent shall execute and deliver to the Board or the Program, within ten (10) days of request, an authorization for the release to the Board or the Program of any and all records, reports, or other information concerning the Respondent by any and all persons or entities involved, notwithstanding any privilege provided by federal or state law. Failure to comply with this requirement within the prescribed time shall automatically result in the immediate temporary suspension of the Respondent's license to practice medicine until such time as full compliance has been made by the Respondent.

3. If the Respondent fails to abide by any of the aforementioned terms and conditions, or if it should be indicated from reliable reports submitted to the Board that the Respondent is otherwise unable to practice medicine with reasonable skill and safety to patients, then the Respondent's license may be immediately administratively suspended until further Order of the Board following hearing into the matter.

4. This Interim Order does not satisfy, prejudice, or stay any disciplinary action currently pending before the Board or that may be filed in the future. This Interim Order further does not prejudice or prevent the Board from actively suspending or revoking the Respondent's license after a finding of violation(s) of the practice act following a disciplinary hearing.

5. Each provision of this Interim Order shall be subject to review by the Board. The Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of the Respondent's activities and compliance with the provisions of this Interim Order. The Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such

requests, the Board in its discretion may require the Respondent to submit further documentation regarding the Respondent's activities, and it is the Respondent's responsibility to fully comply with all such requests in a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this Interim Order.

6. Pursuant to the South Carolina Freedom of Information Act, this Interim Order is a public document.

7. This Interim Order may be terminated or modified, in the Board's discretion, in accordance with the terms and conditions of any Final Order subsequently issued by the Board concerning the aforementioned allegations of professional misconduct pending against the Respondent.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS

4-1-10
Date

BY: Louis E. Costa II DMD, MD
LOUIS E. COSTA, II, D.M.D., M.D.
President of the Board

*Interim Order
of Reinstatement*

CERTIFICATE OF SERVICE BY MAIL
This is to certify that the undersigned has this date served this _____ on 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: PO Box 250861 Charleston S.C.

This 2 day of April, 2010
By: James Adam Cowd
Printed Name, Title & Signature 29425