

BEFORE THE SOUTH CAROLINA STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

SILVIA MARGIT A. BLOCH, M.D.,

Medical License #12672

(M-53-01) Respondent.

FINAL ORDER

This matter came before the Board of Medical Examiners (the Board) for hearing on November 1, 2004, as a result of the Notice and Complaint served upon the Respondent and filed on September 3, 2002. A quorum of Board members was present. The hearing was held pursuant to S.C. Code Ann. §§40-47-200 and 211 to determine whether sanctions should be imposed based upon the Memorandum of Agreement and Stipulations, with exhibits attached, that was signed by the Respondent, the Respondent's attorney and the State's attorney. Wendy B. Cartledge, Esquire, represented the State. The Respondent was represented by Desa Ballard, Esquire.

The Respondent was charged with violation of S.C. Code Ann. §§40-47-200(F)(6), (7) and (8), and Regulation No. 81-60(A) of the Rules and Regulations of the Board of Medical Examiners.

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 the State of South Carolina. Further, the Respondent currently practices psychiatry at the Piedmont Center for Mental Health in Simpsonville, South Carolina.

2. By letter to Respondent dated May 11, 1999, the Respondent's resignation as a psychiatrist at Maine General Medical Center in Waterville, Maine was accepted by personnel of the Medical Center. The letter accepting Respondent's resignation noted that the Respondent had made numerous contributions during her tenure, and offered to make a recommendation for Respondent should she seek employment as a geropsychiatrist at the Medical Center's Augusta campus. A copy of the letter was attached to the Memorandum of Agreement as an exhibit for the Board's review.

3. In a letter dated August 30, 1999, an initial complaint against the Respondent was filed with the State of Maine Board of Licensure in Medicine. The letter alleged that the Respondent's negligence and incompetence in treatment had resulted in the death of a patient. A

copy of the letter was attached as an exhibit for the Board's review. The Respondent responded to the complaint in letters to the Maine Board dated October 4, 1999 and December 13, 1999. Copies of the Respondent's letters to the Maine Board were attached as exhibits for the Board's review.

4. On or about December 14, 1999, the Maine Board met and unanimously voted to order an adjudicatory hearing regarding the complaint filed against the Respondent. In lieu of the adjudicatory hearing, on or about December 12, 2000, the Maine Board accepted a Consent Agreement signed by the Respondent in which the Respondent admitted misconduct in failing to perform a proper evaluation of the patient's condition. The Respondent agreed to accept a reprimand as discipline and to attend a Board approved course on neurology; and the Maine Board agreed to permit the Respondent to withdraw from licensure. A copy of the Consent Agreement was attached as an exhibit for the Board's review.

5. In a letter dated August 23, 2001, the Respondent confirmed, through her counsel, that she had completed the required course on neurology. A copy of the letter, with the attached certificate of completion, were attached as an exhibit for the Board's review.

6. The Respondent, in the Memorandum of Agreement and Stipulations, and by testimony, admitted the facts as recited above, and that these acts may present grounds for a finding of misconduct under §40-47-200, *supra*, as alleged.

7. Based upon the evidence presented and the admissions made by the Respondent, the Board finds that the disciplinary action taken in the State of Maine by the Board of Licensure in Medicine would, and does, constitute misconduct under the provisions of S.C. Code Ann. §40-47-200.

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) (1976), as amended, in that the Respondent has violated the following Regulation adopted by the Board:

A. Regulation 81-60(A) states that a physician shall be dedicated to providing competent medical service with compassion and respect for human dignity, which the Respondent failed to do as evidenced by the Respondent's admission in the Consent Agreement with the Maine Board of Licensure in Medicine that she failed to conduct a proper assessment of a patient before administering medication.

3. The Respondent has violated S.C. Code Ann. 40-47-200(F)(8) (1976), as amended, in that the Respondent is guilty of engaging in unprofessional conduct that is likely to harm the public as evidenced by the Respondent's admission in the Consent Agreement with the Maine Board of Licensure in Medicine that she failed to conduct a proper assessment of a patient before administering medication.

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 physicians against the countervailing concern that society be protected from professional ineptitude and misconduct.

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

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

1. The Respondent shall be, and hereby is, publicly reprimanded.
2. The Respondent shall pay administrative costs in the amount of One Thousand Three Hundred/Eighty-Two and 25/100 (\$1,382.25) Dollars. Said administrative costs must be paid within six months (6) months of the date of the final order, and shall not be deemed paid until received by the Board.
3. This final order shall take effect upon the service of this order upon the Respondent or Respondent's counsel.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS

BY:



TIMOTHY J. KOWALSKI, D.O.
President of the Board

November 30, 2004.

BEFORE THE SOUTH CAROLINA STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

SILVIA M. A. BLOCH, M.D.,

Medical License #12672

(M-53-01) Respondent.

**ORDER ON RESPONDENT'S
MOTION FOR RECONSIDERATION**

This matter came before the Board of Medical Examiners (the Board) on February 7, 2005 pursuant to the Respondent's Motion for Reconsideration which was filed with the Board on December 13, 2004. In her motion, the Respondent requested that the Board reconsider the decision pronounced on November 1, 2004, and later reduced to writing in the Board's final order dated November 30, 2004. Specifically, the Respondent is requesting that the Board reconsider the sanction provision of the Order, and to amend the Order so that no sanction is imposed or to impose a private sanction. The State was represented by Lynne Rogers, Esquire, General Counsel for the Department of Labor, Licensing and Regulation. The Respondent was represented by Desa Ballard, Esquire.

In addition to the Respondent's written motion, attorneys for the State and the Respondent were given an opportunity to present brief oral arguments on the motion.

The basis for the issuance of the initial formal Complaint against the Respondent was the Consent Agreement entered into by the Respondent and the State of Maine Board of Licensure in Medicine. Respondent conceded in the Consent Agreement that she committed certain acts of misconduct while licensed in the State of Maine. The Respondent does not dispute the Board's authority to institute a disciplinary action based on the Maine Order, however, the Respondent argues that the Board, in its discretion, may choose not to impose a reciprocal sanction. Further, the Respondent asserted in oral argument that the Board may not have been aware of its discretion to impose a lesser sanction than that imposed by the Maine Board.

When considering what sanction, if any, is appropriate where the misconduct occurred in another state, the Board will look at the sanction imposed by the state in which the offense occurred, but this is not the sole determinant in the Board's decision of what sanction is appropriate. In the Respondent's case, after reviewing the Maine Consent Agreement, the Board first determined that the disciplinary action in Maine was based on grounds that would constitute misconduct under our laws. After making this determination, the Board reviewed the facts as set forth in the Maine Consent Agreement, and gave careful consideration to whether the seriousness of the offense the Respondent committed in Maine warranted some type of public action by this Board. The Board

concluded that a public sanction was appropriate, and is not persuaded by the Respondent's argument that the sanction should be modified.

For the reasons stated herein above, the Board finds that the Respondent's Motion for Reconsideration should be denied.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Respondent's Motion for Reconsideration shall be, and hereby is, **denied**.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS

BY: Satish M. Prabhu MD
SATISH M. PRABHU, M.D.
President of the Board

February 25, 2005.