

BEFORE THE
BOARD OF REGISTRATION FOR THE HEALING ARTS
STATE OF MISSOURI

STATE BOARD OF REGISTRATION)	
FOR THE HEALING ARTS,)	
)	
Petitioner,)	
)	Case No. 2001-000671
)	
v.)	
)	
JAMES P. FELDER, M.D.)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

This matter appears before the State Board of Registration for the Healing Arts pursuant to a Complaint filed in the above-styled case. Pursuant to a Notice of Hearing on Violation of Disciplinary Agreement properly served upon Respondent, a hearing was held on Friday, April 5, 2002, at the Chateau on the Lake, Branson, Missouri. The Board was represented by Nicole Sublett, Assistant Attorney General. Assistant Attorney General Jane Rackers served as the Board's legal advisor. Respondent was present for the hearing and was not represented by legal counsel. During the hearing, the Board received as evidence Petitioner's and Respondent's exhibits, including Petitioner's audiotape evidence obtained during the course of the investigation of the case. The Board listened to the Petitioner's audiotape evidence in its entirety and considered all of the exhibits and evidence of the parties in reaching its decision.

FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts ("the Board") is an agency of the State of Missouri created and established pursuant to § 334.120, RSMo, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. James P. Felder, M.D., ("Respondent"), is licensed by the Board as a physician and surgeon, license number MD26862. Respondent's license is current.

3. On or about February 27, 2002, Notice of Hearing on Violation of Disciplinary Agreement was hand-delivered to Respondent.

4. On or about May 18, 1995, the Missouri Administrative Hearing Commission entered its Consent Order, which incorporated the Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and the State Board of Registration for the Healing Arts, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation") entered into between Respondent and the Board. Under the terms of the Joint Stipulation, Respondent's license was placed on probation for a period of five (5) years beginning on May 18, 1995 ("the disciplinary period").

5. During the disciplinary period, Respondent's ability to practice medicine under Chapter 334, RSMo, was conditioned upon his adherence to all terms of the Joint Stipulation.

6. Pursuant to paragraph 6 of part II of the Joint Stipulation, Respondent was required to comply with all provisions of Chapter 334 and Chapter 195¹, RSMo, and all regulations of the Board.

¹ The Narcotic Drug Act

7. On December 18, 2000, after a hearing before the Board, Petitioner issued its Findings of Fact, Conclusions of Law and Disciplinary Order (hereinafter "Disciplinary Order") finding that Respondent was subject to further discipline by the Board because he had violated the terms of his probation as contained in the Joint Stipulation by improperly prescribing pain medication for a patient with no record of physical examination, diagnosis or treatment plan in violation of §334.100.2(5), RSMo Supp. 1999.

8. The Disciplinary Order of the Board, entered December 18, 2000, imposed further discipline on the license of Respondent.

9. Pursuant to said Order, Respondent's license was suspended for a period of three years or until such shorter time as Respondent appeared before the Board and presented a corrective action plan for his medical recordkeeping and demonstrated to the Board's satisfaction that he had successfully completed one course on recordkeeping and one course on pain management.

10. The Board further ordered that upon successful completion of the period of suspension, Respondent's license would be placed on probation for a period of ten years, subject to the terms and conditions as set forth in the Disciplinary Order.

11. On or about July 28, 2001, Respondent appeared before the Board and presented evidence of his successful completion of one course on recordkeeping and one course on pain management. The Board ordered that effective August 31, 2001, Respondent's license would be placed on probation for a period of ten (10) years subject to the terms and conditions as set forth in the Disciplinary Order.

12. In accordance with the probationary terms contained in the Disciplinary Order, Respondent is required to comply with the provisions of Chapter 334, RSMo 2000.

13. Respondent provided seven (7) fraudulent work excuses to Primesource Intelligence Group undercover investigators during the time period February, 2000 through October, 2000.

14. Upon each undercover investigator's visit to the Respondent's office, each told Respondent that he or she was a General Motors employee who had missed work, or needed to miss work, and was, therefore, requesting a doctor's work excuse stating that he or she was ill during certain specified dates.

15. Each undercover investigator further explained to Respondent that he or she was not ill during the specified dates.

16. On each occasion, Respondent provided the undercover investigator with a fraudulent work excuse in consideration for payment of \$20.00.

17. On each occasion, Respondent failed to obtain the "patient's" medical history or provide a physical examination.

18. Respondent's fraudulent provision of work excuses, described above, is in violation of §334.100.2(4)(a) and (14), RSMo 2000, which provides in pertinent part:

2. The Board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license for any one or any combination of the following causes:

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or

unprofessional conduct in the performance of the functions or duties of any profession licensed...by this chapter, including, but not limited to, the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or over treating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(14) Knowingly making, or causing to be made, or aiding or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this proceeding in that the Complaint presents a case in which the Board must determine whether or not a licensee has violated a condition or conditions of a disciplinary order. §620.153, RSMo.

2. Respondent's conduct violates the terms of discipline set forth in the Disciplinary Order.

3. The Disciplinary Order entitles the Board to take such disciplinary action as the Board deems appropriate if Respondent fails to comply with the terms and conditions of the Disciplinary Order.

4. The findings of fact as set forth herein show cause for this Board to impose such further or other disciplinary action as this Board deems appropriate.

DECISION AND DISCIPLINARY ORDER

It is the decision of the State Board of Registration for the Healing Arts that Respondent has violated the terms and conditions of the Disciplinary Order and that Respondent's license is, therefore, subject to further disciplinary action.

Pursuant to the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that Respondent's license, numbered MD26862, to practice the healing arts in the State of Missouri shall be and is REVOKED with no application for reinstatement for a period of seven (7) years. Respondent is directed to return to the Board his wall-hanging certificate, license and pocket card, and all other indicia of licensure within ten (10) days of the effective date of this order.

IT IS SO ORDERED, effective this 29 day of April, 2002.

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS


Tina Steinman
Executive Director

BEFORE THE
BOARD OF REGISTRATION FOR THE HEALING ARTS
STATE OF MISSOURI

STATE BOARD OF REGISTRATION)		
FOR THE HEALING ARTS,)		
)		
Petitioner,)	Case Nos.	1999-000277
)		HA01016632
v.)		
)		
JAMES P. FELDER, M.D.)		
)		
Respondent.)		

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

This matter appears before the State Board of Registration for the Healing Arts pursuant to a Complaint filed in the above-styled case. Pursuant to a Notice of Hearing on Violation of Disciplinary Agreement properly served upon Respondent, a hearing was held on Friday, October 19, 2000, at the Sheraton Four Points Hotel, One East 45th Street, Kansas City, Missouri. The Board was represented by James O. Ertle, Assistant Attorney General. Respondent was present for the hearing and was not represented by legal counsel.

FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts ("the Board") is an agency of the State of Missouri created and established pursuant to § 334.120, RSMo 1994, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
2. James P. Felder, M.D., ("Respondent"), is licensed by the Board as a physician and surgeon, license number MD26862. Respondent's license is current.

3. On or about September 8, 2000, Notice of Hearing on Violation of Disciplinary Agreement was **hand-delivered** to Respondent.

4. On or about May 18, 1995, the Missouri Administrative Hearing Commission entered its Consent Order, which incorporated the Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and the State Board of Registration for the Healing Arts, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation") entered into between Respondent and the Board. Under the terms of the Joint Stipulation, Respondent's license was placed on probation for a period of five (5) years beginning on May 18, 1995 ("the disciplinary period").

5. During the disciplinary period, Respondent's ability to practice medicine under Chapter 334, RSMo, was conditioned upon his adherence to all terms of the Joint Stipulation.

6. Pursuant to paragraph 6 of part II of the Joint Stipulation, Respondent was required to comply with all provisions of Chapter 334 and Chapter 195¹, RSMo, and all regulations of the Board.

7. From July 9, 1999 to October 4, 1999, R.B. was a patient of Respondent.

8. Between July 9, 1999 and October 4, 1999, Respondent prescribed 30 pills of Ultram² every three to four days for patient R.B.. Respondent prescribed the drugs without making or recording a diagnosis of patient R.B.'s medical condition, without making or

¹ The Narcotic Drug Act

² Ultram is the brand name for Tramadol which is a non-controlled prescription drug used to treat pain.

recording a history or physical for patient R.B., and without a proposed course of treatment for patient R.B.

9. Respondent's records for patient R.B. showed other instances where he prescribed Ultram, Fioricet³ or Soma⁴ to patient R.B., and did so without making or recording a diagnosis of the patient's medical condition, without making or recording a history or physical for patient R.B., and without a proposed course of treatment for patient R.B.

10. Respondent's complete record of the prescriptions for patient R.B. consisted of six (6) scraps of paper that were not fully legible.

11. Respondent's records for patient R.B. demonstrated repeated occasions where Respondent prescribed or dispensed medication without maintaining an appropriate dispensing log.

12. Respondent's failure to make or record a diagnosis of Patient R.B.'s medical condition, failure to make or record a history or physical for patient R.B., and failure to propose a course of treatment for patient R.B. when prescribing medications constitutes gross negligence and incompetence in violation of Section 334.100.2(5), RSMo Supp. 1999 and violates the terms and conditions of the Joint Stipulation.

13. Respondent's failure to maintain a dispensing log for the drugs prescribed or dispensed violates 4 CSR 150-5.020(7) which provides:

³ Fioricet is the brand name for Butalbital.

⁴ Soma is the brand name for Carisoprodol which is a non-controlled prescription drug used to treat pain.

(7) Whenever dispensing takes place, appropriate records shall be maintained. These records must be adequate to show the name of the patient, the name and strength of the drug dispensed, the quantity, the dose, etc. A separate log must be maintained for controlled substance dispensing.

14. Respondent's failure to make or record a diagnosis of Patient R.B.'s medical condition, failure to make or record a history or physical for patient R.B., and failure to propose a course of treatment for Patient R.B. when prescribing medications constitutes conduct which is or may be harmful to patient R.B. in violation of Section 334.100.2(5), RSMo Supp. 1999 and violates the terms of the Joint Stipulation.

15. Respondent is not in compliance with the terms and conditions of the Joint Stipulation.

CONCLUSIONS OF LAW

16. The Board has jurisdiction over this proceeding in that the Complaint presents a case in which the Board must determine whether or not a licensee has violated a condition or conditions of a disciplinary order. Section 620.153, RSMo Supp. 1998; *State Board of Registration for the Healing Arts v. Masters*, 512 S.W.2d 150, 160-161 (Mo.App., K.C.D. 1974).

17. Respondent's conduct violates the terms of discipline set forth in the Joint Stipulation and further violates 4 CSR 150-5.020(7), and Section 334.100.2(5), RSMo.

18. The Joint Stipulation entitles the Board to take such disciplinary action as the Board deems appropriate if Respondent fails to comply with the terms and conditions of the Joint Stipulation.

19. The findings of fact as set forth herein show cause for this Board to impose such further or other disciplinary action as this Board deems appropriate.

DECISION AND DISCIPLINARY ORDER

It is the decision of the State Board of Registration for the Healing Arts that Respondent has violated the terms and conditions of the Settlement Agreement and that Respondent's license is, therefore, subject to further disciplinary action.

Pursuant to the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that Respondent's license, numbered MD26862, to practice the healing arts in the State of Missouri shall be SUSPENDED for three years or until such shorter time as Respondent appears before the Board and presents his corrective action plan for his medical recordkeeping and demonstrates to the Board's satisfaction that he has taken and successfully completed one course on recordkeeping and one course on pain management. Such suspension shall become effective ten (10) days from the effective date of this Order. Respondent is directed to return to the Board his wall-hanging certificate, license and pocket card, and all other indicia of licensure within ten (10) days of the effective date of this order.

IT IS FURTHER ORDERED that upon completion of the period of suspension, Respondent's license, numbered MD26862, to practice the healing arts in the state of Missouri shall be and is hereby placed on PROBATION for a period of TEN (10) YEARS. Said probation shall supercede and be in lieu of an outstanding probations in effect currently or at the time

Respondent's license is reinstated. During the period of probation, Respondent shall comply with the following terms and conditions set forth:

a. During Respondent's probation, Respondent shall be entitled to engage in the practice of medicine under Chapter 334, RSMo, provided he adheres to all terms or conditions set forth in this Order or imposed by the Board at the completion of his suspension.

b. During the disciplinary period, Respondent shall maintain a dispensing log of all prescriptions ordered, administered, prescribed or dispensed in accordance with Chapter 334 and Chapter 195, RSMo.

c. During each year of the disciplinary period which encompasses in whole, or in part, a continuing medical education (CME) reporting period for purposes of the Board's CME rule (4 CSR 150-2.125), Respondent shall obtain twenty-five (25) hours of CME during each such reporting period in addition to the twenty-five (25) hours of CME required by the Board's rule, for a total of fifty (50) hour of CME during each of these reporting periods. These CME hours shall comply in all respects with the Board's CME rule and shall be accredited by the American Osteopathic Association as Category IA or IIA or by the American Medical Association as Category I. Within thirty (30) days of the completion of any CME hours obtained by Respondent during the disciplinary period, Respondent shall forward to the Board written documentation, including copies of any certificates issued, evidencing Respondent's attendance and completion of these CME hours.

d. During the disciplinary period, Respondent shall comply in all respect with 334.075, RSMo and the Board's CME rule, 4 CSR 150-2.125, as amended, and any other rule adopted by the Board regarding the obtaining and completing of continuing medical education.

e. Respondent shall not apply for a BNDD or DEA registration during the first six (6) months of the disciplinary period. After the first six (6) months of the disciplinary period, if Respondent does apply for BNDD or DEA registration he shall forward written notice to the Board contemporaneously with his application to BNDD or DEA. Nothing contained in this paragraph should be construed as an endorsement or approval by the Board that Respondent apply for or be issued a BNDD or DEA registration after expiration of the first six (6) months of the disciplinary period. The Board reserves the right to provide information to BNDD or DEA and to object to the issuance of a controlled substance registration if, and when, Respondent applies for such registrations.

f. During the disciplinary period, Respondent shall not, in any manner whatsoever, exercise any control or authority over controlled substances, and the drug Stadol. Such restriction includes, but is not limited to, exercising any such control or authority pursuant to the controlled substance authority or registration of any other person or entity. Respondent shall not prescribe, administer, dispense, order, possess, or otherwise, on Respondent's orders, authority or instructions, or pursuant to the controlled substance authority or registration of any other person or entity, cause or attempt to cause the prescribing, administration, dispensing, ordering or possession of any controlled substances and the drug Stadol. Subject to the provisions of the immediately preceding paragraph, the restriction contained in this paragraph shall expire only upon issuance by BNDD and DEA of an unrestricted controlled substance registration to Respondent

g. During the disciplinary period, Respondent shall keep the Board informed

of Respondent's current work and home telephone numbers and addresses. Respondent shall notify the Board in writing within ten (10) days of any change in this information.

h. During the disciplinary period, Respondent shall timely renew his registration and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain Respondent's registration in a current and active state, including timely obtaining and reporting the required CME.

i. During the disciplinary period, Respondent shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary Order.

j. During the disciplinary period, Respondent shall appear in person for interviews with the board or its designee upon request.

k. Periods of residency or the practice of medicine outside Missouri will not apply to the reduction of the disciplinary period. Respondent shall notify, in writing, the medical licensing authorities of the jurisdiction in which he is residing or practicing, by no later than the day before the beginning of the disciplinary period, of Respondent's disciplinary status in Missouri. Respondent shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority. In the event Respondent should leave Missouri to reside or practice medicine outside the state during the disciplinary period, Respondent shall notify the Board in writing of the dates of departure and return no later than ten (10) days before Respondent's departure. Furthermore, Respondent shall, no later than ten (10) days after the commencement of any residence or practice outside this state, notify in

writing the medical licensing authorities in the jurisdiction in which Respondent is residing or practicing of Respondent's disciplinary status in Missouri.

l. Respondent shall notify, with in fifteen (15) days of the effective date of this Order, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Respondent practices or has privileges of Respondent's disciplinary status. Notification shall be in writing and Respondent shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.

m. For purpose of this Order, unless otherwise specified in this Order, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this Order shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

n. In the event the State Board of Registration for the Healing Arts determines that Respondent has violated any term or condition of this Order, the Board may in its discretion, vacate this Order and impose such further discipline as the Board shall deem appropriate.

o. No additional order shall be entered by this Board pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this Order occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further

disciplinary action. Respondent agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of the Agreement has occurred.

p. This Order does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by Respondent not specifically mentioned in this document.

q. If the State Board of Registration for the Healing Arts determines that the Respondent has violated a term or condition of the disciplinary period which violation would also be actionable in a proceeding before the Administrative Hearing Commission or in the circuit court, the Board may elect to pursue any lawful remedies concerning that violation.

IT IS SO ORDERED, effective this 18 day of December, 2000.

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS


Tina Steinman
Executive Director

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS,

Board,

v.

JAMES P. FELDER, M.D.,

Licensee.

RECEIVED
MAR 23 2000
BOARD OF
HEALING ARTS

SETTLEMENT AGREEMENT

Comes now James P. Felder, M.D., ("Licensee") and the State Board of Registration for the Healing Arts ("Board") and enter into this Agreement for the purpose of resolving the question of whether Dr. Felder's license as a physician and surgeon will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo Supp. 1998.

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided Licensee by operation of law, Licensee knowingly and voluntarily waives each and every one

of these rights and freely enters into this Agreement and agrees to abide by the terms of this document as they pertain to Licensee.

2. Licensee acknowledges that he may, at the time this Agreement is effective or within fifteen days thereafter, submit this Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitutes grounds for discipline of Licensee's license.

3. Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. Licensee hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case or this Agreement, or from the negotiation or execution of this Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Agreement in that it survives in perpetuity even in the event that any court of law deems this Agreement or any portion thereof void or unenforceable.

5. The parties stipulate and agree that the disciplinary order agreed to by the Board and Licensee in Part II herein is based only on the facts and conclusions of law set out in Part I herein. Licensee understands that the Board may take further disciplinary action

against Licensee based on facts or conduct not specifically referenced in this document that are either now known to the Board or may be discovered.

6. Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this Agreement as an open record of the Board as required by Chapters 334, 610, 620 and 621, RSMo, as amended.

I.

Based upon the foregoing, Board and Licensee herein jointly stipulate to the following:

JOINT FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts ("the Board") is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. Dr. James P. Felder, ("Licensee") is licensed by the Board as a physician, license number MD26862, which was first issued in July, 26 1958. Dr. Felder's certificate of registration is current, and was current and active at all relevant times noted herein.

3. Patient "1" sought treatment from Licensee on or about August 30, 1996. A physician-patient relationship arose at that time and thereafter continued to exist between Patient "1" and Licensee until at least June 16, 1998.

4. Licensee treated Patient "1" by repeatedly dispensing, and/or prescribing abusable non-controlled substances such as Carisoprodol and Nalbuphine. Licensee's medical records for Patient "1" do not adequately detail the symptoms exhibited by Patient "1", the results of the Licensee's examinations, if any, or the scope of medical advice provided to Patient "1" by the Licensee on those occasions when Licensee dispensed and/or prescribed the

aforementioned substances. Further, Licensee's records do not adequately detail treatment for Patient "1", such as the quantity and strength of drugs dispensed and/or prescribed.

5. Licensee's failure to adequately document his examinations of Patient "1" and to fully record information regarding the drugs dispensed and/or prescribed is conduct threatening harm and/or danger to the mental and physical health of Patient "1".

6. Patient "2" sought treatment from Licensee on or about March 31, 1996. A physician-patient relationship arose at that time and thereafter continued to exist between Patient "2" and Licensee until at least June 16, 1998.

7. Licensee treated Patient "2" by repeatedly dispensing, and/or prescribing abusable non-controlled substances such as Carisoprodol and Fioricet. Licensee's medical records for Patient "2" do not adequately detail the symptoms exhibited by Patient "2", the results of the Licensee's examinations, if any, or the scope of medical advice provided to Patient "1" by the Licensee on those occasions when Licensee dispensed and/or prescribed the aforementioned substances. Further, Licensee's records do not adequately detail treatment for Patient "2", such as the quantity and strength of drugs dispensed and/or prescribed.

8. Licensee's failure to adequately document his examinations of Patient "2" and to fully record information regarding the drugs dispensed and/or prescribed is conduct threatening harm and/or danger to the mental and physical health of Patient "2".

9. The generally accepted and recognized standards for the competent practice of medicine includes adequate documentation of the patient's condition as well as all treatments employed by the physician to relieve abnormal conditions or mitigate symptoms. Licensee's

failure to maintain adequate and complete medical records is outside the generally accepted and recognized standards for the competent practice of the medical profession.

10. Carisoprodol is a drug compound combining a centrally-acting muscle relaxant, plus aspirin. Carisoprodol is a medication generally used to relieve pain associated with acute musculoskeletal conditions. Carisoprodol is not a controlled substance regulated by either state or federal authority, but authoritative drug references warn that overuse or abuse of Carisoprodol puts the patient at risk; Potential harms include stupor, coma, shock, respiratory depression, and death. Additionally, the use of Carisoprodol in combination with alcohol, or other central nervous system depressants or psychotropic agents may result in cumulative effects. Therefore, patients using Carisoprodol should be alerted to such dangers prior to and while using that drug.

11. Nalbuphine is a synthetic narcotic and potent analgesic. Nalbuphine is indicated for the relief of moderate to severe pain. Nalbuphine is not a controlled substance regulated by either state or federal authority, but authoritative drug references warn that Nalbuphine can cause psychological and physical dependence. Therefore, patients using Nalbuphine should be alerted to such risks prior to and while using that drug. Because of the risk for abuse and misuse, physicians must exercise a heightened degree of care when prescribing Nalbuphine for individuals with a history of narcotic abuse.

12. Fioricet and its generic equivalents, hereinafter referred to solely as Fioricet, are combination drug products consisting of butalbital, acetaminophen and caffeine. Fioricet should be distributed or prescribed with caution because butalbital is habit-forming and potentially abusable. Fioricet is not a controlled substance regulated by either state or federal

authority, but authoritative drug references warn that psychological and physical dependence may follow abuse or misuse of Fioricet, because it contains butalbital, a barbiturate derivative. Long-term use of Fioricet is not recommended because of the risk for abuse. Therefore, patients using Fioricet should be alerted to such risks prior to and while using that drug.

13. Licensee routinely dispensed Carisoprodol and Nalbuphine to Patient "1" without providing her with written instructions regarding dosage or relevant cautionary information on each occasion.

14. Licensee routinely dispensed Carisoprodol and Fioricet to Patient "2" without providing him with written instructions regarding dosage or relevant cautionary information on each occasion.

15. Licensee dispensed the drugs Carisoprodol and Fioricet in containers without a permanently affixed label stating the date, the patient's name, the physician's name and address, or the exact name and strength of the drug dispensed.

16. Licensee sometimes failed to dispense medication to Patient "1" or Patient "2" in containers complying with applicable federal regulations. On those occasions when Licensee dispensed medication to Patient "1" or Patient "2" in non-approved containers, Licensee did so without first obtaining written authorization from the patient.

JOINT CONCLUSIONS OF LAW

17. Licensee's conduct violates 4 C.S.R. 150-5.020, which states, in pertinent part:

(3) Physicians who elect to dispense medication must comply with the regulations governing the types of container that may be used to repackage prescription drugs as specified by federal law

or rule unless the individual to whom the drug is dispensed gives written authorization for the container to be otherwise.

(4) All drugs dispensed by a physician shall bear a label permanently affixed to the exterior of the drug container which sets forth the following information:

- (A) The date;
- (B) The patient's name;
- (C) Complete directions for usage;
- (D) The physician's name and address; and

(E) The exact name and strength of the drug dispensed and, in the case of a generic drug, the name of the manufacturer or repackager of the drug. It shall be a violation of this rule for a physician to dispense a generic drug and affix to the label any trade name or other identification that would serve to misrepresent the source of the drug.

(7) Whenever dispensing takes place, appropriate records shall be maintained. These records must be adequate to show the name of the patient, the name and strength of the drug dispensed, the quantity, the dose, etc...

28. Section 196.100, RSMo 1994 states, in pertinent part:

A drug or device shall be deemed to be misbranded:

- (6) Unless its labeling bears:
 - (a) Adequate directions for use; and
 - (b) Such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users...

30. Licensee's conduct violates § 196.015 RSMo 1994, which states, in pertinent part:

196.015. Certain acts prohibited. -- The following acts and the causing thereof within the state of Missouri are hereby prohibited:

(2) The adulteration or misbranding of any food, drug, device, or cosmetic;

31. Section 334.100, RSMo Supp. 1998, states, in pertinent part:

....

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

....

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensing or regulated by this chapter...

....

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter...

....

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

....

(13) Violation of the drug laws or rules and regulations of this state, any other state or the federal government.

32. Licensee's conduct violates §334.100.2(4), (5), (6), and (13).

II.

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the State Board of Registration for the Healing Arts in this matter under the authority of Section 621.110, RSMo 1994. This Agreement will be effective immediately on the date entered and finalized by the Board. Effective the date the Board enters into the Agreement:

1. Licensee's license, No. MD26862, is placed on PROBATION for a period of three (3) years, ("Disciplinary Period"). The aforesaid period of probation shall begin May 18, 2000, upon the expiration of the probationary period established pursuant to resolution of Administrative Hearing Commission Case No. 95-001312 HA. During Licensee's probation, Licensee shall be entitled to engage in the practice of medicine as defined and regulated pursuant Chapter 334, RSMo, provided he adheres to each and every term of this agreement.

A. Licensee is required to attend a recordkeeping course and a prescribing course during the first year of the disciplinary period. Licensee shall provide the Board with written proof of attendance at and satisfactory completion of the course work within thirty (30) days after completing each course.

B. During the disciplinary period, Licensee shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.

- C. During the disciplinary period, Licensee shall keep the Board informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Board in writing within ten (10) days of any change in this information.
- D. During the disciplinary period, Licensee shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain Licensee's license in a current and active state.
- E. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary Agreement.
- F. During the disciplinary period, Licensee shall appear in person for interviews with the Board or its designee upon request.
- G. Licensee shall submit written reports to the Board by no later than January 1 and July 1 during each year of the disciplinary period on forms provided by the Board, stating truthfully whether there has been compliance with all the conditions of this Agreement. It is the Licensee's responsibility to see that the reports are submitted. Failure of the Board to provide the reporting forms shall not relieve the Licensee of the obligation to make the required reports.
- H. Periods of residency or the practice of medicine outside Missouri will not apply to the reduction of the disciplinary period. Licensee shall notify, in writing, the medical licensing authorities of the jurisdiction in which Licensee is residing or

practicing, by no later than the day before the beginning of the disciplinary period, of Licensee's disciplinary status in Missouri. Licensee shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority. In the event Licensee should leave Missouri to reside or practice medicine outside the state during the disciplinary period, Licensee shall notify the Board in writing of the dates of departure and return no later than ten (10) days before Licensee's departure. Furthermore, Licensee shall, no later than ten (10) days after the commencement of any residence or practice outside this state, notify in writing the medical licensing authorities in the jurisdiction in which Licensee is residing or practicing of Licensee's disciplinary status in Missouri.

- I. Licensee shall notify, within fifteen (15) days of the effective date of this Agreement, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Licensee practices or has privileges of Licensee's disciplinary status. Notification shall be in writing and Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.
- J. For purposes of this Agreement, unless otherwise specified in this Agreement, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this Agreement shall be forwarded to the State

Board of Registration for the Healing Arts, Attention: Investigations, P.O.
Box 4, Jefferson City, Missouri 65102.

2. In the event the State Board of Registration for the Healing Arts determines that Licensee has violated any term or condition of this Agreement, the Board may in its discretion, vacate this Agreement and impose such further discipline as the Board shall deem appropriate.

3. This Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by Licensee not specifically mentioned in this document.

4. Upon the expiration of the disciplinary period, Licensee's license shall be fully restored if all requirements of law have been satisfied; provided however, that in the event the State Board of Registration for the Healing Arts determines that Licensee has violated any term or condition of this Agreement, the Board may in its discretion, vacate this Agreement and impose such further discipline as the Board shall deem appropriate.

5. No additional order shall be entered by this Board pursuant to the preceding paragraph of this Agreement without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this Agreement occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Licensee agrees and stipulates that the Board has

continuing jurisdiction to hold a hearing to determine if a violation of this Agreement has occurred.

6. If the Board determines that the Licensee has violated a term or condition of the disciplinary period which violation would also be actionable in a proceeding before the Administrative Hearing Commission or in the circuit court, the Board may elect to pursue any lawful remedies afforded it and is not bound by this Agreement in its election of remedies concerning that violation.

7. Licensee, together with his heirs and assigns, and his attorneys, do hereby waive release, acquit and forever discharge the Board, its respective members and any of its employees, agents, or attorneys, including any former members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of its settlement. Licensee acknowledges that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

8. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

BOARD


James Felder _____ date _____
i '00


Tina Steinman _____ date 3/27/00
Executive Director

JEREMIAH W. (JAY) NIXON
Attorney General


Doug Leyschok
Assistant Attorney General
Missouri Bar No. 47912

Broadway State Office Building
Post Office Box 899
Jefferson City, MO 65102
(573) 751-1143

Attorneys for State Board of Registration
for the Healing Arts

EFFECTIVE THIS 27 DAY OF March, 2000.

MD26862

FILED

MAY 17 1995

ADMINISTRATIVE HEARING
COMMISSION

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS,

Petitioner,

v.

JAMES P. FELDER, M.D.,

Respondent.

Case No. 95-001312 HA

JOINT STIPULATION OF FACTS, WAIVER OF HEARINGS BEFORE THE
ADMINISTRATIVE HEARING COMMISSION AND
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS,
AND CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.150(1)) and pursuant to the terms of § 536.060, RSMo 1994, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo 1994, the parties waive the right to a hearing and decision of the above-styled case by the Administrative Hearing Commission and, additionally, the right to a disciplinary hearing before the State Board of Registration for the Healing Arts under § 621.110, RSMo 1994, and jointly stipulate and agree that a final disposition of this matter may be effectuated as described below.

1. Respondent acknowledges that he understands the various rights and privileges afforded him by law, including the right to a hearing of the charges against Respondent; the right to appear and be represented by counsel; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the charges pending against Respondent; the right to a ruling on questions of law by an administrative hearing commissioner; the right to seek recovery of attorney's fees and costs; the right to obtain judicial review of the decisions of the Administrative Hearing Commission and the State Board of Registration for the Healing Arts; and the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided Respondent by operation of law, Respondent knowingly and voluntarily waives each and every one of these rights, and freely enters into this Joint Stipulation of Facts, Waiver of Hearings before the Administrative Hearing Commission and State Board of Registration for the Healing Arts, and Consent Order With Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

2. Respondent acknowledges that he has received a copy of the Complaint filed with the Administrative Hearing Commission in this cause, and waives service of that Complaint by the Administrative Hearing Commission.

3. The parties stipulate and agree that the disciplinary order agreed to by Petitioner and Respondent in Part II herein is based only on the Joint Proposed Findings of Fact set out in Part I herein. Respondent understands that the Board may take further disciplinary action against Respondent based on facts either now known to the Board or discovered after the approval of this Agreement by the Administrative Hearing Commission. This includes, but is not limited to, any facts or conduct involved in the criminal proceedings currently pending against Respondent in St. Charles County, Missouri. Furthermore, this disciplinary order is not based on facts or conduct relating to Respondent's authority to practice medicine from April 1994 to the present.

I.

Based upon the foregoing, Petitioner and Respondent herein jointly stipulate to the following Joint Proposed Findings of Fact and Joint Proposed Conclusions of Law and request that the Administrative Hearing Commission adopt the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

JOINT PROPOSED FINDINGS OF FACT

4. The State Board of Registration for the Healing Arts ("the Board") is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

5. Respondent was licensed by the Board as a physician and surgeon, license number 26862, in 1958. Respondent's certificate of registration was current and active at all times mentioned in these Joint Proposed Findings of Fact. The status of Respondent's Certificate of Registration is in dispute for periods following January 31, 1994.

6. During the twenty month period from April, 1991 through November, 1992, approximately 275,000 controlled substance drug units were prescribed by Respondent for 810 patients. The unit count was made from profiles furnished by twelve pharmacies in the St. Louis area. Respondent, in several instances, failed to have adequate documentation in his medical records to support these prescriptions and the basis for their issuance.

7. Respondent on May 12, 1993, was interviewed relative to his prescription practices by a Bureau of Narcotics and Dangerous Drugs (BNDD) investigator. A Board subpoena was served on Respondent incident to this interview for 79 patient medical record files. Respondent was unable to promptly produce all of these files, or the files that he initially produced were not complete, although later supplemented by Respondent.

8. Respondent's failure to maintain complete medical records readily available to state inspectors or investigators or to maintain adequate and complete medical records was contrary to the accepted standards of the medical profession.

9. Respondent failed to renew his BNDD registration, and it expired on March 31, 1993.

10. Respondent contends that he was not aware that his BNDD registration had expired, and he continued to prescribe controlled substances until advised by BNDD on or about May 18, 1993 that his registration had expired. On or about that date Respondent ceased prescribing controlled substances and turned over controlled substance samples to BNDD investigators, as well as samples that were subsequently delivered to him.

11. A controlled substance prescription survey was done for the period beginning April 1, 1993 through May 17, 1993, at a pharmacy near Respondent's office. This pharmacy had filled controlled substance prescriptions that had been written by Respondent during the time period after his BNDD registration had expired, but before he was informed by BNDD that it was expired.

12. During the 1992 and 1993 reporting years, Petitioner alleges and can adduce evidence that Respondent failed to timely report completion of the required hours of continuing medical education as required by Board rule. Respondent disputes this and can adduce evidence that he timely reported. This issue remains unresolved.

JOINT PROPOSED CONCLUSIONS OF LAW

13. Section 195.030.9, RSMo, 1994 provides:

9. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare, distribute, dispense or prescribe any controlled substance and no person as a wholesaler shall supply the same, without having first obtained annually a registration issued by the department of health in accordance with rules and regulations promulgated by it.

14. Section 334.075, RSMo 1994 provides:

The board shall not renew any certificate of registration unless the licensee shall provide satisfactory evidence that he has complied with the board's minimum requirements for continuing education.

15. 4 CSR 150-2.125(1) provides:

(1) Each licensee, on a yearly basis, shall complete and report at least twenty-five (25) hours of continuing medical education. The board shall not issue a renewal of a licensee's certificate of registration unless the licensee demonstrates completion of twenty-five (25) hours of continuing medical education accredited by the American Osteopathic Association (AOA) as Category IA or IIA or by the American Medical Association (AMA) as Category I in the immediately preceding reporting period. A licensee is not required to complete any continuing medical education hours in the renewal year following the year in which the licensee is initially licensed to practice the healing arts in Missouri or any other jurisdiction. The period for completion of the continuing medical education requirements shall be the twelve (12)-month period beginning January 1 and ending December 31 each year. Each licensee's continuing medical education report shall be submitted to the board by May 20 each year. A licensee who has failed to obtain and report, in a timely fashion,

twenty-five (25) hours of continuing medical education shall not engage in the practice of medicine unless an extension is obtained pursuant to section (4) of this rule.

16. Section 334.100.2(6) and (13), RSMo 1994, provides:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(6) Violation of, or attemptint to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(13) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

17. Respondent's conduct, as established by the foregoing facts, falls within the intendments of § 334.100.2(13), RSMo 1994.

18. Cause exists for Petitioner to take disciplinary action against Respondent's license pursuant to §334.100.2(13), RSMo 1994.

II.

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the State Board of Registration for the Healing Arts in this matter under the authority of § 621.110, RSMo 1994. This disciplinary order will be effective immediately upon the issuance of the consent order of the Administrative Hearing Commission approving this Agreement without further action by either party.

1. Effective the date the Administrative Hearing Commission issues its consent order, Respondent, James P. Felder, M.D., license number 26862, is hereby placed on PROBATION for a period of five (5) years (the disciplinary period). Also, effective the date the Administrative Hearing Commission issues its Consent Order, the Board shall issue Respondent a registration as a physician and surgeon valid on the effective date of this Agreement until January 31, 1996. Thereafter, Respondent shall renew his registration in a timely manner as provided by Chapter 334, RSMo, the Board's rules and this Order. During Respondent's probation, Respondent shall be entitled to engage in the practice of medicine under Chapter 334, RSMo, provided he adheres to all of the terms of this Order.

2. During each year of the disciplinary period which encompasses in whole, or in part, a continuing medical education (CME) reporting period for purposes of the Board's CME rule (4 CSR 150-2.125), Respondent shall obtain twenty-five (25) hours of CME during each such reporting period in addition to the twenty-five (25) hours of

CME required by the Board's rule, for a total of fifty (50) hours of CME during these reporting periods. These CME hours shall comply in all respects with the Board's CME rule and shall be accredited by the American Osteopathic Association as Category IA or IIA or by the American Medical Association as Category I. Within thirty (30) days of the completion of any CME hours obtained by Respondent during the disciplinary period, Respondent shall forward to the Board written documentation, including copies of any certificates issued, evidencing Respondent's attendance and completion of these CME hours.

3. During the disciplinary period, Respondent shall comply in all respect with § 334.075, RSMo and the Board's CME rule, 4 CSR 150-2.125, as amended, or any other rule adopted by the Board regarding the obtaining and completing of continuing medical education.

4. Respondent shall not apply for a BNDD or DEA registration during the first six (6) months of the disciplinary period. After the first six (6) months of the disciplinary period, if Respondent does apply for a BNDD or DEA registration he shall forward written notice to the Board contemporaneously with his application to BNDD or DEA. Nothing contained in this paragraph should be construed as an endorsement or approval by the Board that Respondent apply for or be issued a BNDD or DEA registration after expiration of the first six (6) months of the disciplinary period. The Board reserves the right to provide information to BNDD or DEA and to object to the

issuance of a controlled substance registration if, and when, Respondent applies for such registrations.

5. During the disciplinary period, Respondent shall not, in any manner whatsoever, exercise any control or authority over controlled substances, including the drug Stadol, including exercising any such control or authority pursuant to the controlled substance authority or registration of any other person or entity. Respondent shall not prescribe, administer, dispense, order, possess, or otherwise, on Respondent's orders, authority or instructions, or pursuant to the controlled substance authority or registration of any other person or entity, cause or attempt to cause the prescribing, administration, dispensing, ordering or possession of any controlled substances and the drug Stadol. Subject to the provisions of the immediately preceding paragraph, the restriction contained in this paragraph shall expire only upon issuance by BNDD and DEA of a controlled substance registration to Respondent.

6. During the disciplinary period, Respondent shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. State here includes all states and territories of the United States.

7. During the disciplinary period, Respondent shall keep the Board informed of Respondent's current work and home telephone numbers and addresses. Respondent shall notify the Board in writing within ten (10) days of any change in this information.

8. During the disciplinary period, Respondent shall timely renew his registration and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain Respondent's registration in a current and active state, including timely obtaining and reporting the required CME.

9. During the disciplinary period, Respondent shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary Order.

10. During the disciplinary period, Respondent shall appear in person for interviews with the Board or its designee upon request.

11. Respondent shall submit written reports to the Board by no later than January 1 and July 1 during each year of the disciplinary period on forms provided by the Board, stating truthfully whether there has been compliance with all the conditions of this Order. It is the Respondent's responsibility to see that the reports are submitted. Failure of the Board to provide the reporting forms shall not relieve the Respondent of the obligation to make the required reports.

12. Periods of residency or the practice of medicine outside Missouri will not apply to the reduction of the disciplinary period. Respondent shall notify, in writing, the medical licensing authorities of the jurisdiction in which he is residing or practicing, by no later than the day before the beginning of the disciplinary period, of Respondent's disciplinary status in Missouri. Respondent shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing

authority. In the event Respondent should leave Missouri to reside or practice medicine outside the state during the disciplinary period, Respondent shall notify the Board in writing of the dates of departure and return no later than ten (10) days before Respondent's departure. Furthermore, Respondent shall, no later than ten (10) days after the commencement of any residence or practice outside this state, notify in writing the medical licensing authorities in the jurisdiction in which Respondent is residing or practicing of Respondent's disciplinary status in Missouri.

13. Respondent shall notify, within fifteen (15) days of the effective date of this Order, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Respondent practices or has privileges of Respondent's disciplinary status. Notification shall be in writing and Respondent shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.

14. For purposes of this Order, unless otherwise specified in this Order, all reports, documentation, evaluations; notices, or other materials required to be submitted to the Board in this Order shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

15. In the event the State Board of Registration for the Healing Arts determines that Respondent has violated any term or condition of this Order, the Board may in its discretion, vacate this Order and impose such further discipline as the Board shall deem appropriate.

16. No additional order shall be entered by this Board pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this Order occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Respondent agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this Agreement has occurred.

17. This Order does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by Respondent not specifically mentioned in this document.

18. If the State Board of Registration for the Healing Arts determines that the Respondent has violated a term or condition of the disciplinary period which violation would also be actionable in a proceeding before the Administrative Hearing Commission or in the circuit court, the Board may elect to pursue any lawful remedies afforded it and is not bound by this stipulation in its election of remedies concerning that violation.

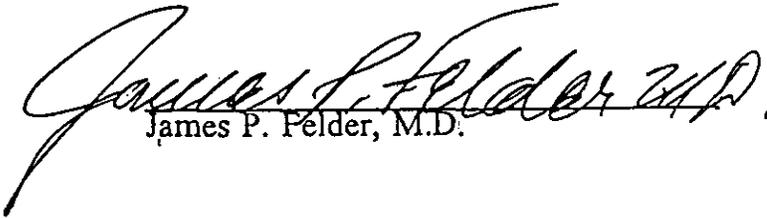
19. In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Stipulation of Facts, Waiver of Hearings before the Administrative Hearing Commission and State Board of Registration for the Healing

Arts, and Consent Order and to the termination of any further proceedings before the Administrative Hearing Commission based upon the complaint filed by Petitioner in the above-styled case.

RESPONDENT

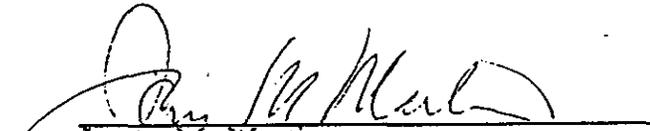
PETITIONER

State Board of Registration
for the Healing Arts


James P. Felder, M.D.


Alden M. Henrickson
Executive Director

JEREMIAH W. (JAY) NIXON
Attorney General


James M. Martin
Martin & Malec
1007 Olive, Fifth Floor
St. Louis, MO 63101


Evan J. Buchheim
Assistant Attorney General
Missouri Bar No. 35661

Broadway State Office Building
Post Office Box 899
Jefferson City, MO 65102

(314) 751-8776

Attorneys for Respondent

Attorneys for Petitioner

Before the
Administrative Hearing Commission
State of Missouri



STATE BOARD OF REGISTRATION)
FOR THE HEALING ARTS,)

Petitioner,)

vs.)

JAMES P. FELDER, M.D.,)

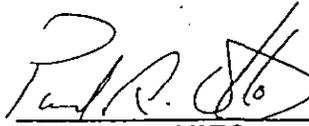
Respondent.)

No. 95-001312HA

CONSENT ORDER

We have jurisdiction under § 621.045, RSMo 1994. On May 17, 1995, the parties filed a Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Board of Registration for the Healing Arts, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law. Our review of that document shows that the parties have settled this case, waived their right to a hearing before us, and agreed to a specified discipline. We find that the facts stipulated are true. We conclude that the licensee is subject to discipline under § 334.100.2(13), RSMo 1994. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order under 1 CSR 15-2.450(1)(B). We certify the record to the licensing agency under § 621.110, RSMo 1994.

ENTERED on May 18, 1995.



PAUL R. OTTO
Commissioner