BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **Christopher P. Creighton, M.D.** **Physician's & Surgeon's Certificate No G 140165,** **Respondent.**	**Case No. 800-2016-020938**

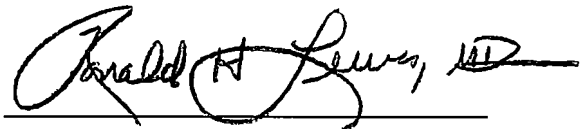
DECISION

The attached Stipulated Settlement for Public Reprimand and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on NOV 25 2020

IT IS SO ORDERED OCT 30 2020

MEDICAL BOARD OF CALIFORNIA



Ronald H. Lewis, M.D., Chair
Panel A

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
LYNNE K. DOMBROWSKI
Deputy Attorney General
State Bar No. 128080
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3439
Facsimile: (415) 703-5480
E-mail: Lynne.Dombrowski@doj.ca.gov
Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CHRISTOPHER P. CREIGHTON, M.D.** 3017 E. Renner Rd, Suite 100 Richardson, TX 75082-3575 Physician's and Surgeon's Certificate No. G 140165 Respondent.	Case No. 800-2016-020938 **STIPULATED SETTLEMENT FOR PUBLIC REPRIMAND AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brings this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Lynne K. Dombrowski, Deputy Attorney General.

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2. Respondent Christopher P. Creighton, M.D. (Respondent) is represented in this proceeding by attorney Robert W. Hodges Esq., whose address is: McNamara Law Firm, 3480 Buskirk Ave., #250, Pleasant Hill, CA 94523; Email: Robert.Hodges@McNamaraLaw.com .

3. On or about January 7, 2016, the Board issued Physician's and Surgeon's Certificate No. G 140165 to Christopher P. Creighton, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-020938 and will expire on June 30, 2021, unless renewed.

JURISDICTION

4. Accusation No. 800-2016-020938 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 20, 2019. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2016-020938 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2016-020938. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement for Public Reprimand and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2016-020938, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

2. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

3. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard by the Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Respondent Christopher Creighton, M.D., Physician's and Surgeon's Certificate No. G 140165, shall be and hereby is publicly reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This public reprimand, which is issued in connection with Respondent's conduct as set forth in Accusation No. 800-2016-020938, is as follows:

> You demonstrated unprofessional conduct in your acts and omissions in the treatment of Patient A and through the conduct that was the basis of the discipline issued against you by the Missouri State Board of Registration for the Healing Arts on August 28, 2017, pursuant to Business and Professions Code section 2234, subdivision (c) and section 2266.

B. IT IS FURTHER ORDERED:

1. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A prescribing practices course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

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Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

2. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert W. Hodges Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California. I fully understand that any failure to comply with the terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct and that my Physician's and Surgeon's Certificate will be subject to further disciplinary action.

DATED: 10/02/2020

CHRISTOPHER P. CREIGHTON, M.D.
Respondent

I have read and fully discussed with Respondent Christopher P. Creighton, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: OCT 5, 2020

ROBERT W. HODGES ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: October 6, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

Lynne K. Dombrowski

LYNNE K. DOMBROWSKI
Deputy Attorney General
Attorneys for Complainant

SF2018201936

Exhibit A

Accusation No. 800-2016-020938

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
LYNNE K. DOMBROWSKI
Deputy Attorney General
State Bar No. 128080
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3439
Facsimile: (415) 703-5480

Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Feb. 20 2019
BY _____ ANALYST

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CHRISTOPHER P. CREIGHTON, M.D.** 1436 Greenfield Drive Plano, TX 75025 Physician's and Surgeon's Certificate No. G 140165, Respondent.	Case No. 800-2016-020938 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On January 7, 2016, the Medical Board issued Physician's and Surgeon's Certificate No. G 140165 to Christopher P. Creighton, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2019, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

"(1) Have his or her license revoked upon order of the board.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

"(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."

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5. Section 2234 of the Code, states, in pertinent part:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"..."

6. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

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7. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

8. Section 2266 of the Code provides that the failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

9. On August 28, 2017, the Missouri State Board of Registration for the Healing Arts (Missouri Board) issued a Settlement Agreement Between the Missouri State Board of Registration for the Healing Arts and Christopher P. Creighton, M.D. (Settlement Agreement) regarding Respondent's license to practice medicine in the State of Missouri. The Settlement Agreement contains the following joint stipulations:

A. Respondent held a controlled substance registration with the Missouri Department of Health and Senior Services, Bureau of Narcotics and Dangerous Drugs (BNDD);

B. On November 24, 2015, BNDD conducted an inspection of Respondent's business location which revealed Respondent failed to maintain a separate log for

controlled substance dispensing and failed to store controlled substances in a securely-locked cabinet or safe;

C. Respondent's failure to maintain a separate log for controlled substance dispensing is cause to discipline Respondent's license issued by the Missouri Board; and

D. Respondent's failure to store sample bottles of controlled substances in a securely-locked cabinet or safe is cause to discipline Respondent's license issued by the Missouri Board.

10. Pursuant to the Settlement Agreement, Respondent's license to practice medicine in the State of Missouri was publicly reprimanded.

11. A true and correct copy of the Settlement Agreement issued by the Missouri Board is attached as Exhibit A.

12. Respondent's conduct and the action of the Missouri Board, as set forth in paragraphs 8 through 10, above, and within the Settlement Agreement attached as Exhibit A, constitute unprofessional conduct within the meaning of Business and Professions Code section 2305 and conduct subject to disciplinary action within the meaning of Business and Professions Code section 141, subdivision (a).

SECOND CAUSE FOR DISCIPLINE

(Gross Negligence)

13. Respondent Christopher P. Creighton, M.D., has further subjected his Physician's and Surgeon's Certificate No. G 140165 to disciplinary action under section 2227, as defined by 2234, subdivision (b), of the Code, in that he committed gross negligence in his care and treatment of Patient A,[1] as more particularly alleged herein after:

14. From 2013 through 2016, Patient A was treated by another physician for, among other things, ankle pain and lower back pain. Patient A was prescribed several controlled

[1] Patient identity is withheld for patient privacy purposes. Respondent is aware of the identity of the patient referred to herein.

substances, including, but not limited to: fentanyl transdermal patches,[2] Dilaudid,[3] morphine[4] and methadone.[5]

15. In or around January 2016, Patient A was receiving high dose opioid therapy, which included, methadone (35 mg per day) and Dilaudid (12 mg per day), equating to a morphine equivalent dose[6] (MED) of 560 mg per day.

16. On or about February 1, 2016, Respondent joined the practice where Patient A was receiving care.

17. In or around March 2016, Respondent took over the care and treatment of Patient A.

18. On March 15, 2016, Patient A presented with complaints of continued ankle pain and was seen by Respondent for the first time. Respondent issued prescriptions to Patient A, refilling her methadone (5 mg) seven times per day and Dilaudid (4 mg) three times per day for a total MED of 560 mg per day. Records for this visit are sparse and do not indicate Respondent performed an adequate reassessment of Patient A. Specifically, records for this visit show no

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[2] Fentanyl, brand name Duragesic, is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (c), and a dangerous drug pursuant to Business and Professions Code section 4022. Fentanyl is a potent opioid. In general, 1 mcg per hour of fentanyl is approximately equivalent to 2.4 morphine milligram equivalent in a 24-hour period.

[3] Dilaudid is a brand name for hydromorphone, a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and Professions Code section 4022. Dilaudid is an opioid commonly used to treat severe pain.

[4] Morphine, brand name, MS Contin, is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and Professions Code section 4022. Morphine is an opioid commonly used to treat long term severe pain.

[5] Methadone is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (c), and a dangerous drug pursuant to Business and Professions Code section 4022. Methadone is a potent long-acting synthetic opioid, indicated for use only in opiate tolerant patients. Methadone is rapidly orally absorbed, therefore having an analgesic effect within 30 minutes of oral administration. However, its peak opiate effect is often not attained for 3 to 5 days. Therefore, Methadone is never to be prescribed with a variable or flexible dose regimen, and is only to be prescribed with a fixed dosing schedule, under close supervision, and only after careful patient instruction regarding the potentially lethal consequences of self-adjustment of dosage.

[6] Morphine Equivalent Dose (MED), also commonly referred to as Morphine Milligram Equivalent (MME), is used to equate different opioids into one standard value, based on morphine and its potency, referred to as MED or MME. MED/MME calculations permit all opioids to be converted to an equivalent of one medication, for ease of comparison and risk evaluations. In general, the standard of practice is to limit a patient's opioid dose to less than 50 mg MED/MME in most patients receiving opioid treatment for chronic pain, and to exceed 90 mg MED/MME in only the most unusual circumstances.

indication of an evaluation of pain scores, functional metrics, risks and benefits of opioid therapy, or an overall treatment plan. Additionally, records for this visit do not indicate any discussion regarding a tapering plan from the opioid medications or any discussion regarding the efficacy of the opioid therapy Patient A was receiving.

19. On or about April 13, 2016, Patient A presented for follow up. During this visit, Respondent performed a sacroiliac joint injection (SIJI) and refilled Patient A's prescriptions for methadone (5 mg) seven times per day and Dilaudid (4 mg) three times per day for a total MED of 560 mg per day. The medical record contains no report of the injection procedure, and only minimal documentation that the procedure occurred.

20. On or about April 13, 2016, Patient A provided a urine sample for drug and alcohol screening. The sample tested positive for the presence of alcohol.

21. On or about April 25, 2016, the lab result from the April 13, 2016 urine sample was reviewed and signed by Respondent.

22. On or about April 29, 2016, Patient A presented for follow up. During this visit, Respondent spoke with Patient A regarding her positive alcohol result, noted by Respondent as a "high" level. According to notes for this visit, Patient A informed Respondent she typically consumed less than one glass of wine at night. Respondent sent Patient A to have a second urine drug and alcohol screen. Respondent's record of the visit contains little documentation of the discussion with Patient A regarding her alcohol consumption.

23. On or about April 29, 2016, Patient A provided a urine sample for drug and alcohol screening. The sample tested positive for the presence of alcohol.

24. On or about May 9, 2016, the lab result from the April 29, 2016 urine sample was reviewed and signed by Respondent. No response to the positive test was documented.

25. On or about May 13, 2016, Patient A provided a urine sample for drug and alcohol screening. The sample tested positive for the presence of alcohol.

26. On or about May 23, 2016, the lab result from the May 13, 2016 urine drug screen was reviewed and signed by a nurse practitioner at the same clinic.

27. From on or about May 2016, through on or about August 2016, Patient A was seen by a nurse practitioner at the same clinic as Respondent.

28. On or about August 8, 2016, Patient A presented with increased lower back pain. Records for this visit indicate Patient A was seen by Respondent, who refilled Patient A's prescriptions for methadone (5 mg) seven times per day, and Dilaudid (4 mg) three times per day for a total MED of 560 mg per day. Respondent's medical record contains little information regarding the patient's treatment plan or response to treatment.

29. Respondent committed gross negligence in his care and treatment of Patient A, which included, but is not limited to:

A. Respondent failed to obtain an electrocardiogram (EKG) of Patient A prior to prescribing methadone, after dose escalations, or during sustained treatment; and

B. Respondent failed to respond appropriately to Patient A's multiple episodes of positive urine drug and alcohol screens showing the presence of alcohol in the setting of chronic opioid therapy, and in particular while the patient was taking methadone.

THIRD CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

30. Respondent Christopher P. Creighton, M.D., has further subjected his Physician's and Surgeon's Certificate No. G140165 to disciplinary action under section 2227, as defined by 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in his care and treatment of Patient A, as more particularly alleged herein after:

A. Paragraphs 12 through 28, above, are hereby incorporated by reference and realleged as if fully set forth herein; and

B. Respondent failed to reassess Patient A as a new patient under his care or discuss a tapering plan of her opioid therapy.

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FOURTH CAUSE FOR DISCIPLINE

(Medical Records)

31. Respondent is subject to disciplinary action for unprofessional conduct under Sections 2234 and/or 2266 of the Code for failure to maintain adequate and accurate records regarding his treatment of Patient A, as alleged in paragraphs 13-28, which are hereby incorporated by reference and realleged as if fully set forth herein.

FIFTH CAUSE FOR DISCIPLINE

(Violation or Violations of a Provision or Provisions of the Medical Practice Act)

32. Respondent Christopher P. Creighton, M.D., has further subjected his Physician's and Surgeon's Certificate No. G140165 to disciplinary action under section 2227, as defined by 2234, subdivision (a), of the Code, in that he committed a violation or violations of a provision or provisions of the Medical Practice Act, as more particularly alleged in paragraphs 8 through 29, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate No. G 140165, issued to Respondent Christopher P. Creighton, M.D.;

2. Revoking, suspending or denying approval of Respondent Christopher P. Creighton, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent Christopher P. Creighton, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: February 20, 2019

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A

SETTLEMENT AGREEMENT BETWEEN THE MISSOURI STATE BOARD OF REGISTRATION FOR THE HEALING ARTS AND CHRISTOPHER P. CREIGHTON, MD

COMES NOW Christopher P. Creighton, MD, ("Licensee") and the Missouri State Board of Registration for the Healing Arts ("the Board"), and enter into this agreement for the purpose of resolving the issue of whether Licensee's physician and surgeon's license is subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to section 621.045, RSMo[1].

1. Licensee acknowledges that he understands the various rights and privileges afforded to him by law, including the right to a hearing of the charges; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing; the right to present evidence on his own behalf; the right to a decision based upon the record concerning the charges pending against him; and the right to present evidence in mitigation of discipline at a hearing before the Board. Having been advised of these rights provided to him by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights, freely enters into this agreement and agrees to abide by the terms of this document as they pertain to him.
2. Licensee acknowledges that he may, at the time this agreement is effective or within fifteen (15) days thereafter, submit this agreement to the Administrative Hearing Commission to determine whether the facts agreed to by the parties constitute grounds to discipline Licensee's license.
3. Licensee acknowledges that he has been advised of his right to consult legal counsel in this matter.
4. The parties stipulate and agree that the discipline agreed to by the Board and Licensee in the consent order in Part III is based only on the agreement set out in Parts I and II herein.
5. Licensee understands and agrees that the Board will maintain this agreement as an open record as required by Chapters 324, 334, and 610, RSMo, and it will report this agreement to the National Practitioner's Data Bank ("NPDB") and the Federation of State Medical Boards ("FSMB").

[1] All statutory references are to the Revised Statutes of Missouri Cumulative Supplement (2013), unless otherwise stated.

I. JOINT STIPULATION OF FACTS

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

6. The Board is an agency of the State of Missouri created and established pursuant to section 334.120, RSMo for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
7. Licensee is licensed by the Board as a physician and surgeon, license number 100262, which was first issued on March 12, 1992. Licensee's license is presently current and active, and it was current and active at times relevant herein.
8. Licensee is a Board Certified Anesthesiologist with added Certification in Pain Management.
9. Licensee held a controlled substance registration with the Missouri Department of Health and Senior Services, Bureau of Narcotics and Dangerous Drugs ("BNDD") for a business located at 7508 Big Bend Boulevard, Webster Groves, Missouri 63119. Said controlled substance registration was scheduled to expire on June 30, 2016.
10. On November 24, 2015, BNDD conducted an inspection of Licensee's business location. Said inspection revealed that Licensee failed to maintain a separate log for controlled substance dispensing and that he failed to store controlled substances, specifically sample bottles of Nuvigil, a Schedule IV controlled substance, and Lyrica, a Schedule V controlled substance, in a locked cabinet or safe.
11. Licensee's failure to maintain a separate log for controlled substance dispensing constitutes a violation of 20 CSR 2150-5.020(7), a lawful rule adopted pursuant to Chapter 334, RSMo.
12. The above is cause to discipline Licensee's license pursuant to section 334.100.2(6), RSMo.
13. Licensee's failure to store sample bottles of Nuvigil, a Schedule IV controlled substance, and Lyrica, a Schedule V controlled substance, in a securely-locked, substantially constructed cabinet constitutes a violation of 19 CSR 30-1.034(1)(B).
14. The above is cause to discipline Licensee's license pursuant to section 334.100.2(13), RSMo.

II. JOINT CONCLUSIONS OF LAW

15. Cause exists to discipline Licensee's license pursuant to sections 334.100.2(6) and 334.100.2(13), RSMo which state:

> 334.100.2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:
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> (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or regulation adopted pursuant to this chapter or chapter 324;
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> *******
>
> (13) Violation of the drug laws or rules and regulations of this state, including but not limited to any provision of chapter 195, any other state, or the federal government
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> *******

16. Missouri Code of State Regulations Title 19 CSR 30-1.034(1)(B) provides:

> 19 CSR 30-1.034 Security for Practitioners (1) Physical Security.
> (B) Controlled substances listed in Schedules III, IV, and V shall be stored in a securely-locked, substantially constructed cabinet. However, pharmacies may disperse these substances throughout the stock of noncontrolled substances in such a manner as to obstruct the theft or diversion of the controlled substances.

17. Missouri Code of State Regulations Title 20 CSR 2150-5.020(7) provides:

> 20 CSR 2150-5.020 Nonpharmacy Dispensing. (7) Whenever dispensing takes place, appropriate records shall be maintained. These records must be adequate to show the name of the patient, the name and strength of the drug dispensed, the quantity, the dose, etc. A separate log must be maintained for controlled substance dispensing.

18. Licensee's conduct, as established by the foregoing facts, falls within the intendments of sections 334.100.2(6) and 334.100.2(13)RSMo.

19. Cause exists for the Board to take disciplinary action against Licensee's license under sections 334.100.2(6)and 334.100.2(13) RSMo.

III. CONSENT ORDER ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of section 621.110, RSMo. This agreement, including the disciplinary order, will be effective immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

20. The physician and surgeon's license issued by the Board to Licensee, number 100262, is hereby **PUBLICLY REPRIMANDED.**

21. If Licensee is licensed in other jurisdictions, he shall forward written notice of this disciplinary action to the medical licensing authorities of those jurisdictions within thirty (30) days of the effective date of this agreement. Licensee shall submit a copy of the written notice to the Board contemporaneously with sending it to the relevant licensing authority. If Licensee is not licensed in other jurisdictions, he shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this agreement.

22. Licensee shall, within thirty (30) days of the effective date of this agreement, forward written notice of this disciplinary action to all employers, hospitals, nursing homes, out-patient centers, clinics, and any other facility where Licensee practices or has privileges. Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If Licensee does not have an employer, staff privileges or practice at any facility, he shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this agreement.

23. Licensee shall, within thirty (30) days of the effective date of this agreement, forward written notice of this disciplinary action to any allied health care professionals supervised by Licensee. Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If Licensee does not supervise any allied health professionals, he shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this agreement.

24. For purposes of this agreement and unless otherwise specified herein, all reports, documentation, evaluations, notices, or other materials Licensee is required to submit to the Board in this agreement shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Enforcement, P.O. Box 4, Jefferson City, Missouri 65102.

25. This agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo by Licensee, either currently known to the Board or later discovered, but this Agreement does preclude further action by the Board against Licensee arising out of conduct described in this document and described in the BNDD report/audit at issue.

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

LICENSEE

8/21/17

Christopher P. Creighton, MD
Licensee — Date

Kenneth W Bean

Attorney for Licensee
Missouri Bar No. 28249 — Date 8/25/17

BOARD

Connie Clarkston 8/28/17

Connie Clarkston
Executive Director — Date

8/28/17

Frank DiMaggio
Associate General Counsel
Missouri Bar No. 31009 — Date

EFFECTIVE THIS 28th DAY OF August, 2017.

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