

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

STATE OF GEORGIA

GEORGIA COMPOSITE
MEDICAL BOARD

IN THE MATTER OF:

KAREN BULLINGTON, M.D.,
License No. 55930

Respondent.

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DOCKET NO. _____

JUN 03 2011

DOCKET NUMBER

2011 0061

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board ("Board") and Karen Bullington, M.D. ("Respondent"), the following disposition of this matter is entered into pursuant to the provisions of O.C.G.A. § 50-13-13 (a) (4), as amended.

FINDINGS OF FACT

1.

Respondent is licensed to practice as a physician in the State of Georgia and was licensed at all times relevant to the matters stated herein. Respondent's practice specializes in the treatment of patients suffering from fibromyalgia and chronic fatigue syndrome.

2.

Respondent provided medical treatment to patient S. V. E. for chronic pain, fibromyalgia, and severe fatigue. Respondent treated the patient from November 1, 2005 until January 26, 2006 and then again from June 13, 2007 until April 2009.

3.

On or about November 1, 2005, patient S. V. E. presented as a new patient to the Respondent. The patient lived in North Carolina which is several hours of travel time from Respondent's practice. On her initial visit the patient presented with a history of past and current usage of controlled substances. The Respondent began prescribing controlled substances for the

patient beginning on that initial visit. The Respondent continued to prescribe controlled substances for the patient during the entire time periods that Respondent treated the patient.

4.

The Respondent submits that the vast majority of the prescriptions by Respondent for the patient were written well within the guidelines of the Physician's Desk Reference and package insert for the medications. The Respondent further submits that she had lengthy discussions with the patient and her husband about drug addiction, drug dependence, and drug tolerance. The Respondent had the patient sign a narcotics agreement and her fill out a pain assessment form; and the patient's husband agreed in writing to be the one to control the patient's medication to avoid any misuse or abuse. The Respondent submits that the patient's husband repeatedly told Respondent that he was controlling the administration of her medications.

5.

The Respondent treated the patient from November 1, 2005 until January 26, 2006. The patient was not seen by the Respondent from January 26, 2006, until June 13, 2007. When the patient was again seen on June 13, 2007, the Respondent resumed treatment of the patient which included again prescribing controlled substances.

6.

On occasions, the Respondent wrote prescriptions for controlled substances without seeing the patient and would either have the prescriptions delivered to the patient in North Carolina or would call in the prescriptions to pharmacies in North Carolina. On occasions, the Respondent would deliver or call in prescriptions for controlled substances even though the patient failed to appear for scheduled appointments. Respondent submits that she only mailed or called in prescriptions when the patient was unable to make the four-hour drive to Atlanta for her

in-person appointment typically because her husband could not get off from work, and Respondent talked to the patient at length by telephone to assess her condition on those infrequent occasions.

7.

Respondent understood that one danger of prolonged treatment of a patient with controlled substances is the development of drug dependency or drug abuse by the patient. The patient exhibited signs of drug dependency or drug abuse during her treatment by the Respondent which is why Respondent submits she had discussions with the patient and her husband. These signs, among others, included the patient's entry into a drug rehabilitation facility; claims of lost prescriptions; attempts to obtain refills of prescriptions prior to their refill dates; requests for additional prescriptions prior to appointment dates; consumption of drugs faster than prescribed; and calls from pharmacies with concerns about filling prescriptions for the patient because the patient was also obtaining other prescriptions from other physicians or the patient was attempting to fill a prescription shortly after having another prescription filled. Respondent submits that it was the accumulation of these events which caused Respondent to recommend to the patient participation in a pain management/addiction program, referral to a psychiatrist for managing anxiety medications, and referral to a psychologist for therapy and strategies to reduce anxiety.

8.

Despite signs of drug dependency or drug abuse, the Respondent continued to issue prescriptions for controlled substances for the patient. In 2009, after months of prescribing controlled substances to the patient, the Respondent determined to refer the patient to another physician.

9.

The Respondent departed from and failed to conform to the minimum standard of acceptable and prevailing medical practice in the following ways:

(a) The Respondent continued to issue prescriptions for controlled substances and failed to adjust her treatment of the patient including limiting the number and amount of controlled substances; and

(b) The Respondent failed to refer the patient soon enough to an addictionologist or other physician to address the patient's need for drug rehabilitation despite signs of drug dependency or drug abuse in the patient.

10.

Respondent does not contest the above findings of fact and waives any further findings of fact with respect to the above-styled matter.

CONCLUSIONS OF LAW

Respondent's conduct constitutes sufficient grounds for the imposition of discipline upon her license to practice as a physician in the State of Georgia pursuant to O.C.G.A. Chs. 1 and 34 T. 43, as amended. Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Georgia Composite Medical Board, having considered all the facts and circumstances of this case, hereby orders, and Respondent hereby agrees, that the following sanctions shall be imposed upon Respondent's license to practice as a physician in the State of Georgia.

1.

LIMITATION ON PRESCRIBING. For a period of two (2) years following the date this Consent Order is docketed, the Respondent shall not prescribe, administer, dispense, order or possess (except as prescribed, administered, or dispensed to Respondent by another person authorized by law to do so) any Schedule II controlled substances as defined by the Federal or Georgia Controlled Substances Act. Further, the Respondent shall limit the prescribing of schedule III narcotics used to treat unrelenting severe fibromyalgia pain to a maximum daily dose of 40mg of hydrocodone compounds. Patients requiring higher doses of narcotics to control their pain will be required to consult with a pain management specialist for their narcotics prescribing and management. Failure by Respondent to abide by this prescribing limitation as contemplated by this paragraph shall be considered a violation of this Consent Order subjecting her license to further disciplinary action, including possible revocation, upon substantiation.

2.

USE OF PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER. If Respondent employs a physician's assistant and/or nurse practitioner in her practice, Respondent shall not utilize the physician's assistant and/or nurse practitioner to perform tasks which are otherwise prohibited by the terms of this Consent Order, or otherwise utilize the services of the physician's assistant and/or nurse practitioner in such a way as to circumvent any restriction, term or condition outlined herein. Respondent expressly agrees to disclose this consent order to any physician's assistant or nurse practitioner with whom Respondent employs or associates.

3.

PRESCRIBING COURSE. Within six (6) months of the effective date of the Consent Order, Respondent shall attend and successfully complete the prescribing course entitled

“Appropriate Prescribing of Controlled Substances” sponsored by the Mercer University Southern School of Pharmacy in Atlanta. Upon successful completion of the program, the Respondent shall submit documentation thereof to the Board. Respondent shall submit this documentation to the Board within six (6) months of the effective date of the Consent Order or as soon as the documentation is issued to Respondent, whichever occurs first in time. This requirement shall be in addition to the continuing education requirements set forth in O.C.G.A. § 43-34-11.

4.

INSPECTIONS/INTERVIEWS. The Medical Coordinator of the Board or another Board representative shall have the authority to periodically review and inspect Respondent's records. The representative is authorized to review and inspect these records at any reasonable time and as often as the representative deems necessary. The Respondent shall have the right to be present during such inspection of records and the patients' privacy and confidentiality rights shall be maintained. The Respondent shall be available, upon reasonable notice, for personal interviews with the Medical Coordinator or other representative of the Board. Failure of the Respondent to be reasonably available for inspection of his records or for personal interviews with a Board representative shall be considered a violation of this Consent Order.

5.

CONTINUING EDUCATION HOURS. Respondent shall obtain thirty (30) hours of continuing medical education (“CME”) in the area of pain management in addition to the CME required of all Georgia physicians. Respondent shall complete said additional thirty hours within one (1) year from the docketing of this order. Prior to obtaining the CME, Respondent shall submit the title of the course(s) she plans to attend and information concerning the course(s) to the Board. Within one (1) year from the docketing of this consent order, Respondent shall

submit proof of completion of said additional thirty hours to the Board. All reports and submissions required under this Consent Order shall be sent to the attention of the Executive Director, Georgia Composite Medical Board, 2 Peachtree Street, NW, Atlanta, Georgia 30303. These thirty hours shall be in addition to the continuing education requirements set forth in O.C.G.A. § 43-34-11.

6.

RESIDENCY OUTSIDE GEORGIA. In the event Respondent should leave Georgia to reside or practice outside Georgia for periods longer than thirty (30) consecutive days, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside Georgia as well as periods when respondent is not actively engaged in the practice of medicine or is on inactive licensure status will not apply to the reduction of the two (2) year license restriction period set forth in paragraph 1 above, except as authorized by the Board. Respondent shall promptly advise the Board of any change in address of record or employment status.

7.

FINE. Within one hundred twenty (120) days of docketing of this Consent Order the Respondent shall submit to the Board a fine in the amount of three thousand five hundred (\$3,500.00) dollars, to be paid in full by cashier's check or money order made payable to the Board. Failure to pay the entire amount within said 120 day period shall be considered a violation of this Order and shall result in further sanctioning of Respondent's license, including possible revocation, upon substantiation thereof.

8.

ADMINISTRATIVE COSTS. Within ninety (90) days of docketing of this Consent Order the Respondent shall submit to the Board administrative costs in the amount of five

hundred (\$500.00) dollars, to be paid in full by cashier's check or money order made payable to the Board. Failure to pay the entire amount within said 90 day period shall be considered a violation of this Order and shall result in further sanctioning of Respondent's license, including possible revocation, upon substantiation thereof.

9.

ABIDE BY ALL LAWS. Respondent shall abide by all State and Federal laws regulating the practice of medicine or relating to drugs, the Rules and Regulations of the Georgia Composite Medical Board, the terms of any order issued by another lawful licensing authority or consent agreement entered between Respondent and another lawful licensing authority and the terms of this Consent Order. If Respondent shall fail to abide by such laws, rules, terms or orders, or if it should appear from monitoring reports submitted to the Board that Respondent is otherwise unable to practice medicine with reasonable skill and safety to patients, Respondent's license shall be subject to further discipline, including possible revocation, upon substantiation thereof after notice and hearing, and if revoked the Board in its discretion may determine that the license should be permanently revoked and not subject to reinstatement.

10.

Respondent understands that pursuant to O.C.G.A. Title 43, Chapter 34A, the contents of this consent order shall be placed in her physician's profile. Furthermore, by executing this consent order, Respondent hereby agrees to permit the Board to update her physician's profile to reflect this consent order.

11.

Respondent acknowledges that she has read this Consent Order and understands its contents. Respondent understands that she has the right to a hearing in this matter and

freely, knowingly and voluntarily waives that right by entering into this Consent Order. Respondent understands and agrees that a representative of the Department of Law may be present during the Board's consideration of this Consent Order and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent further understands that this Consent Order will not become effective until approved and docketed by the Georgia Composite Medical Board. Respondent understands that this Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Board. However, if this Consent Order is not approved, it shall not constitute an admission against interest by Respondent in this proceeding, or prejudice the right of the Board to adjudicate this matter. Respondent hereby consents to the terms and sanctions contained herein.

Approved, this 2ⁿ day of June, 2011.

GEORGIA COMPOSITE MEDICAL BOARD



BY:

ALEXANDER S. GROSS, M. D.
President

(BOARD SEAL)


ATTEST:



LASHARN HUGHES
Executive Director

As to Respondent Only
Sworn to and Subscribed
Before me this 23rd day
of May, 2011.

CONSENTED TO:



KAREN BULLINGTON, M.D.
Respondent

