

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

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Department of State

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs

vs.

Geoffrey W. Gubb, M.D.,
Respondent

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: Docket No. 1995-49-10
: File No. 10-49-08377
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:

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended ("Act"), 63 P.S. §422.1 et seq.
2. At all relevant and material times, Geoffrey W. Gubb ("Respondent") held a license to practice medicine in the Commonwealth of Pennsylvania, license number MD-013318-E.
3. Respondent admits that the following facts are true:
 - a. Respondent's license was active through December 31, 1992, but may be renewed upon the filing of the appropriate documentation and payment of the necessary fees.
 - b. Respondent's current address is 15249 Arthur's Court, P.O. Box 274, Belle Haven, VA 23306.

c. On or about September 13, 2010, the Virginia Board of Medicine issued an Order In Re: Geoffrey Wreford Gubb, M.D., License No.: 0101-028868.

d. A true and correct copy of the Order referenced in paragraph 3c is attached and incorporated as **Exhibit A**.

e. The Virginia Board of Medicine placed Respondent's license to practice medicine in the Commonwealth of Virginia on indefinite probation subject to specific terms and conditions, and permanently prohibited Respondent from prescribing and administering Schedule II, III and IV controlled substances.

4. The actions of Respondent, described above, violated the Act at 63 P.S. §422.41(4) in that Respondent had disciplinary action taken by a proper licensing authority of another state.

5. Intending to be legally bound, the participants consent to issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 63 P.S. §422.41(4) in that Respondent had disciplinary action taken by a proper licensing authority of another state.

b. Respondent's license to practice medicine in the Commonwealth of Pennsylvania, license no. MD-013318-E, shall be placed on **PROBATION** during such time as Respondent's license to practice medicine in the Commonwealth of Virginia is on indefinite probation as specified in the Order In Re: Geoffrey Wreford Gubb, M.D., License No.: 0101-028868 issued by the Virginia Board of Medicine on or about September 13, 2010.

c. Upon termination of the indefinite probation contained in the above-referenced Order In Re: Geoffrey Wreford Gubb, M.D., License No.: 0101-028868, Respondent may request reinstatement of his license to practice medicine

in the Commonwealth of Pennsylvania to unrestricted status upon an affirmative showing that Respondent has complied with all terms and conditions of said Order issued by the Virginia Board of Medicine.

6. Respondent acknowledges receipt of an Order to Show Cause in this matter.

Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

7. This Consent Agreement is between the Commonwealth and Respondent only.


Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

8. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

9. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

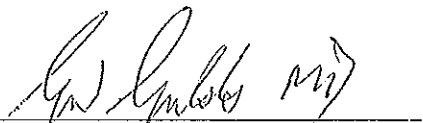
10. This Agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

11. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Keith E. Bashore, Esq.
Prosecuting Attorney
Department of State

DATED: 1/6/11



Geoffrey W. Gubb, M.D.
Respondent

DATED: 12/30/2010

**EXHIBIT
A**

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: GEOFFREY WREFORD GUBB, M.D.
License No.: 0101-028868

ORDER

In accordance with Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Geoffrey Wreford Gubb, M.D., on September 8, 2010, in Henrico, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Deeni Bassam, M.D.; Chairman; Jennifer S. Lee, M.D.; and Gopinath Jadhav, M.D. Dr. Gubb appeared personally and was represented by legal counsel, Michael L. Goodman, Esquire, and Kristi L. VanderLaan, Esquire. Virginia Scher, Adjudication Specialist, was present as a representative for the Administrative Proceedings Division of the Department of Health Professions. The purpose of the informal conference was to inquire into allegations that Dr. Gubb may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated July 21, 2010.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact and Conclusions of Law:

1. Geoffrey Wreford Gubb, M.D., was issued license number 0101-028868 by the Board to practice medicine and surgery in Virginia on December 5, 1977. Said license is currently active and will expire on July 31, 2012, unless renewed or acted upon.

2. Dr. Gubb violated Sections 54.1-2915.A(3), (13) and (16) of the Code in his care and treatment of Patients A - P. Specifically:

a. From approximately January 9, 2009 to February 2010, Dr. Gubb prescribed opioids on a continuous basis to Patient A for treatment of chronic pain due to Lyme disease; however, he failed to monitor Patient A's compliance with the medication regimen.

b. From approximately October 2008 to September 2009, Dr. Gubb prescribed opioids on a continuous basis to Patient B for treatment of chronic pain due to Lyme disease and osteoarthritis; however, he failed to develop a treatment plan and failed to document the patient's medication regimen.

c. From approximately January 9, 2009 to August 2009, Dr. Gubb authorized prescriptions for butalbital/APAP/caffeine/codeine (C-III) for Patient C for treatment of migraine headaches, without examining the patient and without monitoring her use of medications. Prescription profiles Dr. Gubb obtained on or about September 14, 2009, show that Patient C had received narcotics prescriptions from other providers during this period.

d. From approximately August 8, 2008 to September 2009, Dr. Gubb prescribed opioids on a continuous basis to Patient D for treatment of chronic pain; however, he failed to develop a treatment plan and failed to document the patient's medication regimen.

e. From approximately February 5, 2008 to September 2009, Dr. Gubb prescribed opioids on a continuous basis to Patient E; however, he failed to take a medical history and to develop a treatment plan including the pain being treated, and

authorized prescriptions between office visits occurring only every 4-5 months.

f. From approximately March 24, 2009 to November 24, 2009, Dr. Gubb authorized prescriptions for opioids by telephone for Patient F, who lives in another part of the state, and failed to monitor the patient's treatment and usage of medications from other providers.

g. From approximately July 24, 2008 to July 21, 2009, during which time Patient G had no office visits, Dr. Gubb authorized prescriptions for opioids and failed to develop a treatment plan or to document the specific pain being treated.

h. From approximately August 2008 to August 2009, Dr. Gubb prescribed opioids on a continuous basis to Patient H for complaints of pain; however, he failed to develop a treatment plan and failed to document the patient's medication regimen.

i. From approximately August 2008 to July 2009, Dr. Gubb prescribed opioids on a continuous basis to Patient I for treatment of chronic pain due to Lyme disease; however, he failed to develop a treatment plan, failed to document the patient's medication regimen, and failed to monitor the patient's use of opioids, despite the fact he had knowledge that the patient was receiving opioids from another provider.

j. From approximately December 2008 to August 2009, Dr. Gubb prescribed opioids on a continuous basis to Patient J; however, he failed to take a medical history; failed to develop a treatment plan, medication regimen and the specific pain being treated; and failed to monitor the patient's use of medications.

k. From approximately August 2007 to September 2009, Dr. Gubb prescribed opioids to Patient K for treatment of chronic pain due to Lyme disease and, beginning in February 2009, for hernia pain; however, he failed to take a medical history; failed to

develop a treatment plan and medication regimen; failed to monitor the patient's use of medications and, in 2007 and 2008, authorized opioid prescriptions despite infrequent office visits.

l. From approximately April 2007 to July 2009, Dr. Gubb prescribed opioids on a continuous basis to Patient L for treatment of chronic pain due to Lyme disease; however, he failed to develop a treatment plan, failed to document the patient's medication regimen, and failed to monitor the patient's use of medications.

m. From approximately November 2008 to May 2009, Dr. Gubb prescribed opioids on a continuous basis to Patient M; however, he failed to take a medical history; failed to develop a treatment plan, medication regimen and the specific pain being treated, and failed to monitor the patient's use and possible abuse of medications.

n. From approximately August 2008 to August 2009, Dr. Gubb prescribed opioids on a continuous basis to Patient N for treatment of chronic pain due to Lyme disease; however, he failed to develop a treatment plan and medication regimen, and failed to monitor the patient's use and possible abuse of medications.

o. From approximately August 2008 to August 2009, Dr. Gubb prescribed opioids on a continuous basis to Patient O for treatment of chronic pain due to Lyme disease and other conditions; however, he failed to develop a treatment plan and medication regimen, and failed to monitor the patient's use of medications, including opioids prescribed by other providers in August-December 2008.

p. From approximately March 2008 to September 2009, Dr. Gubb prescribed opioids on a continuous basis to Patient P for treatment of chronic pain due to Lyme disease; however, he failed to monitor the patient's compliance with the medication

regimen.

3. In identifying changes he has made to his practice since treating the above patients, Dr. Gubb reported that he first accessed the PMP about three weeks ago, and stated he found it useful in identifying the same issues the Board has raised as concerns. Additionally, Dr. Gubb has made changes in his recordkeeping related to prescriptions in that he now keeps a hard copy of all prescriptions in the patient record. Dr. Gubb is no longer issuing prescriptions via computer and is no longer using the computer transmittal as the prescribing record. Instead, all Schedule II prescriptions are issued via a double-copy prescription pad; all other prescriptions are faxed to the pharmacy. Dr. Gubb has implemented pain contracts for all pain patients, and plans to implement urine screens in his practice in the future.

4. Dr. Gubb provided a certificate verifying that he had completed an online course for 2.50 hours of CME credit on August 29, 2010, entitled: "VCU Pain Management" sponsored by the VCU School of Medicine.

5. Dr. Gubb admitted that his documentation was not "precise" enough to capture his medical decision-making and medication management.

6. Through the course of its discussion with Dr. Gubb, the Committee determined that Dr. Gubb's medical records were inadequate in capturing appropriate clinical information. Further, the Committee found that Dr. Gubb's responses to the Committee's questions regarding his care and treatment of the above patients demonstrated a significant lack of clinical knowledge in regard to the appropriate assessment and management of chronic pain patients and their other underlying co-morbid medical conditions.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law, it is hereby ORDERED that the license of Geoffrey Wreford Gubb, M.D., be, and hereby is, placed on INDEFINITE PROBATION, subject to the following TERMS AND CONDITIONS:

1. Dr. Gubb is permanently prohibited from prescribing and administering Schedule II, III and IV controlled substances.
2. Within thirty (30) days of entry of this Order, Dr. Gubb shall provide the Board with a written statement certifying that he has read, and will comply with: (i) the laws governing the practice of medicine and other healing arts (Title 54.1, Chapter 29 of the Code); and (ii) the Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic (18 VAC 85-20-10 *et seq.*).
3. Within nine (9) months of entry of this Order, Dr. Gubb shall submit evidence satisfactory to the Board verifying that he has completed fifteen (15) hours of face-to-face continuing medical education (CME) in the subject of medical recordkeeping. Such CME shall be approved in advance of registration by the Executive Director of the Board, and shall be completed through face-to-face, interactive sessions (i.e., no home study, journal or Internet courses). Any CME hours obtained in compliance with this term shall not be used toward compliance with the Board's continuing education requirements for license renewal.
4. Within twelve (12) months of entry of this Order, Dr. Gubb shall take and pass the Special Purpose Examination (SPEX) as administered by the Federation of State Medical Boards, and ensure that the results are submitted to the Board.
5. Upon compliance with Terms 2-4 of this Order, the Committee authorizes the Executive Director of the Board to close this matter without further action or, in his discretion,

to refer this matter to a Special Conference Committee for final determination. However, the authority to close this matter does not extend to lifting the permanent restriction imposed by Term 1.

Dr. Gubb shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

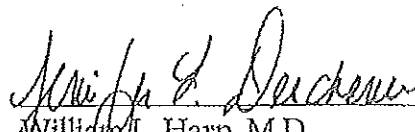
Violation of this Order may constitute grounds for suspension or revocation of Dr. Gubb's license. In the event that Dr. Gubb violates this Order, an administrative proceeding may be convened to determine whether such action is warranted.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Dr. Gubb may, not later than 5:00 p.m., on October 16, 2010, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on October 16, 2010, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD



for William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

Entered: 9/13/2010

ORDER

AND NOW, this *25TH* day of *JANUARY*, 2011, the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BY ORDER:

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

STATE BOARD OF MEDICINE



Mark Vessella
Deputy Commissioner



Carol E. Rose, M.D.
Chairperson

File No. 10-49-08377

Date of mailing:

January 28, 2011

For the Commonwealth:

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