

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

**GEORGIA COMPOSITE MEDICAL
BOARD,**

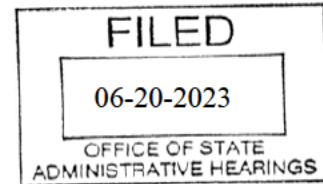
Petitioner,

v.

**ROBERT SHEDDEN, DO,
Respondent.**

**Docket No.: 2320247
2320247-OSAH-GCMB-PHY-222-Barnes**

Agency Reference No.: 22334



INITIAL DECISION

I. INTRODUCTION

The Georgia Composite Medical Board (“the Board”) initiated this matter for the purpose of sanctioning Respondent’s medical license. Specifically, Petitioner seeks the revocation of Respondent’s license to practice medicine or, in the alternative, restrictions matching those imposed in Alabama. The hearing was conducted on May 19, 2023, at the Office of State Administrative Hearings in Atlanta, Georgia. The Board was represented by Sandra Bailey, Esq., Assistant Attorney General, and Respondent represented himself. Witnesses at the hearing were Daniel Dorsey, the Executive Director of the Board; Respondent; and Patricia Shedden, Respondent’s wife. For the reasons stated herein, the Board’s request to impose sanctions against Respondent’s license to practice as a physician is **AFFIRMED in part and MODIFIED in part.**

II. FINDINGS OF FACT

1. Respondent holds a license to practice as a physician in the State of Georgia, and he has held such license at all times relevant to the present hearing. His license was issued on February 11, 1981, and its current status is Active. His license was set to expire on May 31, 2023.¹

¹ The Court has no knowledge of the current status of Respondent’s license. However, because his license was active

(Petitioner’s Exhibit 1; Testimony of Daniel Dorsey).

2. Respondent’s specialties are emergency medicine and pain medicine. (Petitioner’s Exhibit 1; Testimony of Daniel Dorsey).
3. Respondent is also licensed to practice in Alabama. His Alabama license was issued on October 24, 1984, and is set to expire on December 31, 2023. His license status is active and unrestricted. However, his Alabama Controlled Substances Certificate is on probation. (Petitioner’s Exhibit 3; Testimony of Daniel Dorsey).
4. In September 2021, the Alabama State Board of Medical Examiners served Respondent an Order to Show Cause, alleging that he had excessively prescribed controlled substances in violation of Alabama Code Section 20-2-54. (Petitioner’s Exhibit 6; Testimony of Daniel Dorsey).
5. The Show Cause Order stemmed from an investigation by the Alabama Board into Respondent’s prescribing practices in response to several complaints. Per the Show Cause Order, the investigation’s summary report concluded, in pertinent part:

“In general, [Respondent] appears to prescribe high-dose opioid therapy with high-dose benzodiazepine therapy on a routine basis based on the PDMP review. [Respondent] places a heavy emphasis on prescribing Oxycodone Immediate Release in his practice, with 38% of prescriptions (3494/9263) during 2019-2020 for immediate release oxycodone. He also prescribes hydromorphone frequently, which is rarely used in modern pain management practice. A high percentage of patient prescriptions (26%) are for ‘sedatives.’ . . . Benzodiazepines used in large amounts/quantities with frequent three times daily dosing. There were also several very high-risk patients in [Respondent’s] clinic who continued to receive opioids despite noncompliance and failed urine drug screens.”

(Exhibit P-5; Testimony of Daniel Dorsey).

6. In February 2022, Respondent entered into a joint settlement agreement with the Alabama State Board of Medical Examiners, whereby he permanently surrendered his pain management

at the time of his hearing, the Court will assume that it remains so.

registration and entered a consent order finding that, among other charges, he had excessively prescribed controlled substances in violation of Alabama Code § 20-2-54. It also required him to enter into a consent order placing his Alabama Controlled Substances license on probation for sixty months, prohibiting him from prescribing or distributing controlled substances. However, the settlement agreement stipulated that Respondent denied the allegations in the show cause order. (Petitioner's Exhibit 6; Testimony of Daniel Dorsey).

7. Respondent denied the allegations laid out in the Alabama Show Cause Order. Both he and his wife, who served as his office administrator, said they had measures in place to ensure that their patients were not misusing controlled substances. (Testimony of Petitioner; Testimony of Patricia Shedden).

III. CONCLUSIONS OF LAW

1. The Board bears the burden of proof in this matter. Ga. Comp. R. & Regs. 616-1-2-.07(1). The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21(4).
2. Professional licensing boards may discipline a licensee upon a finding by a majority of the board that the licensee has engaged in unprofessional conduct that fails to conform to the minimal reasonable standards of acceptable and prevailing practice. O.C.G.A. § 43-1-19(a)(6).
3. Under O.C.G.A. § 43-34-8(a), the Board has the authority to discipline a physician upon a finding that the licensee has:
 - (5) Had his or her license, certificate, or permit to practice pursuant to this chapter revoked, suspended, or annulled by any lawful licensing authority; had other disciplinary action taken against him or her by any lawful licensing authority; or been denied a license by any lawful licensing authority;
 - (7) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimum standards

of acceptable and prevailing medical practice and shall also include, but not be limited to, the prescribing or use of drugs, treatment, or diagnostic procedures which are detrimental to the patient as determined by the minimum standards of acceptable and prevailing medical practice or by rule of the board;

(10) Violated or attempted to violate a law, rule, or regulation of this state, any other state, the board, the United States, or any other lawful authority without regard to whether the violation is criminally punishable, when such law, rule, or regulation relates to or in part regulates the practice of medicine, when the licensee or applicant knows or should know that such action violates such law, rule, or regulation; or violated a lawful order of the board previously entered by the board in a disciplinary hearing;

4. When the Board finds that a licensee should be disciplined pursuant to O.C.G.A. § 43-34-8(a),

the board may take any one or more of the following actions:

- (A) Refuse grant a license, certificate, or permit to an applicant;
- (B) Place the licensee, certificate holder, or permit holder on probation for a definite or indefinite period with terms and conditions;
- (C) Administer a public or private reprimand, provided that a private reprimand shall not be disclosed to any person except the licensee; certificate holder, or permit holder;
- (D) Suspend any license, certificate, or permit for a definite or indefinite period;
- (E) Limit or restrict any license, certificate, or permit;
- (F) Revoke any license, certificate, or permit;
- (G) Impose a fine not to exceed \$3,000.00 for each violation of a law, rule, or regulation relating to the licensee, certificate holder, permit holder, or applicant;
- (H) Impose a fine in a reasonable amount to reimburse the board for administrative costs;
- (I) Require passage of a board approved minimum competency examination;
- (J) Require board approved medical education;
- (K) Condition the penalty, or withhold formal disposition, which shall be kept confidential unless there is a public order upon the applicant, licensee, certificate holder, or permit holder's submission to the care, counseling, or treatment by physicians or other professional persons, which may be provided pursuant to Code Section 43-34-5.1, and the completion of such care, counseling, or treatment, as directed by the board; or
- (L) Require a board approved mental and physical evaluation of all licensees, certificate holders, or permit holders.

O.C.G.A. § 43-34-8(b)(1).

5. While Respondent may deny the allegations listed in the Alabama Show Cause Order, it is undisputed that he willingly entered into a settlement agreement that resulted in a restriction


on his license to practice medicine. Under O.C.G.A. § 43-34-8(a)(5), this provides sufficient cause for the Board to similarly discipline Respondent's license.

6. However, the Board did not meet its burden to justify revoking Respondent's license. While the Board proved by a preponderance that Respondent was disciplined by the Alabama State Board of Medical Examiners, it did not present any direct evidence relating to Respondent's misconduct. Accordingly, the Court finds that revocation would be too harsh of a penalty.

IV. DECISION

In accordance with the foregoing Findings of Fact and Conclusions of Law, the Board's decision to sanction Respondent's medical license is hereby **AFFIRMED**. However, the proposed sanction is **MODIFIED**, and the Board may impose restrictions on Respondent's license matching the terms of the Alabama settlement agreement.

SO ORDERED, this 20th day of June, 2023.


Shakara M. Barnes
Administrative Law Judge

