



CASE OF THE QUARTER: BOARD OF MEDICINE V. JANE DOE, MD

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The "Case of the Quarter" column is a sample case study that highlights best practices in actual scenarios encountered through [PRMS' extensive experience in litigation and claims management](#). Specific names and references have been altered to protect clients' interests. This discussion is for informational and education purposes only and should not be relied upon as legal advice.

FACTS:

Dr. Doe receives notice that the Medical Licensing Board ("Board") in her primary practice state, Paradise, was investigating a complaint it had received concerning her prescribing. Specifically, the complaint alleged that Dr. Doe was informed by a family member that her patient, Mary, was misusing the Xanax she was prescribing and getting additional prescriptions from other providers. The complaint further alleged that Dr. Doe kept prescribing the Xanax to Mary despite receiving the information from the family member, ultimately leading to her overdose and hospitalization.

Dr. Doe sent a written response to the Board defending her care. Dr. Doe did not report the matter to her medical malpractice carrier because she was not sure there would be coverage. Dr. Doe is licensed in three states.

ALLEGATIONS:

Following its investigation, the Board found that Dr. Doe had violated multiple state regulations governing the prescribing of controlled substances. The Board found that Dr. Doe failed to check the prescription monitoring program to determine if Mary was getting Xanax from other providers. The Board's expert psychiatrist was critical of the increasing dosage Dr. Doe was prescribing.

DEFENSES:

In her written response, Dr. Doe offered support for the dosages prescribed with her documentation of increased anxiety as reported by the patient. She also noted that the medical record indicated that she had addressed the family member's concerns with the patient and the patient had denied misuse and doctor-shopping. Dr. Doe asserted that she

trusted Mary and had never been given a reason not to so she did not feel the need to check the prescription monitoring program.

OUTCOME:

The Board sanctioned Dr. Doe. The Board ordered Dr. Doe to refrain from prescribing controlled substances until she took a class on safe prescribing and submitted evidence of completing the class to the Board. The Board further ordered that Dr. Doe report to a mentor for one year after she resumed prescribing of controlled substances and that she pay a fine of \$3000. Following the Board's sanctions, Dr. Doe received notice from the Board of one of her other practice states that it was fining her \$500 for not reporting the sanctions that the first Medical Board had imposed on her.

TAKEAWAY:

Be familiar with and follow state and federal laws/regulations for the prescribing of controlled substances. Notify your medical professional liability insurance carrier when you first receive notice that your Board has received a complaint against you to see if there is defense coverage. Inform the attorney representing you that you are licensed in multiple states so that required reporting can be done.

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