



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

April 7, 1994

PERSONAL AND CONFIDENTIAL

Christopher W. Fletcher, M.D.
900 19th Avenue South
Suite 804, P.O. Box 121285
Nashville, TN. 31212

RE: License No 169906
Effective Date: 4/14/94

Dear Dr. Fletcher:

Enclosed please find Order #BPMC 94-48 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER :
OF : ORDER
CHRISTOPHER W. FLETCHER, M.D. : BPMC#94-48

-----X

Upon the Application of CHRISTOPHER W. FLETCHER, M.D.
(Respondent) for Consent Order, which Application is made a part
hereof, it is

ORDERED, that the Application and the provisions thereof
are hereby adopted and so ORDERED, and it is further

ORDERED, that this Order shall take effect as of the
date of the personal service of this Order upon Respondent, upon
receipt by Respondent of this Order via certified mail, or seven
days after mailing of this Order by certified mail, whichever is
earliest.

SO ORDERED,

DATED:

4 April 1994

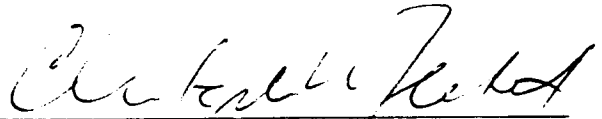
Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

Statement of Charges is annexed hereto, made a part hereof, and marked as "Exhibit A."

4. I hereby admit guilt to the one specification of professional misconduct set forth in the Statement of Charges.
5. I hereby agree to placement on a three year period of probation, beginning when the Order pursuant to this Application is served, under the Terms of Probation set forth and attached hereto as "Exhibit B."
6. I hereby make this Application to the Board and request that it be granted.
7. I understand that, in the event this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

8. I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.
9. I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



CHRISTOPHER W. FLETCHER, M.D.
RESPONDENT

Sworn to before me this
14th day of March, 1994.



Mary Ann English
NOTARY PUBLIC

My Commission Expires March 22, 1997

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
CHRISTOPHER W. FLETCHER, M.D. :
: ORDER
-----X

The undersigned agree to the attached Application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 3/14/94 *Christopher W. Fletcher*
CHRISTOPHER W. FLETCHER, M.D.
RESPONDENT

Date: 3/23/94 *Judith M. Norman*
JUDITH NORMAN, ESQ.
ATTORNEY FOR RESPONDENT

Date: 3/30/94 *E. Marta Sachey*
E. MARTA SACHEY
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: April 5, 1994 *Kathleen M. Tanner*
KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 4 April 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER : STATEMENT
OF : OF
CHRISTOPHER W. FLETCHER, M.D. : CHARGES

-----X

CHRISTOPHER W. FLETCHER, M.D., the Respondent, was authorized to practice medicine in New York State on April 24, 1987 by the issuance of license number 169906 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 from 397 Wallace Road, Suite 313, Nashville, Tennessee 37211-0000.

FACTUAL ALLEGATIONS

1. The State of Tennessee Board of Medical Examiners, by Order effective January 14, 1992, found Respondent guilty of habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants in such manner as to adversely effect the person's ability to practice

medicine in violation of Tennessee Code Annotated
§63-6-214(b)(5).

2. The Tennessee Board's finding was based upon Respondent's conduct, during the approximate period of December 1990 and January, February and March 1991, of issuing over one hundred prescriptions in his wife's name which prescriptions Respondent filled himself for his drug dependency for the following amounts of drugs:

9 prescriptions for 189 dosage units of Demerol 100 mg.
17 prescriptions for injectable Demerol 100 mg.
2 prescriptions for 50 dosage units of Hydrocodone.
64 prescriptions for 1865 dosage units of Oxycodone.

The Board further found that Respondent entered treatment for chemical dependency on April 1, 1991, finished four months of inpatient treatment, and presently is under a Tennessee Impaired Physician's Committee aftercare contract.

3. The Tennessee Board placed Respondent on probation for a period of five years, effective January 14, 1992, with the condition, inter alia, that Respondent comply with all aspects of his Tennessee Impaired Physician's Committee aftercare contract.
4. The conduct upon which the Tennessee Board found Respondent guilty of misconduct would, if committed in New York State,


constitute professional misconduct under N.Y. Educ. Law §6530(8) [being dependent on or a habitual user of narcotics] and/or §6530(2) [practicing the profession fraudulently] (McKinney Supp. 1993).

SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1993) by reason of his having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges the facts in Paragraphs 1 through 4.

DATED: Albany, New York

March 4, 1994



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct

EXHIBIT B

TERMS OF PROBATION

CHRISTOPHER W. FLETCHER, M.D.

1. Respondent during the period of probation shall conduct himself in all ways in a manner befitting his professional status and shall conform fully to the ethical and professional standards imposed by law and his profession.
2. Respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 [hereafter "OPMC"] of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence or telephone number within or without New York State.
3. Respondent shall submit to OPMC, no later than the first three months of the period of probation, written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS with regard to said registration fees.
4. Respondent shall submit to OPMC, no later than the first two months of the period of probation, written proof that (a) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of medicine in New York State and does not desire to register and that (b) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or the Board of Regents.
5. Respondent shall comply with the terms of the Order of the Tennessee Board of Medical Examiners, dated January 14, 1992, which includes the requirement that Respondent comply with all aspects of his TMA Impaired Physician's Committee after-care contract. A copy of the Order of the Tennessee Board of Medical Examiners is annexed hereto, made a part hereof, and marked as "Attachment I."
6. Respondent hereby authorizes the Tennessee Board of Medical Examiners and the Tennessee Impaired Physicians Program (David Dodd, M.D., Director, Murfreesboro, Tennessee), to communicate with and provide written documentation to OPMC regarding Respondent's compliance with the Tennessee Board's Order and Respondent's after-care contract with the TMA Impaired

Physician's Committee. Respondent further authorizes said Board and Committee to immediately notify OPMC of any noncompliance by Respondent. Respondent shall submit to OPMC, no later than the first six weeks of the period of probation, written proof that he has provided the Tennessee Board of Medical Examiners and the Tennessee Impaired Physicians Committee with a copy of this Application for Consent Order and Terms of Probation and Respondent's authorization, as aforesaid, as well as any other authorization from Respondent that said Board or Committee may require.

7. Respondent shall notify OPMC immediately if he intends to practice medicine in New York State and shall not begin such practice of medicine until Respondent has so notified OPMC and assured that his practice of medicine will be supervised and his sobriety will be monitored, as follows:
 - a. Respondent shall assure that his sobriety will be monitored by a licensed physician or other health care professional. Respondent shall cause the monitor to submit a written acknowledgement to OPMC that he or she will serve as monitor and will comply with the terms of this Agreement. The appointment of the monitor shall be subject to the approval of OPMC.
 - b. Respondent shall submit to random, unannounced urine and/or blood screens for the presence of drugs or alcohol at the request of the monitor. Respondent's sobriety monitor shall submit in writing the results of the drug or alcohol screens to OPMC. The frequency of the random screens shall be determined by the sobriety monitor with the approval of OPMC. However, during the first six months and until such time as OPMC approves less frequent screens, such random screens shall be conducted at least four times a month.
 - c. Respondent shall assure that the sobriety monitor submit to OPMC written quarterly reports regarding his condition and notify OPMC within twenty-four hours if there is any adverse change in his condition, if he refuses to submit to a random urine and/or blood screen, or if such a screen yields a positive result.
 - d. Respondent shall assure that his practice of medicine, whether in a private or institutional setting, be supervised by a physician licensed to practice medicine in New York State. Respondent shall cause the supervisor of his practice of medicine to submit a written acknowledgment to OPMC that he or she will serve as supervisor and will comply with the terms of this Agreement. The appointment of the supervisor shall be subject to the approval of OPMC.
 - e. Respondent shall cooperate with the regular supervision of his practice of medicine by the supervisor. At the

discretion of such physician, supervision may include unannounced review of Respondent's patient records, unannounced actual observation of Respondent's treatment of patients, interviews with Respondent, unannounced review of Respondent's ordering, administering, or inventorying of all controlled substances, and any other reasonable means of monitoring Respondent's practice.

- f. Respondent shall assure that the supervisor of his practice of medicine submit to OPMC written quarterly reports regarding Respondent's condition and medical practice and notify OPMC within twenty-four hours if there is any adverse change in Respondent's condition or practice.
 - g. Respondent shall cooperate with a Medical Coordinator of OPMC or other physician, designated by the Director of OPMC, who may three times during the first year Respondent practices medicine in New York State and two times per year thereafter, review Respondent's practice of medicine. Such reviews may include, without limitation and at the discretion of the Medical Coordinator or other physician, interviews with Respondent, random review of Respondent's patient records, observation of Respondent's treatment of patients or any other reasonable means of reviewing Respondent's practice of medicine.
8. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.
 9. Respondent, so long as there is full compliance with every term herein, may practice his profession in accordance with the Terms of Probation; provided, however, that upon receipt of evidence of noncompliance with or violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized by the Public Health Law.

C. Most of the prescriptions were presented during November and December of 1990 and January, February and March of 1991. During this period prescriptions in Respondent's wife's name were presented for the following amounts of drugs:

9 prescriptions for 189 dosage units of Demerol 100 mg.
17 prescriptions for injectible Demerol 100 mg.
2 prescriptions for 50 dosage units of Hydrocodone
64 prescriptions for 1865 dosage units of Oxycodone.

D. It was determined that Respondent had entered treatment for chemical dependency on April 1, 1991. The Respondent finished four (4) months of inpatient treatment and is presently under a TMA Impaired Physician's Committee aftercare contract.

E. The Respondent was interviewed and confirmed that he had undergone inpatient treatment for chemical dependency in April 1991 as well as once before in 1985. The Respondent admitted writing prescriptions for controlled substances in his wife's name, which were presented by Respondent and picked up by him for his drug dependency. A small number of the prescriptions were written to treat actual medical conditions of his wife.

F. The Respondent has the advocacy of the Tennessee Impaired Physician's Committee.

CONCLUSIONS OF LAW

The facts as found in the Findings of Fact in this Order are sufficient to establish violation by the Respondent of the following provisions of the Tennessee Medical Practice Act (T.C.A. §§63-6-101 et seq.) for which disciplinary action before and by the Board is authorized:

- A. Habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants in such manner as to adversely effect the person's ability to practice medicine.
T.C.A. 63-6-214(b)(5);

REASONS FOR DECISION

The Board cannot tolerate the self-abuse of controlled substances by its licensed physicians. At the same time, the Board recognizes the efforts at rehabilitation in this case and feels the public is protected by allowing the continued practice by Dr. Fletcher under these conditions

Therefore, it is ORDERED as follows:

1. The Respondent's license to practice medicine shall be on probation for a period of five (5) years, beginning as of January 14, 1992. During this five (5) year period the Respondent shall not violate the laws of the State of Tennessee, the United States, ^{and the} ~~of~~ Tennessee Medical Practice Act and its regulations. ^{WLC} The Respondent shall not consider himself off probation until he appears before this Board petitioning to be released.
2. The Respondent shall comply with all aspects of his TMA Impaired Physician's Committee after-care contract. Quarterly reports of Respondent's adherence to the contract, i.e. negative results on random drug screens, attendance at required meetings, contact with advocate, etc. shall be made by the Impaired Physicians program to the Medical Director for the Board. Deviations by the Respondent from his contract will be immediately reported by the Medical Director to the Board.

So ORDERED this 14th day of Jan, 19 92 by
the Tennessee Board of Medical Examiners.

W.W. Cloud
William W. Cloud, M.D., President
Tennessee Board of Medical Examiners

Approved for entry by:

Christopher W. Fletcher
Christopher W. Fletcher, M.D.
RESPONDENT

1/14/92
Date

Alan E. Foster
Alan E. Foster
Assistant General Counsel
Office of General Counsel
300 Cordell Hull Building
Department of Health
Nashville, Tennessee 37247-0120
(615) 741-1611

This Order was received for filing in the Office of the Secretary
of State, Administrative Procedures Division, and became
effective on the 14th day of January, 1992.

Charles C. Sullivan, II
Charles C. Sullivan, II, Director
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of
this document has been served upon all interested parties, or
their counsel, by delivering same to their offices or by placing
a true and correct copy of same in the United States mail,
postage prepaid.

This 14th day of January, 1992.

BY: Alan E. Foster
Assistant General Counsel
Tenn. Dept. of Health