

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS  
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IN THE MATTER OF THE REINSTATEMENT \*  
OF SOUTH DAKOTA BOARD OF MEDICAL \* STIPULATION  
AND OSTEOPATHIC EXAMINERS LICENSE \* ON AGREED  
#5215 ISSUED TO BRIAN LEE O'CONNOR, MD \* DISPOSITION  
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WHEREAS, Brian Lee O'Connor, MD, herein referred to as "Dr. O'Connor", was the holder of South Dakota Medical license #0512 issued by the South Dakota Board of Medical and Osteopathic Examiners, hereinafter referred to as "the Board"; <sup>7# 5215</sup>  
<sub>to 9-11-09</sub>

WHEREAS, the Board has jurisdiction of the parties and subject matter herein;

WHEREAS, Dr. O'Connor met with members of the Board's Investigative Review Panel on January 9, 2008, and agreed to the voluntary suspension of his medical license due to his abuse of alcohol and controlled substances;

WHEREAS, on August 13, 2008, Dr. O'Connor enrolled in the South Dakota Health Professionals Assistance Program (SDHPAP);

WHEREAS, on September 11, 2008, SDHPAP verified Dr. O'Connor's first drug and alcohol test;

WHEREAS, according to SDHPAP reports received by the Board, Dr. O'Connor has been subject to drug and alcohol testing and monitoring and he achieved six (6) months of continuous sobriety on March 11, 2009.

As a result thereof, the Investigative Review Panel recommends that Dr. O'Connor's medical license be reinstated with the following restrictions:

1. Dr. O'Connor and his license shall be placed on probation for as long as he is the holder of a South Dakota medical license.
2. He shall be mandated into the South Dakota Health Professionals Assistance Program (SDHPAP) for an indeterminate period and shall comply with all SDHPAP requirements.
3. Unexcused failure to make a daily contact is not allowable by the Board. For as long as he is in the SDHPAP program, he will not miss any of the required daily contacts with the on-line drug monitoring system without prior approval.
4. He will sign any required release and will take all necessary steps to ensure that SDHPAP provides quarterly reports to the Board.
5. He shall maintain complete and permanent abstinence from alcohol.
6. He shall maintain complete and permanent abstinence from all mind-altering and/or controlled substance(s). He shall promptly notify the Board if he is prescribed such

mind-altering and/or controlled substance(s) by a licensed healthcare provider for legitimate medical purposes.

7. He shall attend at least three (3) AA meetings per week and he shall provide a quarterly log of the attendance dates to the Board.
8. At his sole expense, he shall submit blood, urine, hair or other specimens for testing purposes whenever required by the Board.
9. He shall make personal appearance(s) before the Board or its committee if required and will be given reasonable notice of the dates, times and locations for his appearance.
10. He shall be permitted to maintain a DEA registration under the following conditions:
  - A. He shall keep a detailed and complete log of all medications, including controlled substances and samples that he administers, dispenses, and or prescribes.
  - B. He shall also keep a master inventory sheet for each controlled substance which is balanced out weekly or daily to determine shortages or overages, which would include amount ordered, administered or dispensed, and balanced to determine overages and shortages.
  - C. He shall not administer, dispense or prescribe any medications, including samples, for himself, his family, or any other person who is not a legitimate and documented patient.
  - D. He shall not be permitted to accept, dispense or administer samples of controlled substances.
  - E. He shall make a photocopy of each prescription for all medications, including controlled substances and samples that he prescribes and mail the photocopies on the first day of each month to the Board.
  - F. The Board shall decide what is to be reported in both the log and the master inventory sheet and shall provide the Excel spreadsheet format to him. The format will include but not be limited to the following entries: a) medication name and quantity; b) date medication was administered, dispensed and or prescribed; c) a code for each patient name, date of birth, address, telephone number and diagnosis; d) amount ordered, administered or dispensed. By separate email a list of patient names will be provided in order to decode the log.
  - G. He shall submit electronically by email to, [sdbmoe@state.sd.us](mailto:sdbmoe@state.sd.us), the general email address of the Board with "Rx O'Connor" in the subject line every Monday prior to noon Mountain Time. If any changes are made to the Excel spreadsheet, the email address, the subject line, the reporting information, or the date and time for reporting he shall be notified by the Board in writing.
11. Once he begins his active practice of medicine, he shall provide written notification to the Board and include all the contact information regarding his employer and place of employment.

12. He shall promptly notify the Board in writing if his employer(s) notifies him about any concerns, deficiencies, violations, warnings, initiates an investigation, or imposes any type of corrective action, verbal and/or written, formal and/or informal against him.
13. If he changes employment in the future, he shall promptly notify the Board in writing each time he changes employment and will provide all contact information of his new employment.
14. If he leaves the state of South Dakota to practice medicine in another state, he shall promptly notify the Board in writing and will provide all contact information regarding his new location.
15. In the event that the Board is reasonably satisfied that he has failed to maintain compliance with SDHPAP or has breached any of the terms and conditions of this agreement, Dr. O'Connor will be notified that he is to appear at a hearing and show cause why his restricted license should not be permanently revoked.
16. No modification of this agreement is valid unless it is in writing and approved by the Board
17. If Dr. O'Connor believes that any of the conditions and restrictions placed upon his license are ambiguous or need additional clarification, he shall mail a request thereof to the Executive Director as soon as practicable.

THEREFORE, Dr. O'Connor agrees to the restrictions and conditions contained herein, and he understands that this Stipulation on Agreed Disposition, if approved by the Board, is a public record that will be reported to all agencies as deemed necessary by the Board. Dr. O'Connor agrees that the Board has the authority to approve, modify, or reject this agreement, or to make adjustments as it deems necessary, and if this agreement is modified or rejected by the Board, Dr. O'Connor agrees that a new Stipulation on Agreed Disposition shall be required to be approved by the Board before he is issued a restricted or unrestricted medical license.

Dated this 6<sup>th</sup> day of September 2009.

By: [Signature]  
 Brian L. O'Connor, MD

By: [Signature]  
 Heather Lammers Bogard  
 Attorney for Dr. O'Connor

Signed By: [Signature]  
 Board Member

Signed By: [Signature]  
 Margaret B. Hansen  
 Executive Director

THE SOUTH DAKOTA BOARD  
OF  
MEDICAL AND OSTEOPATHIC EXAMINERS

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IN THE MATTER OF THE SOUTH \* ORDER TO APPROVE  
DAKOTA BOARD OF MEDICAL \*  
AND OSTEOPATHIC EXAMINERS \* STIPULATION  
LICENSE #5215 ISSUED TO \*  
BRIAN LEE O'CONNOR, MD \* ON AGREED DISPOSITION  
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WHEREAS, Brian Lee O'Connor and his attorney met with members of the Board's Investigative Review Panel on August 13, 2009, and

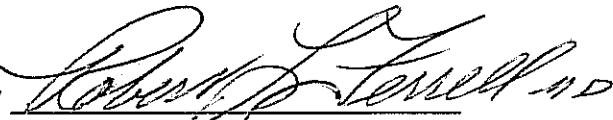
WHEREAS, the Board has jurisdiction of the parties and subject matter herein, and

WHEREAS, Dr. O'Connor understands and agrees to comply with the conditions and/or restrictions contained in the Stipulation on Agreed Disposition which he voluntarily signed on August 13, 2009.

THEREFORE, IT IS HEREBY ORDERED that Dr. O'Connor's license #5215 is reinstated with conditions and/or restrictions placed on his medical license, that Dr. O'Connor is placed on probation for as long as he is the holder of a South Dakota medical license, and that the Stipulation on Agreed Disposition is approved in its entirety.

Dated this 15<sup>th</sup> day of September, 2009.

SOUTH DAKOTA BOARD OF MEDICAL AND  
OSTEOPATHIC EXAMINERS

By   
Robert L. Ferrell, MD  
President, SDBMOE