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Q

Divider Title: _____

AIDS / FOSTER

JOHN-- These are OK with Kevin but should be run past Patsy Fleming's shop.

--Victor Zonana

* HIV/AIDS is a global pandemic that remains out of control. Since the early 1980s, more than a quarter million Americans have died of AIDS, and that number continues to climb by about 100 people a day. The World Health Organization estimates that by the year 2000, more than 45 million people around the world will have been infected by HIV, the causative agent.

* While federal officials can and must provide leadership and financial resources research, care and prevention, input from local communities is crucial if we are to bring this pandemic under control. Therefore, I strongly support the Centers for Disease Control and Prevention's new community planning process.

* AIDS is not transmissible through casual contact. It is spread primarily through unprotected sex and the sharing of needles by injection drug abusers.

* AIDS is a disease, not a moral judgement. We must not allow ignorance and prejudice to interfere with sound public health policies.

DRAFT

TALKING POINTS ON DRUG ABUSE IN AMERICA

Our Youth Are at Risk

One of my greatest concerns is illicit drug use among our youth. The most recent figures show that in the past year use of an illicit drug by high school seniors increased from 31.0 percent in 1993 to 35.8 percent in 1994 after steadily declining from peak of 54.2 percent in 1979.

The increase in drug use is connected to an erosion in the belief that drugs are harmful. The erosion of anti-drug attitudes observed in 1993 continued in 1994. Fewer students in the 8th, 10th and 12th grades said that smoking marijuana occasionally, or even regularly, is harmful to their health. Among 8th- and 10th-graders, the perceived risk of using crack cocaine once or twice declined; the perceived risk of powder cocaine also declined among 8th graders.

Increase use among our young people means increased human and economic costs and increased hard core addiction later on. Prevention is crucial.

Economic Cost of Drugs Is Tremendous

Society pays an enormous price for substance abuse in this country. In 1990, the Nations health care costs, non-health related costs and cost of lost work, disability or early death directly related to illicit drugs totaled \$67 billion.

Every man, woman, and child in America pays nearly \$1,000 (including alcohol and tobacco) annually to cover the costs of unnecessary health care, extra law enforcement, auto accidents, crime and lost productivity resulting from substance abuse.

Culture Has A Great Impact on Drug Usage

When society glamorizes the use of illicit drugs, in books, on TV, and in movies, we increase the likelihood that drugs will be used. This is particularly true with young people. All of us, our mass media, our community leaders, and our churches, need to send consistent messages. Illicit drug use is bad -- bad for the user -- bad for the community -- bad for our nation.

Human Cost of Drug Abuse is Profound

There is a human cost to substance abuse as well: in lost lives, in lost opportunities, in lost families, in lost hope. About half of the men arrested for assault and homicide test positive for illicit drugs. (DOJ, 1993) Treatment works.

DRAFT

TALKING POINTS ON DRUG ABUSE IN AMERICA CONT'D.

One year of untreated addiction costs society an estimated \$43,000 dollars in terms of criminal justice cost, lost productivity and associated health costs.

By contrast, a recent, very extensive California study showed that a dollar spent on treatment saves seven dollars in the future cost of crime, violence, health care, disability, and lost work.

Prepared: PHS Communications

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R

Divider Title: _____

L.C. McRAE, JR., M.D.

P.O. BOX 155
MOUNT VERNON, GEORGIA 30445
PHONE (912) 583-3229

February 28, 1995

Mr. Jerry Horn
Celebrate Life Magazine

Dear Mr. Horn:

With reference to your inquiry concerning the Tuskegee Syphilis Study, I will express my knowledge of the study as I knew it to be.

Some weeks before the County Medical Society Meeting of May 19, 1969, I received correspondence from Dr. Bill Brown at Emory University, U. S. Public Health Service. He was requesting a meeting with the County Medical Society to discuss an on-going "study". Prior to this letter I had received an endorsement from Dr. Ira Myers who was the Alabama State Health Director calling my attention to the fact that I would be hearing from Dr. Brown.

The meeting was organized and held at the then Torch Cafe some four miles outside Tuskegee. Prior to that time we held our meetings at John Andrews Hospital on Tuskegee Institute Campus. At this meeting were apprised, myself and everyone there included, of an on-going syphilis study that began in 1932 and was to run over a forty-year period. This study consisted of a double blind study of treated and untreated male syphilis patients. This was the first that any physicians in the County Medical Society knew anything about this study. Dr. Brown made his presentation requesting that we endorse the continuation of the study. It was my feeling and belief that the study was ending within three years bringing it to its forty-year period that was designed in the study. A list of the remaining patients in the study was given to each physician and I noted four or five of my patients that were on the list whom I had treated for latent syphilis not knowing that they were involved in the study.

Members attending the meeting to the best of my knowledge were myself, Dr. Brown, a colleague of his, Dr. John Hume, Dr. Thomas Calhoun, Dr. Howard Settler and Dr. Henry Foster.

Page Two
Jerry Horn
February 28, 1995

I sat at the end of the table and Dr. Foster sat some two chairs down from me on the left. The presentation was one conducted over thirty to forty-five minute period of time and it became our consensus that we would endorse the continuation of the study.

What is striking to me about the fact that those members present as named were unaware of the study, however no future conversations were held at either meetings or with me. When the news broke in 1972 about the Tuskegee Syphilis Study and Dr. Foster's name came up in that he was greatly helpful in working out the logistics of seeing that patients were located and treated and I felt that from my knowledge to the news media that Dr. Foster was doing a great service and I still feel that way to this day. What concerned me was that he was at the meeting and voiced no objection to the continuation of the study and yet became outraged in 1972 when approached by members of the press and other interested parties concerning the Tuskegee Syphilis Study.

The minutes of the meeting have not been located and through talking to some other reporters it was determined that Dr. Howard Settler, of course, was Secretary-Treasurer of the County Medical Society in 1969 and he stated that most recently, that his secretary had died and he had no idea where the minutes were.

If I can be of any further service to you, please advise.

Sincerely yours,



Luther C. McKee, Jr., M. D.

LCMjr/db



DEPARTMENT OF HEALTH & HUMAN SERVICES

Chief of Staff

Washington, D.C. 20201

95 MAR 7 P2:08

FACSIMILE

DATE MAR 7 1995

TO: (NAME, ORGANIZATION, CITY/STATE AND PHONE NUMBER):
John Podesta
Assistant to the President and
Staff Secretary
The White House
PHONE: 456-2702

FROM: (NAME, ORGANIZATION, CITY/STATE AND PHONE NUMBER):
Kevin Thurm
Chief of Staff
DHHS
PHONE: 690-6133

RECIPIENT'S FAX NUMBER: () 456-2215

NUMBER OF PAGES TO SEND (INCLUDING COVER SHEET): 14

COMMENTS:



DEPARTMENT OF HEALTH & HUMAN SERVICES

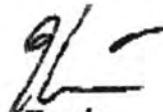
Chief of Staff

Washington, D.C. 20201

March 7, 1995

NOTE TO JOHN PODESTA

Attached please find a background memo and relevant documents with respect to Luther McCrae's matter with the State of Georgia. We are still digging on Alabama.


Kevin

Attachments

AMA PHYSICIAN PROFILE

AMERICAN MEDICAL ASSOCIATION
515 NORTH STATE STREET
CHICAGO, ILLINOIS 60610

DIVISION OF SURVEY AND DATA RESOURCES
DEPARTMENT OF PHYSICIAN DATA SERVICES

DATE: 03-01-95
TIME: 11:26 AM

NAME: MC RAE, LUTHER C, JR M.D.

MEDICAL EDUCATION NUMBER: 01103600185

ADDRESS: PO BOX 156
MOUNT VERNON GA 30445

BIRTHPLACE: GLENWOOD, GA

BIRTHDATE: 05/30/30

MEMBER OF AMA: NOT MEMBER

MEDICAL SCHOOL: 011-03

UNIV OF FL COLL OF MED, GAINESVILLE FL 32610

YEAR OF GRADUATION: 1960

LICENSES (INITIAL YEAR GRANTED BY STATE):

GA 1960

AL 1965

NATIONAL BOARD CERTIFICATION: NONE REPORTED TO DATE

SPECIALTY BOARD CERTIFICATION: AMERICAN BOARD OF FAMILY PRACTICE

PHYSICIAN'S PROFESSIONAL ACTIVITIES: OFFICE BASED PRACTICE

SELF DESIGNATED SPECIALTIES

PRIMARY: GENERAL PRACTICE

SECONDARY: UNSPECIFIED

TERTIARY: UNSPECIFIED

CURRENT MEDICAL TRAINING: NONE REPORTED TO DATE

PRIOR MEDICAL TRAINING: INTERN

HOSPITAL: SHANDS HOSP AT UNIV OF FL

GAINESVILLE FL 32610

DATES OF TRAINING: 07/60-06/61 -- (CONFIRMED)

SPECIALTY: INTERNAL MEDICINE

FELLOWSHIP: NONE REPORTED TO DATE

THE FOLLOWING IS HISTORICAL. CHECK WITH PRIMARY SOURCES FOR CURRENT STATUS:

NATIONAL SCIENTIFIC MEDICAL SOCIETIES:

AMERICAN ACADEMY OF FAMILY PHYSICIANS

PROFESSORIAL APPOINTMENT: NONE REPORTED TO DATE

COPYRIGHT 1995 AMERICAN MEDICAL ASSOCIATION. SEE REVERSE.***AMA FILES CHECKED

MAR 7 1995

~~CONFIDENTIAL~~

BACKGROUND: Luther C. McRae Jr. was precluded for one year from prescribing, administering, dispensing, ordering or possessing controlled substances outside of an institutional setting. Dr. McRae was ordered to take 50 hours of drug abuse and/or pharmacology training and maintain extensive hospital records subject to inspection by state authorities.

A review of the record further indicates that Dr. McRae prescribed controlled substances for seven patients in a manner that failed to conform to acceptable standards.

It is further known, but not substantiated, that Dr. McRae had his license revoked in Alabama as a result of the Georgia conviction. However, we do not have public proof to support the charge. The state of Alabama has been asked to provide written documentation.

Public sources for obtaining information related to Dr. McRae:

- Re Luther McRae*
- o Georgia State Board of Medical Examiners
(404) 656-3913 - ~~Contact Jaime Johnson~~
(Written only - Will fax)
 - o Alabama State Board Licensure Commission
(205) 242-4153
Contact Corinda (no last name)
(Short staffed/no faxes/written response only)

Attachments

DETERMINED TO BE AN ADMINISTRATIVE

MARKING INITIALS: PB DATE: 5/9/18

OFFICE OF THE JOINT SECRETARY	
STATE EXAMINING BOARD	
BOOK NO.	87-105
DATE	July 18, 1987
ENTERED BY	B. K. Kelly

**BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS
STATE OF GEORGIA**

IN THE MATTER OF:

LUTHER C. MCRAE, JR., M.D.

License No. 9201

Respondent.

AG FILE NO. 91401-85

CONSENT ORDER

By agreement of the Composite State Board of Medical Examiners and Luther C. McRae, Jr., M.D., Respondent, the following disposition of this matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, codified as O.C.G.A. § 50-13-13(a)(4), formerly Ga. Code Ann. § 3A-114(a)(4) (Ga. Laws 1964, pp. 338, 349, as amended).

FINDINGS OF FACT

1.

The Respondent is licensed to practice medicine in the state of Georgia, and was so licensed at all times relative to the matters stated herein.

2.

A review of patient records and prescriptions issued by Respondent during 1984 reveals that Respondent may have prescribed Schedule II controlled substances for seven patients audited in a manner failing to conform to the minimal standards of acceptable and prevailing medical practice.

3.

Respondent voluntarily appeared before the Investigative Committee of the Board to explain his conduct.

4.

The Respondent waives any further findings of fact with respect to the above matter. However, the Respondent shall be allowed to submit a statement in explanation and mitigation of

the matters stated herein for consideration by the Board prior to its review of this Consent Order.

CONCLUSIONS OF LAW

The Respondent's conduct constitutes sufficient grounds for the imposition of sanctions upon his license to practice medicine in the state of Georgia under O.C.G.A. Ch. 24, T. 43, as amended, formerly Ga. Code Ch. 84-9. The Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

1.

The Respondent's license to practice medicine in the State of Georgia shall stand suspended, for a period of thirty (30) days, commencing on the effective date of this Consent Order. Provided, however, that said suspension is stayed and may be served on probation, under the terms and conditions outlined below. It is the intent of the Board that this sanction not affect the ability of the Respondent to practice medicine except as outlined herein.

2.

Commencing after the thirty (30) day suspension being probated, the Respondent's license shall be placed on probation for a period of three (3) years, with the following terms and conditions of probation:

(a) For a period of one (1) year from the effective date of this Consent Order, the Respondent shall not prescribe, administer or dispense, in the course of his office practice, any controlled drug included in schedule II, II-N, III or III-N. It is hereby understood that the Respondent may write orders for such Schedule II, II-N, III and III-N controlled substances on institutionalized patient's charts, in connection with the Respondent's hospital or nursing home practice. If, at the end of such one (1) year

period, the Board's evaluation of the Respondent's prescribing practices relative to controlled substances reveals no irregularities, the Respondent shall be eligible to petition for restoration of office privileges with respect to Schedule II, II-N, III and III-N controlled substances. The Respondent's prescribing practices with respect to controlled substances shall continue to be closely monitored throughout the probationary period.

(b) The Respondent shall submit to the Board for its approval a program of continuing education in drug abuse and/or pharmacology, consisting of fifty (50) hours, which the Respondent shall complete within one (1) year of the effective date of this Consent Order, and provide documentation thereof to the Board.

(c) The Respondent shall permit the inspection of his office and hospital records during the period of probation by a representative of the Composite State Board of Medical Examiners at any reasonable time designated by the Composite State Board of Medical Examiners or its representative. The Respondent shall have the right to be present during such inspection of records, and the rights of privacy and confidentiality of patients shall be maintained. The Respondent shall also make himself available, upon reasonable notice, for personal interviews with the Medical Coordinator of the Board.

(d) In the event the Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in

writing of the dates of departure and return. Periods of residency or practice outside of Georgia will not apply to the reduction of the Respondent's probationary period. The Respondent shall advise the Board of any change in his residence and/or office address.

(e) If the Respondent shall fail to abide by all State and Federal laws relating to drugs or regulating the practice of medicine, the Rules and Regulations of the Composite State Board of Medical Examiners, or the terms of this Consent Order and probation, or if it should appear from monitoring reports submitted to the Board that the Respondent is unable to practice medicine with reasonable skill and safety to patients, the Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration. Summary suspension of the Respondent's license, pending any such proceeding, may be ordered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), formerly Ga. Code Ann. § 31-119(c)(1), or any other statute authorizing such emergency action.

(f) The Composite State Board of Medical Examiners shall review and evaluate the practice of the Respondent at the end of the probationary period. It is hereby understood that after this evaluation, the Board shall have the right to restore all rights and privileges incident to the license of the Respondent, but may also extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

MAR-27-1985 09:58 FROM GEORGIA MEDICAL BOARD

TO

NO. 510 P10

P.29

3.

In addition to and in conjunction with any other sanction contained herein, this Consent Order and dissemination thereof shall serve as a public reprimand to the Respondent for his conduct.

4.

Approval of this Consent Order by the Composite State Board of Medical Examiners shall in no way be construed as condoning the Respondent's conduct, and shall not be construed as a waiver of any of the lawful rights possessed by the Board. This Consent Order shall not become effective until approved by the Composite State Board of Medical Examiners.

Effective, this 12th day of June, 1985.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

BY:

S. Charlotte Neuberg, M.D.
S. CHARLOTTE NEUBERG, M.D.
President

(BOARD SEAL)

ATTEST:

William G. Miller, Jr.
WILLIAM G. MILLER, JR.
Joint Secretary
State Examining Boards

Consented to:

Luther C. McRae, Jr., M.D.
LUTHER C. MCRAB, JR., M.D.
Respondent

STIPULATION AND WAIVER

I, Luther C. McRae, Jr., M.D., have read this Consent Order, and understand its contents. I understand that I have the right to a hearing in this matter, and I freely, knowingly and voluntarily waive such right by entering into this Consent Order. I understand that this Consent Order will not become effective until approved by the Composite State Board of Medical Examiners. I further understand and agree that the board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. I

MAR-07-1985 20:55 FROM GEORGIA MEDICAL BOARD

TO

NO. 510 D11

P. 10

further understand that this Consent Order, once approved, shall constitute a public record which may be disseminated as a disciplinary action of the board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding. I consent to the terms and sanctions contained herein.


LUTHER C. MCRAE, JR., M.D.
Respondent

Sworn to and subscribed
before me, this 12 day
of April, 1985.

W. H. M. M. M.
Notary Public
My commission expires:

Notary Public, Georgia, State of Large
My Commission Expires Feb. 14, 1984.

03/07/95

12:07

HRSA/BHPR/DQA/NPDB - 92026925619

NO. 510

D02

OFFICE OF THE SUPERVISOR
STATE EXAMINING BOARD
DOCKET NO. 85-253

DATE 11-3-87
 ENTERED BY L. J. J. J.

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS
 STATE OF GEORGIA

IN THE MATTER OF:

LUTHER C. MCRAE, JR., M.D.
 License No. 9201,

Respondent.

*
*
*
*
*
*

AG NO. 91481-85

ORDER FOR RESTORATION OF OFFICE, EMERGENCY ROOM OR CLINIC
 CONTROLLED SUBSTANCE PRIVILEGES

Pursuant to O.C.G.A. § 43-34-37(c), the Composite State Board of Medical Examiners, in its discretion, has considered the request for restoration of the Respondent's ability to prescribe controlled substances in conjunction with the practice of medicine. The Composite State Board of Medical Examiners hereby enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

I.

Respondent has been subject to a Consent Order docketed June 13, 1985, wherein Respondent has been precluded from prescribing, administering, dispensing, ordering, or possessing (except as prescribed to him by another practitioner for a legitimate medical purpose) Schedule II, IIN, III or IIIN controlled substances in the course of office, emergency room

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01

FROM GEORGIA MEDICAL BOARD
404 555 9722

SS:AR 5551-27-1555

03/07/95

12:07

HRSA/BHPR/DOR/NFDB + 92026905619

NO. 510

003

or clinic practice, among other conditions.

2.

Respondent has petitioned for reinstatement of his privileges relative controlled substances in the office, emergency room or clinic setting.

3.

The Board has received no indication that Respondent has failed to abide by the Consent Order of June 13, 1985, other than one incident involving an emergency room patient, which was resolved to the satisfaction of the Board.

CONCLUSIONS OF LAW

1.

Under O.C.G.A. § 43-34-37(c), the Composite State Board of Medical Examiners may, in its discretion, restore and reissue a license to practice medicine, and as a condition thereof, impose any disciplinary or corrective measure provided in Code Ch. 34 of Title 43.

ORDER

The Board having considered the particular facts and circumstances of this case, and recognizing the paramount importance of protecting the public, it is hereby ordered that:

1.

Respondent shall be authorized to prescribe, administer, dispense, order and possess controlled substances in an office, emergency room or clinic setting, in conformance with applicable federal and state laws and rules and regulations. Provided, however, that during the remainder of the

-2-

P.02

TO

FROM GEORGIA MEDICAL BOARD

probationary period, Respondent shall personally maintain on a daily basis an accurate and separate log of all Schedule II, IIN, IIX and IIXN controlled substances prescribed in said office, emergency room or clinic setting indicating the date, drug, strength, amount and diagnosis or reason for prescribing, etc. and shall in all respects comply with Board Rule 360-2-.09. Provided, further, that if a particular controlled substance is prescribed, etc. to the same patient more than

ALABAMA BOARD OF MEDICAL EXAMINERS,

Complainant,

v.

LUTHER C. MCRAE, JR., M.D.,

Respondent

BEFORE THE MEDICAL LICENSURE

COMMISSION OF ALABAMA

CASE NO. 85-008

O R D E R

This matter is before the Medical Licensure Commission based upon the Complaint and Petition for Revocation of the License of Luther C. McRae, Jr., M.D. which was filed by the Alabama Board of Medical Examiners on November 12, 1985. The Medical Licensure Commission entered an Order setting a hearing to consider this complaint on December 4, 1985 and the Order was served upon the Respondent by certified mail, return receipt requested with the date of delivery shown as December 7, 1985. A hearing was held on January 22, 1986 pursuant to the Commission's Order Setting Hearing. The Respondent, Luther C. McRae, Jr., M.D. did not appear at this hearing. Mr. Wendell R. Morgan, Attorney for the Alabama Board of Medical Examiners presented the case to the Commission and Mark C. McDonald served as Hearing Officer. Subsequent to the receiving of evidence and at the conclusion of the hearing, the hearing officer received a telephone call from the Respondent in which the Respondent indicated that he had voluntarily chosen not to attend the hearing which had been scheduled. The Hearing Officer informed the Respondent that the Commission would hold the record open in the case in order for the Respondent to submit documents which might mitigate the evidence which was presented at the hearing.

At the February 26, 1986 meeting of the Medical Licensure Commission the Commission again considered the Complaint and Petition for Revocation of the medical license of Luther C. McRae, Jr., M.D. Present at this meeting were Jerry N. Gurley, M.D., Thomas H. Alphin, M.D., Dale E. Trammell, M.D., E. Gaylon

McCollough, M.D., and Leon C. Hamrick, M.D. Drs. Hamrick and McCollough were not present at the hearing held on January 22, 1986, yet having read the entire transcript and exhibits of the hearing participated in the deliberation and decision. Mr. McDonald, Hearing Officer was also present.

After reviewing all the testimony and exhibits now before the Commission, the Commission makes the following findings of fact:

1. That heretofore on or about June 12, 1985, the medical license of the Respondent Luther C. McRae, Jr., M.D. was suspended for thirty (30) days by the Composite State Board of Medical Examiners of the State of Georgia. Subsequently, this suspension was stayed and the Respondent was placed on probation for a period of three (3) years.

2. The Final Order of the Georgia Composite State Board of Medical Examiners indicates that during 1984 the Respondent may have prescribed schedule II controlled substances for seven patients in a manner failing to conform to the minimal standards of acceptable and prevailing medical practice.

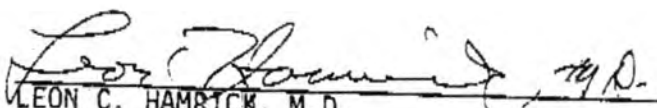
Based on the foregoing it is the conclusion of the Medical Licensure Commission that the Respondent Luther C. McRae, Jr., M.D. had committed the following acts in violation of §34-24-360, Code of Alabama, 1975:

a. The distribution by prescribing, dispensing, furnishing or supplying of controlled substances to any person or patient for any reason other than a legitimate medical purpose as described in §34-24-360(8), Code of Alabama, 1975.

b. The suspension or revocation by another state of a license to practice medicine as described in §34-24-360(15), Code of Alabama, 1975.

Accordingly, it is the ORDER of the Medical Licensure Commission that the license to practice medicine, certificate number 3549, of Luther C. McRae, Jr., M.D. be hereby revoked.

DONE this the 5th day of March, 1986.


LEON C. HAMRICK, M.D.
Chairman
Medical Licensure Commission

ALABAMA BOARD OF MEDICAL EXAMINERS,

Complainant

v.

LUTHER C. MCRAE, JR., M.D.,

Respondent

BEFORE THE MEDICAL LICENSURE

COMMISSION OF ALABAMA

CASE NUMBER 85-008

COMPLAINT AND PETITION FOR REVOCATION OF LICENSE

Comes now the Alabama State Board of Medical Examiners and submits herein its sworn petition, pursuant to the authority of §34-24-361(e)(1), Code of Alabama, 1975, and respectively represents unto the Medical Licensure Commission as follows:

1. The Respondent, Luther C. McRae, Jr., M.D., was duly licensed to practice medicine in the State of Alabama as a physician on the 18th day of November, 1965, having been duly issued license certificate number 3549.
2. There heretofore on or about June 12, 1985, the medical license of the Respondent, Luther C. McRae, Jr., M.D., was suspended for thirty (30) days by the Composite State Board of Medical Examiners of the State of Georgia. Subsequently, this suspension was stayed and the Respondent was placed on probation for a period of three (3) years, subject to terms and conditions which are outlined in the certified copy of the Consent Order issued by the Georgia Composite State Board of Medical Examiners which is attached hereto and incorporated herein as Exhibit A.
3. The final order of the Georgia Composite State Board of Medical Examiners which is attached indicates that during 1984 the Respondent may have prescribed schedule II controlled substances for seven patients in a

manner failing to conform to the minimal standards of acceptable and prevailing medical practice.

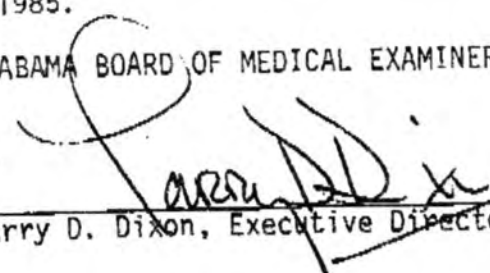
4. The Alabama Board of Medical Examiners has concluded that there exists probable cause to believe that the Respondent, Luther C. McRae, Jr., M.D., has committed the following acts or is under the disabilities as prescribed in §34-24-360, Code of Alabama, 1975:
- a. Distribution by prescribing, dispensing, furnishing or supplying of controlled substances to any person or patient for any reason other than a legitimate medical purpose as described in §34-24-360(8), Code of Alabama, 1975.
 - b. The suspension or revocation by another state of a license to practice medicine as described in §34-24-360(15), Code of Alabama, 1975.

Wherefore the premises considered the Alabama Board of Medical Examiners respectfully requests that the Medical Licensure Commission take jurisdiction of this complaint and petition for revocation of license and set a hearing upon this complaint and issue the notice required by law and order that the Respondent, Luther C. McRae, Jr., M.D., appear and answer the allegations of the complaint. The Board further requests that at the conclusion of this hearing the Medical Licensure Commission revoke the license to practice medicine of Luther C. McRae, Jr., M.D., in the manner prescribed by law.

This complaint is executed for and on behalf of the Alabama Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board as contained in a resolution of October 16, 1985, a copy of which is attached hereto and incorporated herein.

Executed this 12th day of November, 1985.

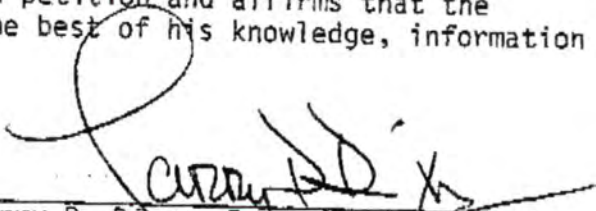
ALABAMA BOARD OF MEDICAL EXAMINERS


Larry D. Dixon, Executive Director

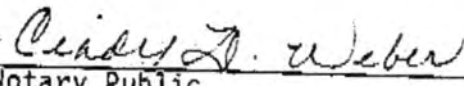
STATE OF ALABAMA }

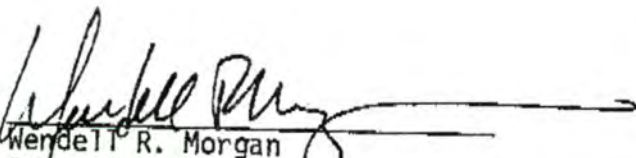
MONTGOMERY COUNTY }

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in this capacity of Executive Director of the Alabama Board of Medical Examiners, has examined the contents of the foregoing complaint and petition and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.


Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 12th day of November, 1985.


Cindy L. Weber
Notary Public
My Commission Expires: 3/11/87


Wendell R. Morgan
Attorney for the Board
19 South Jackson Street
Montgomery, AL 35197
(205) 263-6441

STATE OF ALABAMA)
MONTGOMERY COUNTY)

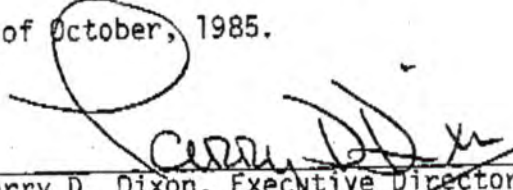
A F F I D A V I T

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

"The Alabama Board of Medical Examiners, in its regular monthly meeting of October 16, 1985, at Montgomery, Alabama, a quorum of the Board being present, in open meeting, conducted an investigation into the medical practices of Luther C. McRae, Jr., M.D., and that at the conclusion of the investigation, the Board adopted the following resolution:

Luther C. McRae, Jr., M.D., GA. After consideration of an Order from the Georgia Board relative to recent action taken against Dr. McRae's Georgia license, the Credentials Committee recommended a Complaint and Petition for Revocation of Dr. McRae's license be filed with the Medical Licensure Commission. The motion was adopted.

I further certify that the foregoing resolution was adopted by the Alabama Board of Medical Examiners on the 16th day of October, 1985.


Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 12th day of November, 1985.


Cindy L. Weber
Notary Public
My Commission Expires: 3/11/87

MAX CLELAND
Secretary of State

Board Members:

Donald L. Branyon, Jr., M.D.
Thomas J. Busey, Jr., M.D.
George M. Chastain, M.D.
Runette Flowers, M.D.
H. Hilt Hammett, Jr., M.D.
S. Charlotte Neuberg, M.D.

Andrew Watry
Executive Director



Board Members:

Eloise B. Sherman, M.D.
Irving T. Staley, M.D.
Robert E. Thompson, M.D.
L. Newton Turk, III, M.D.
Joseph L. Vinci, D.O.

Consumer Member:

Marjorie (Marge) E. Lucas

James E. Anthony, Jr., M.D.

Medical Coordinator

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

William G. Miller, Jr., Joint Secretary, State Examining Boards
166 Pryor Street, S.W.
Atlanta, Georgia 30303
(404) 656-3913

TO WHOM IT MAY CONCERN:

SEP 23 1985

I, William G. Miller, Jr., Joint Secretary of the COMPOSITE STATE BOARD OF MEDICAL EXAMINERS and chief records custodian of same, do hereby certify that the enclosed copy of Consent Order dated June 12, 1985 is a true and correct copy of the original document on file with the Georgia Medical Board, in the case of Luther C. McRae, Jr., M. D.

This 18th day of September, 1985.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

William G. Miller, Jr.

William G. Miller, Jr., Joint Secretary
State Examining Boards

Sworn to and subscribed before me this

18 day of September, 1985.

Linda J. Maller

NOTARY PUBLIC

My Commission Expires 9-30-85

(BOARD SEAL)

Dr. McRae is currently licensed in Alabama for 1985.

OFFICE OF THE JOINT SECRETARY	
STATE EXAMINING BOARDS	
DOCKET NO.	85-253
DATE	June 13, 1985
ENTERED BY	B. Kelsey

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

IN THE MATTER OF: *

LUTHER C. MCRAE, JR., M.D. *

AG FILE NO. 91481-85

License No. 9201 *

Respondent. *

CONSENT ORDER

By agreement of the Composite State Board of Medical Examiners and Luther C. McRae, Jr., M.D., Respondent, the following disposition of this matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, codified as O.C.G.A. § 50-13-13(a)(4), formerly Ga. Code Ann. § 3A-114(a)(4) (Ga. Laws 1964, pp. 338, 348, as amended).

FINDINGS OF FACT

1.

The Respondent is licensed to practice medicine in the State of Georgia, and was so licensed at all times relative to the matters stated herein.

2.

A review of patient records and prescriptions issued by Respondent during 1984 reveals that Respondent may have prescribed Schedule II controlled substances for seven patients audited in a manner failing to conform to the minimal standards of acceptable and prevailing medical practice.

3.

Respondent voluntarily appeared before the Investigative Committee of the Board to explain his conduct.

4.

The Respondent waives any further findings of fact with respect to the above matter. However, the Respondent shall be allowed to submit a statement in explanation and mitigation of

the matters stated herein for consideration by the Board prior to its review of this Consent Order.

CONCLUSIONS OF LAW

The Respondent's conduct constitutes sufficient grounds for the imposition of sanctions upon his license to practice medicine in the State of Georgia under O.C.G.A. Ch. 34, T. 43, as amended, formerly Ga. Code Ch. 84-9. The Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

1.

The Respondent's license to practice medicine in the State of Georgia shall stand suspended, for a period of thirty (30) days, commencing on the effective date of this Consent Order. Provided, however, that said suspension is stayed and may be served on probation, under the terms and conditions outlined below. It is the intent of the Board that this sanction not affect the ability of the Respondent to practice medicine except as outlined herein.

2.

Commencing after the thirty (30) day suspension being probated, the Respondent's license shall be placed on probation for a period of three (3) years, with the following terms and conditions of probation:

(a) For a period of one (1) year from the effective date of this Consent Order, the Respondent shall not prescribe, administer or dispense, in the course of his office practice, any controlled drug included in Schedule II, II-N, III or III-N. It is hereby understood that the Respondent may write orders for such Schedule II, II-N, III and III-N controlled substances on institutionalized patient's charts, in connection with the Respondent's hospital or nursing home practice. If, at the end of such one (1) year

period, the Board's evaluation of the Respondent's prescribing practices relative to controlled substances reveals no irregularities, the Respondent shall be eligible to petition for restoration of office privileges with respect to Schedule II, II-N, III and III-N controlled substances. The Respondent's prescribing practices with respect to controlled substances shall continue to be closely monitored throughout the probationary period.

(b) The Respondent shall submit to the Board for its approval a program of continuing education in drug abuse and/or pharmacology, consisting of fifty (50) hours, which the Respondent shall complete within one (1) year of the effective date of this Consent Order, and provide documentation thereof to the Board.

(c) The Respondent shall permit the inspection of his office and hospital records during the period of probation by a representative of the Composite State Board of Medical Examiners at any reasonable time designated by the Composite State Board of Medical Examiners or its representative. The Respondent shall have the right to be present during such inspection of records, and the rights of privacy and confidentiality of patients shall be maintained. The Respondent shall also make himself available, upon reasonable notice, for personal interviews with the Medical Coordinator of the Board.

(d) In the event the Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in

writing of the dates of departure and return. Periods of residency, or practice outside of Georgia will not apply to the reduction of the Respondent's probationary period. The Respondent shall advise the Board of any change in his residence and/or office address.

(e) If the Respondent shall fail to abide by all State and Federal laws relating to drugs or regulating the practice of medicine, the Rules and Regulations of the Composite State Board of Medical Examiners, or the terms of this Consent Order and probation, or if it should appear from monitoring reports submitted to the Board that the Respondent is unable to practice medicine with reasonable skill and safety to patients, the Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration. Summary suspension of the Respondent's license, pending any such proceeding, may be ordered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), formerly Ga. Code Ann. § 3A-119(c)(1), or any other statute authorizing such emergency action.

(f) The Composite State Board of Medical Examiners shall review and evaluate the practice of the Respondent at the end of the probationary period. It is hereby understood that after this evaluation, the Board shall have the right to restore all rights and privileges incident to the license of the Respondent, but may also extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

3.

In addition to and in conjunction with any other sanction contained herein, this Consent Order and dissemination thereof shall serve as a public reprimand to the Respondent for his conduct.

4.

Approval of this Consent Order by the Composite State Board of Medical Examiners shall in no way be construed as condoning the Respondent's conduct, and shall not be construed as a waiver of any of the lawful rights possessed by the Board. This Consent Order shall not become effective until approved by the Composite State Board of Medical Examiners.

Effective, this 12th day of June, 1985.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

BY: S. Charlotte Neuberg, M.D.
S. CHARLOTTE NEUBERG, M.D.
President

(BOARD SEAL)

ATTEST: William G. Miller, Jr.
WILLIAM G. MILLER, JR.
Joint Secretary
State Examining Boards

Consented to:

Luther C. McRae, Jr., M.D.
LUTHER C. MCRAE, JR., M.D.
Respondent

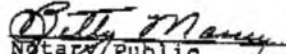
STIPULATION AND WAIVER

I, Luther C. McRae, Jr., M.D., have read this Consent Order, and understand its contents. I understand that I have the right to a hearing in this matter, and I freely, knowingly and voluntarily waive such right by entering into this Consent Order. I understand that this Consent Order will not become effective until approved by the Composite State Board of Medical Examiners. I further understand and agree that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. I

further understand that this Consent Order, once approved, shall constitute a public record which may be disseminated as a disciplinary action of the Board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding. I consent to the terms and sanctions contained herein.


LUTHER C. McRAE, GR., M.D.
Respondent

Sworn to and subscribed
before me, this 12 day
of APRIL, 1985.


Notary Public
My commission expires:

Notary Public, Georgia, State at Large
My Commission Expires Feb. 11, 1986.

ALABAMA BOARD OF MEDICAL
EXAMINERS

Complainant,
v.

LUTHER C. MCRAE, JR., M.D.

Respondent.

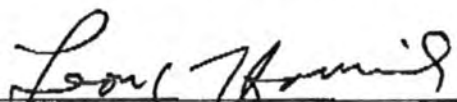
BEFORE THE MEDICAL LICENSURE
COMMISSION OF ALABAMA

CASE NO. 85-008

ORDER

This matter is before the Medical Licensure Commission based upon a request by Luther C. McRae, Jr., M.D. for reinstatement of his license to practice medicine in the State of Alabama, Certificate Number 3549, which was revoked by Order of the Commission on March 5, 1986. The Commission received Dr. McRae's request for reinstatement on September 17, 1990. The record before the Commission reflects that Dr. McRae was properly served with notice of a reinstatement hearing scheduled for November 28, 1990 at 2:00 o'clock p.m. at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama. The Medical Licensure Commission met on November 28, 1990 at the designated time and place to hear Dr. McRae's request for reinstatement of his license; however, Dr. McRae, who bears the burden of proof for reinstatement of his license, did not appear for the hearing. Consequently, it is the ORDER of the Commission that the request for reinstatement of license filed by Luther C. McRae, Jr., M.D. is hereby dismissed for failure to prosecute.

ENTERED this 3 day of DECEMBER, 1990.


Leon C. Hamrick, M.D., Chairman
Medical Licensure Commission

ALABAMA BOARD OF MEDICAL EXAMINERS,

Complainant,

v.

LUTHER C. MCRAE, JR., M.D.,

Respondent

BEFORE THE MEDICAL LICENSURE

COMMISSION OF ALABAMA

CASE NO. 85-008

O R D E R

This matter is before the Medical Licensure Commission based upon the Complaint and Petition for Revocation of the License of Luther C. McRae, Jr., M.D. which was filed by the Alabama Board of Medical Examiners on November 12, 1985. The Medical Licensure Commission entered an Order setting a hearing to consider this complaint on December 4, 1985 and the Order was served upon the Respondent by certified mail, return receipt requested with the date of delivery shown as December 7, 1985. A hearing was held on January 22, 1986 pursuant to the Commission's Order Setting Hearing. The Respondent, Luther C. McRae, Jr., M.D. did not appear at this hearing. Mr. Wendell R. Morgan, Attorney for the Alabama Board of Medical Examiners presented the case to the Commission and Mark C. McDonald served as Hearing Officer. Subsequent to the receiving of evidence and at the conclusion of the hearing, the hearing officer received a telephone call from the Respondent in which the Respondent indicated that he had voluntarily chosen not to attend the hearing which had been scheduled. The Hearing Officer informed the Respondent that the Commission would hold the record open in the case in order for the Respondent to submit documents which might mitigate the evidence which was presented at the hearing.

At the February 26, 1986 meeting of the Medical Licensure Commission the Commission again considered the Complaint and Petition for Revocation of the medical license of Luther C. McRae, Jr., M.D. Present at this meeting were Jerry N. Gurley, M.D., Thomas H. Alphin, M.D., Dale E. Trammell, M.D., E. Gaylon

McCollough, M.D., and Leon C. Hamrick, M.D. Drs. Hamrick and McCollough were not present at the hearing held on January 22, 1986, yet having read the entire transcript and exhibits of the hearing participated in the deliberation and decision. Mr. McDonald, Hearing Officer was also present.

After reviewing all the testimony and exhibits now before the Commission, the Commission makes the following findings of fact:

1. That heretofore on or about June 12, 1985, the medical license of the Respondent Luther C. McRae, Jr., M.D. was suspended for thirty (30) days by the Composite State Board of Medical Examiners of the State of Georgia. Subsequently, this suspension was stayed and the Respondent was placed on probation for a period of three (3) years.

2. The Final Order of the Georgia Composite State Board of Medical Examiners indicates that during 1984 the Respondent may have prescribed schedule II controlled substances for seven patients in a manner failing to conform to the minimal standards of acceptable and prevailing medical practice.

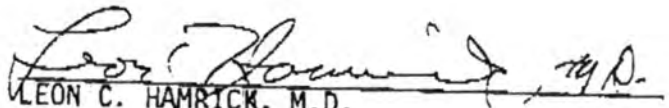
Based on the foregoing it is the conclusion of the Medical Licensure Commission that the Respondent Luther C. McRae, Jr., M.D. had committed the following acts in violation of §34-24-360, Code of Alabama, 1975:

a. The distribution by prescribing, dispensing, furnishing or supplying of controlled substances to any person or patient for any reason other than a legitimate medical purpose as described in §34-24-360(8), Code of Alabama, 1975.

b. The suspension or revocation by another state of a license to practice medicine as described in §34-24-360(15), Code of Alabama, 1975.

Accordingly, it is the ORDER of the Medical Licensure Commission that the license to practice medicine, certificate number 3549, of Luther C. McRae, Jr., M.D. be hereby revoked.

DONE this the 5th day of March, 1986.


LEON C. HAMRICK, M.D.
Chairman
Medical Licensure Commission

ALABAMA BOARD OF MEDICAL EXAMINERS,

Complainant

v.

LUTHER C. MCRAE, JR., M.D.,

Respondent

BEFORE THE MEDICAL LICENSURE

COMMISSION OF ALABAMA

CASE NUMBER 85-008

COMPLAINT AND PETITION FOR REVOCATION OF LICENSE

Comes now the Alabama State Board of Medical Examiners and submits herein its sworn petition, pursuant to the authority of §34-24-361(e)(1), Code of Alabama, 1975, and respectively represents unto the Medical Licensure Commission as follows:

1. The Respondent, Luther C. McRae, Jr., M.D., was duly licensed to practice medicine in the State of Alabama as a physician on the 18th day of November, 1965, having been duly issued license certificate number 3549.
2. There heretofore on or about June 12, 1985, the medical license of the Respondent, Luther C. McRae, Jr., M.D., was suspended for thirty (30) days by the Composite State Board of Medical Examiners of the State of Georgia. Subsequently, this suspension was stayed and the Respondent was placed on probation for a period of three (3) years, subject to terms and conditions which are outlined in the certified copy of the Consent Order issued by the Georgia Composite State Board of Medical Examiners which is attached hereto and incorporated herein as Exhibit A.
3. The final order of the Georgia Composite State Board of Medical Examiners which is attached indicates that during 1984 the Respondent may have prescribed schedule II controlled substances for seven patients in a

manner failing to conform to the minimal standards of acceptable and prevailing medical practice.

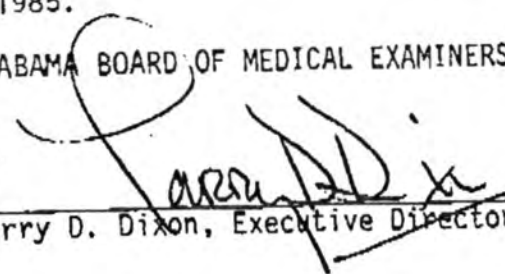
4. The Alabama Board of Medical Examiners has concluded that there exists probable cause to believe that the Respondent, Luther C. McRae, Jr., M.D., has committed the following acts or is under the disabilities as prescribed in §34-24-360, Code of Alabama, 1975:
- a. Distribution by prescribing, dispensing, furnishing or supplying of controlled substances to any person or patient for any reason other than a legitimate medical purpose as described in §34-24-360(8), Code of Alabama, 1975.
 - b. The suspension or revocation by another state of a license to practice medicine as described in §34-24-360(15), Code of Alabama, 1975.

Wherefore the premises considered the Alabama Board of Medical Examiners respectfully requests that the Medical Licensure Commission take jurisdiction of this complaint and petition for revocation of license and set a hearing upon this complaint and issue the notice required by law and order that the Respondent, Luther C. McRae, Jr., M.D., appear and answer the allegations of the complaint. The Board further requests that at the conclusion of this hearing the Medical Licensure Commission revoke the license to practice medicine of Luther C. McRae, Jr., M.D., in the manner prescribed by law.

This complaint is executed for and on behalf of the Alabama Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board as contained in a resolution of October 16, 1985, a copy of which is attached hereto and incorporated herein.

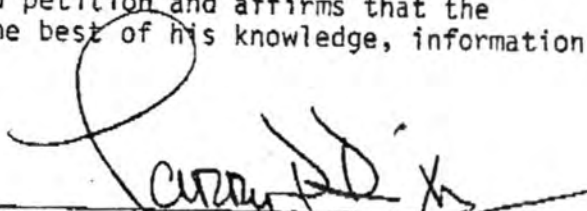
Executed this 12th day of November, 1985.

ALABAMA BOARD OF MEDICAL EXAMINERS

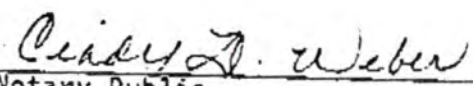

Larry D. Dixon, Executive Director

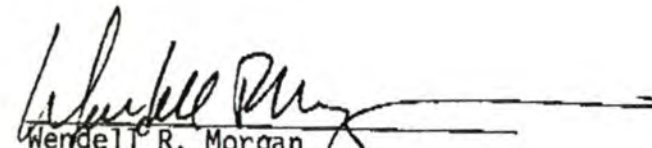
STATE OF ALABAMA }
MONTGOMERY COUNTY }

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in this capacity of Executive Director of the Alabama Board of Medical Examiners, has examined the contents of the foregoing complaint and petition and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.


Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 12th day of November, 1985.


Notary Public
My Commission Expires: 3/11/87


Wendell R. Morgan
Attorney for the Board
19 South Jackson Street
Montgomery, AL 35197
(205) 263-6441

STATE OF ALABAMA)
MONTGOMERY COUNTY)

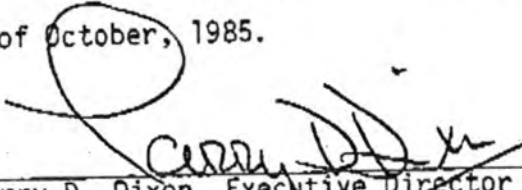
A F F I D A V I T

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

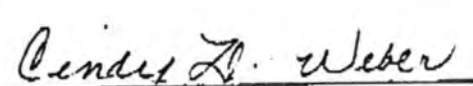
"The Alabama Board of Medical Examiners, in its regular monthly meeting of October 16, 1985, at Montgomery, Alabama, a quorum of the Board being present, in open meeting, conducted an investigation into the medical practices of Luther C. McRae, Jr., M.D., and that at the conclusion of the investigation, the Board adopted the following resolution:

Luther C. McRae, Jr., M.D., GA. After consideration of an Order from the Georgia Board relative to recent action taken against Dr. McRae's Georgia license, the Credentials Committee recommended a Complaint and Petition for Revocation of Dr. McRae's license be filed with the Medical Licensure Commission. The motion was adopted.

I further certify that the foregoing resolution was adopted by the Alabama Board of Medical Examiners on the 16th day of October, 1985.


Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 12th day of November, 1985.


Cindy A. Weber
Notary Public
My Commission Expires: 3/11/87

Board Members:
Donald L. Branyon, Jr., M.D.
Thomas J. Busey, Jr., M.D.
George M. Chastain, M.D.
Runette Flowers, M.D.
H. Hilt Hammett, Jr., M.D.
S. Charlotte Neuberg, M.D.

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Joseph L. Vinci, D.O.

Consumer Member:
Marjorie (Marge) E. Lucas
James E. Anthony, Jr., M.D.
Medical Coordinator

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

William G. Miller, Jr., Joint Secretary, State Examining Boards
166 Pryor Street, S.W.
Atlanta, Georgia 30303
(404) 656-3913

TO WHOM IT MAY CONCERN:

SEP 23 1985

I, William G. Miller, Jr., Joint Secretary of the COMPOSITE STATE BOARD OF MEDICAL EXAMINERS and chief records custodian of same, do hereby certify that the enclosed copy of Consent Order dated June 12, 1985 is a true and correct copy of the original document on file with the Georgia Medical Board, in the case of Luther C. McRae, Jr., M. D.

This 18th day of September, 1985.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

William G. Miller Jr.

William G. Miller, Jr., Joint Secretary
State Examining Boards

Sworn to and subscribed before me this

18 day of September, 1985.

Linda J. Mallick

NOTARY PUBLIC

My Commission Expires 9-30-85

(BOARD SEAL)

Dr. McRae is currently licensed in Alabama for 1985.

OFFICE OF THE JOINT SECRETARY	
STATE EXAMINING BOARDS	
DOCUMENT NO.	85-253
DATE	June 13, 1985
ENTERED BY	B. Kahan

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

IN THE MATTER OF: *

LUTHER C. MCRAE, JR., M.D. *

AG FILE NO. 91481-85

License No. 9201 *

Respondent. *

CONSENT ORDER

By agreement of the Composite State Board of Medical Examiners and Luther C. McRae, Jr., M.D., Respondent, the following disposition of this matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, codified as O.C.G.A. § 50-13-13(a)(4), formerly Ga. Code Ann. § 3A-114(a)(4) (Ga. Laws 1964, pp. 338, 348, as amended).

FINDINGS OF FACT

1.

The Respondent is licensed to practice medicine in the State of Georgia, and was so licensed at all times relative to the matters stated herein.

2.

A review of patient records and prescriptions issued by Respondent during 1984 reveals that Respondent may have prescribed Schedule II controlled substances for seven patients audited in a manner failing to conform to the minimal standards of acceptable and prevailing medical practice.

3.

Respondent voluntarily appeared before the Investigative Committee of the Board to explain his conduct.

4.

The Respondent waives any further findings of fact with respect to the above matter. However, the Respondent shall be allowed to submit a statement in explanation and mitigation of

the matters stated herein for consideration by the Board prior to its review of this Consent Order.

CONCLUSIONS OF LAW

The Respondent's conduct constitutes sufficient grounds for the imposition of sanctions upon his license to practice medicine in the State of Georgia under O.C.G.A. Ch. 34, T. 43, as amended, formerly Ga. Code Ch. 84-9. The Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

1.

The Respondent's license to practice medicine in the State of Georgia shall stand suspended, for a period of thirty (30) days, commencing on the effective date of this Consent Order. Provided, however, that said suspension is stayed and may be served on probation, under the terms and conditions outlined below. It is the intent of the Board that this sanction not affect the ability of the Respondent to practice medicine except as outlined herein.

2.

Commencing after the thirty (30) day suspension being probated, the Respondent's license shall be placed on probation for a period of three (3) years, with the following terms and conditions of probation:

(a) For a period of one (1) year from the effective date of this Consent Order, the Respondent shall not prescribe, administer or dispense, in the course of his office practice, any controlled drug included in Schedule II, II-N, III or III-N. It is hereby understood that the Respondent may write orders for such Schedule II, II-N, III and III-N controlled substances on institutionalized patient's charts, in connection with the Respondent's hospital or nursing home practice. If, at the end of such one (1) year

period, the Board's evaluation of the Respondent's prescribing practices relative to controlled substances reveals no irregularities, the Respondent shall be eligible to petition for restoration of office privileges with respect to Schedule II, II-N, III and III-N controlled substances. The Respondent's prescribing practices with respect to controlled substances shall continue to be closely monitored throughout the probationary period.

(b) The Respondent shall submit to the Board for its approval a program of continuing education in drug abuse and/or pharmacology, consisting of fifty (50) hours, which the Respondent shall complete within one (1) year of the effective date of this Consent Order, and provide documentation thereof to the Board.

(c) The Respondent shall permit the inspection of his office and hospital records during the period of probation by a representative of the Composite State Board of Medical Examiners at any reasonable time designated by the Composite State Board of Medical Examiners or its representative. The Respondent shall have the right to be present during such inspection of records, and the rights of privacy and confidentiality of patients shall be maintained. The Respondent shall also make himself available, upon reasonable notice, for personal interviews with the Medical Coordinator of the Board.

(d) In the event the Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in

writing of the dates of departure and return. Periods of residency or practice outside of Georgia will not apply to the reduction of the Respondent's probationary period. The Respondent shall advise the Board of any change in his residence and/or office address.

(e) If the Respondent shall fail to abide by all State and Federal laws relating to drugs or regulating the practice of medicine, the Rules and Regulations of the Composite State Board of Medical Examiners, or the terms of this Consent Order and probation, or if it should appear from monitoring reports submitted to the Board that the Respondent is unable to practice medicine with reasonable skill and safety to patients, the Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration. Summary suspension of the Respondent's license, pending any such proceeding, may be ordered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), formerly Ga. Code Ann. § 3A-119(c)(1), or any other statute authorizing such emergency action.

(f) The Composite State Board of Medical Examiners shall review and evaluate the practice of the Respondent at the end of the probationary period. It is hereby understood that after this evaluation, the Board shall have the right to restore all rights and privileges incident to the license of the Respondent, but may also extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

3.

In addition to and in conjunction with any other sanction contained herein, this Consent Order and dissemination thereof shall serve as a public reprimand to the Respondent for his conduct.

4.

Approval of this Consent Order by the Composite State Board of Medical Examiners shall in no way be construed as condoning the Respondent's conduct, and shall not be construed as a waiver of any of the lawful rights possessed by the Board. This Consent Order shall not become effective until approved by the Composite State Board of Medical Examiners.

Effective, this 12th day of June, 1985.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

BY:

S. Charlotte Neuberg, M.D.
S. CHARLOTTE NEUBERG, M.D.
President

(BOARD SEAL)

ATTEST:

William G. Miller, Jr.
WILLIAM G. MILLER, JR.
Joint Secretary
State Examining Boards

Consented to:

Luther C. McRae, Jr., M.D.
LUTHER C. MCRAE, JR., M.D.
Respondent

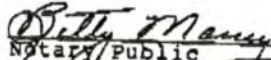
STIPULATION AND WAIVER

I, Luther C. McRae, Jr., M.D., have read this Consent Order, and understand its contents. I understand that I have the right to a hearing in this matter, and I freely, knowingly and voluntarily waive such right by entering into this Consent Order. I understand that this Consent Order will not become effective until approved by the Composite State Board of Medical Examiners. I further understand and agree that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. I

further understand that this Consent Order, once approved, shall constitute a public record which may be disseminated as disciplinary action of the Board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding. I consent to the terms and sanctions contained herein.


LUTHER C. MCRAE, JR., M.D.
Respondent

Sworn to and subscribed
before me, this 12 day
of APRIL, 1985.


Notary Public
My commission expires:

Notary Public, Georgia, State at Large
My Commission Expires Feb. 11, 1986

MEMORANDUM

TO: Beth Nolan
FROM: Dan Manatt
DATE: March 8, 1995
RE: Federation of State Medical Board Examiners
Board Action Index Categories

According to Sherri Watkins of the Federation of State Medical Board, the attached "Board Action" printout lists 4 categories of actions indexed as follows:

- Revocation of license ("100's")
- Probation ("200's")
- Suspension of License ("300's")
- Miscellaneous ("400's")

BOARD ACTIONS AS REPORTED TO
THE FEDERATION OF STATE MEDICAL BOARDS OF THE U.S., INC.

1990 BOARD ACTIONS	100'S	200'S	300'S	400'S	TOTAL
ALABAMA	2	4	1	14	21
ALASKA	1	0	0	0	1
ARIZONA	9	9	3	52	73
ARIZONA OSTEO	2	7	2	27	38
ARKANSAS	3	1	5	16	25
CALIFORNIA	32	64	11	65	172
CALIFORNIA OSTEO	0	2	0	0	2
COLORADO	0	8	8	9	25
CONNECTICUT	0	6	0	1	7
D.C.	7	0	0	1	8
DELAWARE	0	1	0	0	1
FLORIDA	13	37	12	85	147
FLORIDA OSTEO	2	8	0	12	22
GEORGIA	7	34	8	49	98
* GUAM	0	0	0	0	0
HAWAII	0	1	2	2	5
IDAHO	1	3	1	7	12
ILLINOIS	10	14	19	33	76
INDIANA	9	8	21	16	54
IOWA	5	16	2	8	31
KANSAS	5	3	2	26	36
KENTUCKY	4	15	3	6	28
LOUISIANA	3	10	9	20	42
MAINE	4	0	0	3	7
MAINE OSTEO	0	0	0	0	0
MARYLAND	0	4	6	8	18

CONTINUED ON NEXT PAGE

* BOARDS REPORTING NO BOARD ACTIONS

BOARD ACTIONS AS REPORTED TO
THE FEDERATION OF STATE MEDICAL BOARDS OF THE U.S., INC.

1990 BOARD ACTIONS	100'S	200'S	300'S	400'S	TOTAL
MASSACHUSETTS	14	1	5	8	29
MICHIGAN	8	2	12	9	31
MICHIGAN OSTEO	1	2	4	4	11
MINNESOTA	2	15	2	10	29
MISSISSIPPI	2	5	0	23	30
MISSOURI	34	7	1	33	75
MONTANA	0	0	0	5	5
NEBRASKA	0	0	0	1	1
NEVADA	11	3	3	11	28
* NEVADA OSTEO	0	0	0	0	0
NEW HAMPSHIRE	0	1	0	0	1
NEW JERSEY	15	26	29	96	166
NEW MEXICO	4	3	0	6	13
* NEW MEXICO OSTEO	0	0	0	0	0
NEW YORK	35	20	5	16	76
NORTH CAROLINA	12	5	0	13	30
NORTH DAKOTA	0	1	1	8	10
OHIO	21	8	10	35	74
OKLAHOMA	5	12	3	29	49
OKLAHOMA OSTEO	1	6	0	1	8
OREGON	2	18	0	30	50
PENN OSTEO	0	3	9	4	16
PENNSYLVANIA	28	19	8	38	93
PUERTO RICO	1	0	0	0	1
RHODE ISLAND	5	2	2	1	10
SOUTH CAROLINA	4	6	2	7	19

12/11/90

BOARD ACTIONS AS REPORTED TO
THE FEDERATION OF STATE MEDICAL BOARDS OF THE U.S., INC.

PAGE 3

1985 BOARD ACTIONS	100'S	200'S	300'S	400'S	TOTAL
SOUTH DAKOTA	0	1	0	1	2
TENNESSEE	5	3	4	11	23
* TENNESSEE OSTED	0	0	0	0	0
TEXAS	27	8	6	90	131
UTAH	5	10	3	24	42
VERMONT	1	0	1	2	4
* VIRGIN ISLANDS	0	0	0	0	0
VIRGINIA	11	26	4	37	78
WASHINGTON	5	8	5	25	43
WASHINGTON OSTED	0	0	0	2	2
WEST VIRGINIA	2	4	0	5	11
* WEST VIRGINIA OSTED	0	0	0	0	0
WISCONSIN	10	1	1	30	42
WYOMING	1	0	0	0	1
TOTALS FOR YEAR 1985	391	481	236	1075	2183

* BOARDS REPORTING NO BOARD ACTIONS

FAX COVER SHEET

THE FEDERATION OF STATE MEDICAL
BOARDS OF THE U.S., INC.

6000 Western Place, Suite 707

Fort Worth, Texas 76107-4695

Phone: (817) 735-8445

FAX: (817) 738-6629

DATE: 3-8-95

TO: Wax Manatt

FROM: Sheri Watkins

MESSAGE:

Please give me a call if you
have any questions.

Pages including cover sheet: _____

Sent by _____

Department of Health and Human Services

OFFICE OF
INSPECTOR GENERAL

STATE MEDICAL BOARDS AND
MEDICAL DISCIPLINE



Richard P. Kusserow
INSPECTOR GENERAL

AUGUST 1990

111-18-832.1

TABLE 10

SERIOUS DISCIPLINARY ACTIONS PER 1,000 LICENSEES, 1985-1987

STATE	ACTIONS PER 1,000 LICENSEES
AL	4.39
AK	10.03
AZ	7.42
AR	5.01
CA	5.22
CO	8.37
CT	2.45
DE	11.33
DC	5.43
FL	11.91
GA	18.72
HI	12.22
ID	8.37
IL	7.34
IN	13.81
IA	14.80
KS	4.60
KY	15.41
LA	7.14
ME	6.52
MO	3.96
MA	7.60
MI	4.37
MN	8.37
MS	12.39
MT	12.56
NE	2.35
NH	3.07
NV	18.28
NM	4.00
NJ	10.56
NM	4.00
NY	9.56
NC	6.16
ND	8.72
OH	7.18
OK	15.02
OR	13.02
PA	3.35
RI	8.00
SC	10.28
SD	8.14
TN	3.92
TX	4.49
UT	10.65
VT	3.83
VA	10.03
WA	5.89
WV	15.70
WI	8.48
WY	2.64
MEDIAN	8.00

KEY: SERIOUS DISCIPLINARY ACTIONS=Revocations, suspensions, and probations;
 LICENSEES=Those licensed and practicing in the State.

SOURCE: Federation of State Medical Boards, Federation Bulletin, 1985-1987 editions.

TABLE 11

TOTAL BOARD ACTIONS PER 1,000 LICENSEES, 1985-1987

STATE	ACTIONS PER 1,000 LICENSEES
AL	8.77
AK	10.03
AZ	32.10
AR	17.55
CA	7.68
CO	12.49
CT	3.80
DE	14.87
DC	6.57
FL	24.28
GA	31.24
HI	16.74
ID	15.35
IL	12.28
IN	22.13
IA	21.18
KS	20.60
KY	23.54
LA	11.29
ME	13.55
MO	6.80
MA	10.40
MI	6.06
MN	13.59
MS	32.22
MT	23.22
NE	4.71
NH	5.38
NV	30.90
NJ	4.67
NM	20.71
NY	8.00
NC	11.39
ND	12.32
OH	17.43
OK	14.25
OR	27.25
PA	25.36
RI	5.89
SC	11.50
SD	15.62
TN	20.34
TX	7.96
UT	11.73
VT	26.74
VA	11.49
WA	21.35
WV	14.45
WI	21.40
WY	16.22
WY	2.64
MEDIAN	14.25

KEY: LICENSEES=Those licensed and practicing in the State.

SOURCE: Federation of State Medical Boards, Federation Bulletin, 1985-87 editions.

CONCLUSION

Each State medical board is a product of its State government environment and is in some way unique. Each works within a distinctive political, economic, and social context.

Yet the boards do address the same basic issues and have the same basic objectives. Through a regular review of comparative data along the lines presented in this report, State officials can gain a better understanding of the strengths and weaknesses of their own boards. It can also help them determine the kinds of actions that they can take to improve their boards' performance.

In this context, we recommended in our prior report that the State boards, working through the FSMB, commit themselves to the development of performance indicators which they can regularly use to assess their performance. Such indicators, particularly if expressed in terms of ratios or percentages, would facilitate comparisons not only between boards in different States, but of a particular board's own performance over time.