REDACTED

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

In the Matter of the Accusation Against:	)	
Joseph R. Rees, M.D.	)	**File No: 16-93-26958**
Certificate # G-15150	)	
Respondent.	)	

DECISION

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on September 25, 1995 **.**

It is so ordered August 25, 1995 **.**

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA

Karen McElliott

Karen McElliott, Chair
Panel B

DANIEL E. LUNGREN, Attorney General
of the State of California
JANA L. TUTON, Supervising
Deputy Attorney General
DANIEL J. TURNER
Deputy Attorney General
1515 K Street, P.O. Box 944255
Sacramento, California 94244-2550
Telephone: (916) 327-7852

Attorneys for Complainant Division of
Medical Quality, Medical Board of
California

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

In the Matter of the Accusation Against: JOSEPH R. REES, M.D. 924 24th Street, #4 Ogden, Utah 84401 Physicians and Surgeons Certificate No. G-15150 Respondent.	No. 16-93-26958 STIPULATION

The parties to this action stipulate and agree as follows:

1. Respondent JOSEPH R. REES, M.D. (hereinafter "respondent") was hereto issued Physician and Surgeon Certificate No. G-15150 to practice medicine under the laws of the State of California. Said certificate is presently current and in full force and effect.

2. On or about June 16, 1994 an accusation bearing number D-5441 was filed by Dixon Arnett, Executive Director of

1 the Medical Board of California, in his official capacity as
2 such. The accusation alleged causes of disciplinary action
3 against respondent, and is incorporated hereby by reference as
4 though fully set forth at this point. Accusation number 16-93-
5 26958 alleges that respondent is subject to disciplinary action
6 pursuant to Business and Professions Code sections 2234 and 2305.
7 Respondent was duly and properly served with accusation number
8 16-93-26958 by certified mail.

9 3. Respondent has retained Roger J. McConkie, as his
10 attorney in this matter. Respondent has fully discussed with his
11 counsel the charges and allegations of violation of the
12 California Business and Professions Code alleged in accusation
13 number 16-93-26958 and has been fully advised of his rights under
14 the Administrative Procedure Act of the State of California,
15 including his right to a formal hearing and opportunity to be
16 defended against the charges contained therein, and
17 reconsideration and appeal of any adverse decision that might be
18 rendered following said hearing. Respondent knowingly and
19 intelligently waives his rights to a hearing, reconsideration,
20 appeal and to any and all other rights which may be accorded him
21 pursuant to the Administrative Procedure Act regarding the
22 charges contained in accusation number 16-93-26958 subject to the
23 provisions of paragraph 6 herein.

24 4. Respondent, without admitting or denying the
25 allegations in the accusation, stipulates for the purpose of this
26 proceeding and any other proceeding between the parties and any
27 other action taken by and before any governmental body

1 responsible for licensing, that the following allegations shall
2 be deemed to be true and that the Division of Medical Quality
3 shall have jurisdiction to impose the order set forth in this
4 stipulation:
5 Respondent is subject to disciplinary action pursuant
6 to sections 2234 and 2305 of the Code for the following:
7 A. On or about November 25, 1991, the Utah
8 Division of Occupations and Professional Licensing, disciplined
9 respondent's license to practice medicine. A copy of the Utah
10 order is attached hereto as Exhibit A and incorporated by
11 reference herein.
12 B. On or about June 23, 1993, respondent entered
13 into a stipulation with the Wyoming Board of Medicine,
14 disciplining respondent's license to practice medicine. A copy
15 of the Wyoming stipulation is attached hereto as Exhibit B and
16 incorporated by reference herein.
17 C. On or about January 29, 1993, the Department
18 of the Air Force restricted respondent's clinical privileges due
19 to inadequate documentation and medical care mismanagement. A
20 copy of the Department of the Air Force's Report of Action is
21 attached hereto as Exhibit C and incorporated by reference
22 herein.
23 5. Based on the foregoing stipulation, the Division of
24 Medical Quality, Medical Board of California, may issue the
25 following order:
26 ///
27 ///

A. The license to practice medicine and surgery in the State of California issued to respondent is hereby revoked, provided, however, that execution of this order of revocation is stayed and respondent is placed on probation for five (5) years upon the following terms and conditions:

(1) Within sixty (60) days of the effective date of this decision, respondent shall take and pass an oral exam in emergency room practice and general surgery. If respondent fails this examination, respondent must take and pass a re-examination consisting of a written as well as an oral examination. The waiting period between repeat examinations shall be at three month intervals until success is achieved. If respondent fails the first examination, respondent shall cease the practice of medicine until the re-examination has been successfully passed, as evidenced by written notice to respondent from the Division. Failure to pass the required examination no later than 100 days prior to the termination date of probation shall constitute a violation of probation. Respondent shall pay the costs of all the above examinations.

(2) Respondent shall not prescribe, administer, dispense, order, or possess any controlled substances as defined in the California Uniform Controlled Substances Act, except for the following:

a. Tylenol
b. Morphine Sulphate
c. MS Contin
d. Meperidine HCL
e. Oxycodone
f. Dextropropoxyphene HCL
g. Dalmane
h. Versed

i. Valium
j. Lomotil
k. Paregoric
l. Fiorinol
m. Hycodan Cough Syrup
n. Phenobarbital
o. Xanax
p. Restoril

If respondent is practicing medicine as an emergency room physician, the above restrictions do not apply and respondent may prescribe; administer; dispense; order or possess any controlled substance as defined in the California Uniform Controlled Substances Act, as required while practicing as an emergency room physician except for phendimetrazine and similar appetite suppressant medications.

(3) Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a prescription.

Orders forbidding respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by another practitioner.

(4) Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon the request of the Division or its designee.

(5) Within 30 days of the effective date of this decision, respondent shall be evaluated by the Division's

1 Diversion Program. Should the Division's Diversion Program
2 thereafter determine that respondent is eligible for the
3 Diversion Program, respondent shall enroll and participate in the
4 Diversion Program until the Division determines that further
5 treatment and rehabilitation is no longer necessary. Quitting
6 the program without permission or being expelled for cause shall
7 constitute a violation of probation by respondent.
8 (6) Respondent shall obey all federal, state
9 and local laws, and all rules governing the practice of medicine
10 in California.
11 (7) Respondent shall submit quarterly
12 declarations under penalty of perjury on forms provided by the
13 Division, stating whether there has been compliance with all
14 conditions of probation.
15 (8) Respondent shall comply with the
16 Division's probation surveillance program.
17 (9) Respondent shall appear in person for
18 interviews with the Division's medical consultant upon request at
19 various intervals and with reasonable notice.
20 (10) The period of probation shall not run
21 during the time respondent is residing or practicing outside the
22 jurisdiction of California. If, during probation, respondent
23 moves out of the jurisdiction of California to reside or practice
24 elsewhere, respondent is required to immediately notify the
25 Division in writing of the date of departure, and the date of
26 return, if any.
27 (11) Upon successful completion of

probation, respondent's certificate will be fully restored.

(12) If respondent violates probation in any respect, the Division after giving respondent notice and the opportunity to be heard, may revoke probation and impose the revocation what was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

6. It is agreed that the terms set forth herein shall be null and void and not binding upon the parties hereto unless approved by the Medical Board of California of the State of California.

DANIEL E. LUNGREN, Attorney General
of the State of California

DATED: 6-13-95

DANIEL J. TURNER
Deputy Attorney General

Attorneys for Complainant

DATED: May 6, 1995

ROGER J. McCONKIE

Attorney for Respondent

DATED: May 25TH, 1995

JOSEPH R. REES, M.D.

Respondent

DJT:cl
Rees2.stp

EXHIBIT A

R. PAUL VAN DAM, #3312
Utah Attorney General
MELISSA M. HUBBELL, #5090
Assistant Attorney General
36 South State, 11th Floor
Salt Lake City, Utah 84111
Telephone: (801) 533-3200

BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL

LICENSING OF THE DEPARTMENT OF COMMERCE

OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF JOSEPH RICHARD REES TO PRACTICE MEDICINE AND TO PRESCRIBE AND ADMINISTER CONTROLLED SUBSTANCES IN THE STATE OF UTAH	:	STIPULATION & ORDER CASE NO: OPL-91-38

Joseph Richard Rees ("Respondent") by and through counsel Ronald E. Nehring and the Division of Occupational & Professional Licensing ("the Division") by and through counsel, Melissa M. Hubbell, Assistant Attorney General, hereby stipulate and agree as follows:

1. Respondent is and has been a licensee of the Division at all times relevant to this case.

2. The Division has jurisdiction over Respondent and over the subject matter of this action.

3. Respondent acknowledges that he enters into this Stipulation voluntarily, and that no promise or threat whatsoever has been made by the Division, or any member, officer, agent or representative of the Division to induce him to enter into this Stipulation.

4. Respondent acknowledges that he has been represented by counsel, Ronald E. Nehring during this proceeding and that he

enters into this Stipulation with the advice of counsel. Respondent also acknowledges that he has a personal knowledge and understanding of the terms of this Stipulation.

5. Respondent waives the right to confront adverse witnesses and the right to a hearing before the Division.

6. Pursuant to complaint, the Division initiated an investigation into alleged violations of Utah Code Ann. §§ 58-12-35(1)(a), 58-12-36(15), 58-37-6(4)(a)(vi), 58-37-8(3)(a)(i) and § R153-37-9(1)(2) and (6) of the Controlled Substances Rules.

7. The Division has completed its investigation and alleges that Respondent is in violation of the provisions cited in paragraph 6 above, based upon the allegation of fact contained in the Amended Petition filed in the present case, which Amended Petition is incorporated by reference to this Stipulation & Order.

8. The parties hereto have agreed to stipulate to the follow facts:

a. On or about March, 1989, the Division received information from a confidential source regarding concerns about Respondent's purchase of certain controlled substances. Documentation regarding Respondent's purchases were requested from Rugby Laboratories. Copies of the invoices were subsequently provided, these invoices indicated that Respondent had ordered thirty thousand (30,000) dosages of Phendimetrazine, a Schedule III controlled substance from March 8, 1988 through August 9, 1989.

b. On or about October 12, 1989, Christine Godnick, an Investigator with the Division, and Richard Maughan, an

Investigator with the Drug Enforcement Administration, conducted an audit in the Respondent's medical office of controlled substances he purchased from March 1988 through August 1989. Respondent had purchased thirty thousand (30,000) dosages of Phendimetrazine during the just stated period, but was unable to account for twenty seven thousand six hundred and fifty one (27,651) doses. Two thousand three hundred forty nine dosages (2,349) dosages remained in Respondent's possession. Respondent had a copy of one invoice but did not have any records pertaining to the other purchases. Respondent told investigators he had administered some of the drugs to himself and family members, although he did not maintain any record of the administrations.

c. On or about February 11, 1991, an Administrative Inspection Warrant was signed by the U.S. Magistrate for an inspection and inventory of Respondent's controlled substance inventory.

d. On or about February 12, 1991, Drug Enforcement Investigators, Richard Maughan and Robert Johnson conducted the inspection and inventory of Respondent's office. Respondent was informed by the investigators that they wanted to examine records relating to receipt and dispensing of thirty thousand (30,000) dosage units of phendimetrazine purchased during 1989. Respondent stated he had no receipts for the purchases. Respondent then took a bottle out of his desk drawer that was an empty five thousand (5000) count phendimetrazine container bearing Rugby's label. This was the bottle that had contained the remaining two thousand three

hundred and forty nine (2,349) doses that had been left in Respondent's possession after the October 1989 inspection. Respondent stated that at this time there were none on hand and that he had not ordered or received any more. The bottle contained slips of paper he claimed to be his dispensing records of the two thousand three hundred forty nine (2,349) tablets. These slips allegedly account for approximately eleven hundred sixty five (1,165) dosage units, eleven hundred and eighty four (1,184) doses were unaccounted for. Respondent told investigators Maughan and Johnson that he self-administered the remainder of the drugs to himself to treat his problems with depression.

e. On or about February 12, 1991, investigators Maughan and Johnson requested copies of patient records for the patients recorded on the slips of paper as receiving doses of phendimetrazine. A review of the records of these patients made no reference to dispensing phendimetrazine to any of the patients.

9. Respondent admits the aforereferenced allegations of fact and that such allegations constitute violations of Utah Code Ann. §§ 58-12-35(1)(a), 58-12-36(15), 58-37-6(4)(a)(vi), 58-37-8(3)(a)(i) and § R153-37-9(1)(2) and (6).

10. Respondent agrees to the imposition of the following sanctions:

Respondent's license to Dispense Controlled Substances shall be revoked. Respondent's license to Practice Medicine shall be suspended, but both revocation and suspension shall be stayed in favor of a five year probation subject to the following terms and

Within thirty (30) days of the effective date of the companying Order, Respondent shall enter an in-patient eatment program approved by the Physician's Licensing Board.

Respondent shall participate in and successfully complete the aftercare program associated with his treatment. If, after the first year of probation, the Board determines that aftercare attendance may be terminated, or attended on a less frequent basis, the Board may, in its discretion, allow Respondent to terminate aftercare, or reduce the required frequency of his attendance. Respondent shall provide quarterly reports to the Board containing documentary evidence of continuing participation in the approved aftercare group. At the end of the required period of attendance, the director of the program shall provide the Board with documentation concerning Respondent's completion of the program and appropriate follow-up.

c. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the Controlled Substances Act, and dangerous drugs as defined by law, or any drugs requiring a prescription, unless such drug is lawfully prescribed for him for a bona fide illness or condition by a licensed practitioner and taken according to that practitioner's instructions for the specific illness or condition for which prescribed. Respondent shall inform the Division and the drug testing company of any prescriptions for controlled substances lawful prescribed for him.

d. Respondent shall submit to random blood and/or urine testing upon the request of the Division or any company with whom the Division has contracted to conduct drug testing. The company shall determine when and where Respondent is to submit himself for testing. Respondent shall pay for the cost of drug testing and shall sign any and all release forms authorizing the company to send the drug test results to the Division.

e. Respondent shall meet with the Board at the beginning of his probation, every three months during the first year of his probation, and every six months thereafter during the term of his probation.

f. Respondent shall immediately surrender to Division investigators or other authorized agents any controlled substances in his possession unless the controlled substances have been lawfully prescribed to him by a licensed practitioner for a bona fide illness or injury.

g. Respondent shall submit to the Physician's Licensing

Board a list of those controlled substance he needs to prescribe in order to enable him to maintain his surgical practice. The list shall be subject to the Board's approval and Respondent shall prescribe only the approved controlled substances. Respondent shall only prescribe these substances for patients and shall not prescribe for himself or his family. Respondent shall further be required to maintain a strict record of all prescriptions of controlled substances. This record shall be submitted to the Division every six months during the probationary term.

11. If Respondent successfully completes the terms of this Stipulation, Respondent's licenses shall be fully restored by the Division.

12. If Respondent violates probation in any respect, the Division, after giving Respondent notice and the opportunity to be heard, may revoke probation and impose any sanction stayed thereby, and/or may otherwise proceed against Respondent under applicable law. If a complaint or petition to revoke probation is filed against Respondent during probation, the period of probation shall be extended until the matter is final.

13. Respondent acknowledges that this Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter. Respondent further acknowledges that the Director of the Division may not accept the terms of this Stipulation and Order and that if the Stipulation is not accepted by the Director, it is null and void and without any force of effect.

14. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between

the parties. There are no verbal agreements which modify, interpret, construe or affect this agreement.

DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

DATED: 11-21-91

BY: [signature]
MELISSA A. HUBBELL
Assistant Attorney General

RESPONDENT

DATED: 11-18-91

BY: Joseph Richard Rees
JOSEPH RICHARD REES
Respondent

APPROVED AS TO FORM:

DATED: 11.20.91

BY: Ronald Nehring
RONALD E. NEHRING
Counsel for Respondent

ORDER

The above Stipulation is hereby approved by the Division of Occupational & Professional Licensing and constitutes my Findings of Facts and Conclusions of Law in this matter. The terms and conditions of the Stipulation are hereby adopted as the Order of the Division of Occupational & Professional Licensing.

DATED this 25th day of ~~August~~ November, 1991.

DAVID E. ROBINSON
Director

EXHIBIT B

THE STATE OF WYOMING

MIKE SULLIVAN
GOVERNOR

Board of Medicine

BARRETT BUILDING CHEYENNE, WYOMING 82002

TELEPHONE: (307) 777-6463

WYOMING BOARD OF MEDICINE

CERTIFICATION

I, Carole Shotwell, Executive Secretary for the Wyoming Board of Medicine, certify that the Wyoming Board of Medicine is the record keeping agency and the agency which is responsible for licensing physicians in the State of Wyoming. As Executive Secretary, I am the keeper of the records of administrative proceedings before the Wyoming Board of Medicine.

I further certify that the attached copy of a Stipulation for Issuance of Physician's License With Conditions dated June 23, 1993 and an Agreement to Correct Stipulation for Issuance of Physician's License With Conditions dated September 30, 1993, in the matter of Joseph R. Rees, M.D., are accurate copies of the documents as they appear in the file.

Dated this 8th day of October, 1993.

Carole Shotwell, Executive Secretary
WYOMING BOARD OF MEDICINE

SEAL

STIPULATION FOR ISSUANCE OF PHYSICIAN'S LICENSE WITH CONDITIONS

STIPULATION dated this 23 day of June, 1993, by and between the Wyoming Board of Medicine (hereinafter "Board") and Joseph R. Rees, M.D., (hereinafter "Rees"):

WITNESSETH:

WHEREAS, the Board is the duly authorized agency of the State of Wyoming charged with the duties and powers set forth in the Wyoming Medical Practices Act, W.S. 33-26-101 et seq, including, but not limited to, the power to issue physician's licenses to qualified applicants; and

WHEREAS, Rees has applied to the Board for a Wyoming Physician's License; and

WHEREAS, Rees' application for licensure and his own statements to the Board during his personal interview before the Board on June 5, 1993, reveal that he has had prior alcohol dependency involvements ; and

WHEREAS, due to the circumstances of Rees' impairment, and the circumstances of his intended practice in the State of Wyoming, the Board has determined that the health and safety of the people of the State of Wyoming dictate that conditions be placed upon Rees' licensure which are intended to assist Rees in his continued rehabilitation and recovery and insure that his medical practice will be conducted without any interference from alcohol dependency; and

WHEREAS, based upon the terms and agreements set forth herein, upon Rees' execution hereof, the Board shall issue a Wyoming Physician's license to Rees which shall be encumbered by the terms and conditions of this Stipulation.

NOW THEREFORE, by and for their mutual covenants and agreements herein contained, the parties agree as follows:

1. The Board is the sole and exclusive regulatory and licensing agency in the State of Wyoming regarding the practice of medicine and surgery. Rees acknowledges and agrees that the Board has jurisdiction and authority to impose the conditions set forth herein and to enter into this Stipulation. By his execution hereof and acceptance of a Wyoming Physician's license under the conditions set forth herein, Rees waives any rights he may have to a hearing before the Board on his license application and any claims based upon any perceived defects in the manner by which the Board reviewed his application, conducted its interview with him and/or the manner in which the Board has imposed the conditions on licensure set forth herein. Rees agrees that this Stipulation is in accordance with the requirements of law and that the Board is lawfully constituted to consider this matter to include consideration of this Stipulation.

2. Respondent further agrees that the Wyoming Medical Practice Act, W.S. 33-26-101 et seq., is constitutional on its face and as applied in this application and Stipulation.

3. Under the provisions of W.S. 33-26-202 (b)(i) and (xi), the Board has the authority to enter impose restrictions on and periodically review the compliance with any restrictions or conditions placed upon any physician's license by it.

4. Upon execution hereof by all parties, the Board shall issue a Wyoming Physician's license to Rees which shall be encumbered by the following terms and conditions:

a. Rees must participate in a substance abuse aftercare program; and

b. Rees shall submit biannual reports of his participation in counseling and medication monitoring from C. Craig Nelson, M.D. and G. Thomas Blanch, M.D.

c. In the event that Rees intends to practice in the State of Wyoming, he agrees to inform the Board in writing of such intention and the circumstances and location of each intended practice at least thirty (30) days prior to the date on which he intends to start such practice.

d. In the event that Rees commences the practice of medicine in the State of Wyoming, he agrees to submit to provide the Board with copies of the urine screens he receives pursuant to his compliance with his agreement with the State of Utah.

5. The conditions set forth in ¶ 4 above shall remain in effect until June 16, 1996, at which time if they have been completely complied with, they shall expire.

6. The physician's license to be issued to Rees by the Board shall not restrict the area or scope of Rees' medical practice.

7. Should Rees fail to comply with the provisions of this Stipulation, such action may result in the Board or Board designee holding an informal investigative inquiry, to which Rees now consents, at a location designated by the Board, to determine whether Rees should be held in violation of this Stipulation. Upon determination that Rees has breached or violated this Stipulation, the Board may take such disciplinary action as the Board deems appropriate, including, but not limited to disciplinary proceedings pursuant to W.S. 33-26-401 et seq.

8. This Stipulation and the fact that Rees' Wyoming physician's license is subject to the conditions set forth herein shall constitute a final Order of the Board subject to the disclosure to the National Practitioner's Data Bank, the Federation of State Medical Boards and those federal and state agencies, public and private health care facilities and individuals who are entitled to information about the status of physician's licenses. This Stipulation shall be subject to disclosure to those persons

acting as agents of the Board for the purpose of carrying out the interview, testing and reporting conditions set forth above.

9. Nothing in this Stipulation shall be construed to deny the Board jurisdiction to investigate alleged violations of the Medical Practice Act or complaints received by the Board which are unknown at this time or that are not covered under the conditions of this Stipulation or past or subsequent acts which are unknown to the Board.

10. Rees acknowledges that this Stipulation is entered into by him freely and voluntarily.

11. This Stipulation constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year set forth above.

WYOMING BOARD OF MEDICINE
By:

Richard Campbell, D.O., President

Howard Mussell, M.D., Secretary

Joseph R. Rees, M.D.

Don W. Riske
Special Assistant Attorney General
Attorney for the Wyoming Board of Medicine

AGREEMENT TO CORRECT STIPULATION FOR ISSUANCE OF PHYSICIAN'S LICENSE WITH CONDITIONS

AGREEMENT dated this 30 day of September, 1993, by and between the Wyoming Board of Medicine (hereinafter "Board") and Joseph R. Rees, M.D., (hereinafter "Rees"):

WITNESSETH:

WHEREAS, the Board and Rees entered into a Stipulation for Issuance of Physician's License with Conditions dated the 23rd day of June, 1993; and

WHEREAS, such Stipulation contained a typographical error at Paragraph 4 b which erroneously described a condition upon Rees' licensure which is material and should be corrected; and

WHEREAS, the Board and Rees deem it to be in their best interests to enter into this Agreement to correct such error.

NOW THEREFORE, by and for their mutual covenants and agreements herein contained, the parties agree as follows:

1. Paragraph 4 b. of the Stipulation for Issuance of Physician's License with Conditions stated:

"b. Rees shall submit ***biennial*** reports of his participation in counseling and medication monitoring from C. Craig Nelson, M.D. and G. Thomas Blanch, M.D."

2. Paragraph 4 b. of the Stipulation for Issuance of Physician's License with Conditions, in order to accurately reflect the oral agreement between Rees and the Board arrived at during the June, 1993 interview before the Board, should have stated:

"b. Rees shall submit ***semiannual*** reports of his participation in counseling and medication monitoring from C. Craig Nelson, M.D. and G. Thomas Blanch, M.D."

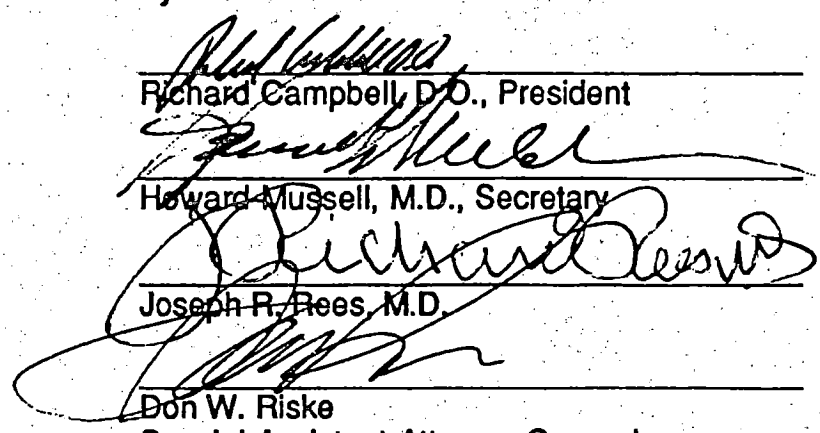
3. By their execution hereof, the Board and Rees agree to amend Paragraph 4 b. of the Stipulation for Issuance of Physician's License with Conditions dated the 23rd day of June, 1993 to read:

b. Rees shall submit semiannual reports of his participation in counseling and medication monitoring from C. Craig Nelson, M.D. and G. Thomas Blanch, M.D.

4. All other terms of the Stipulation for Issuance of Physician's License with Conditions dated the 23rd day of June, 1993 shall remain in full force and effect as written.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year set forth above.

WYOMING BOARD OF MEDICINE
By:



Richard Campbell, D.O., President

Howard Mussell, M.D., Secretary

Joseph R. Rees, M.D.

Don W. Riske
Special Assistant Attorney General
Attorney for the Wyoming Board of Medicine

EXHIBIT C

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE

RECEIVED
SACRAMENTO

AUG 11 2 01 PM '93

06 AUG 1993

FROM: HQ AFMOA/SGPC
170 Luke Avenue Suite 400
Bolling AFB DC 20332-5113

SUBJ: Report of Action Involving Licensed Health Care Professional

TO: Federation of State Medical Boards
600 Western Place, Suite 707
Fort Worth, TX 76107

1. Department of Defense policy requires that we notify licensing agencies of certain actions involving licensed providers. The following information is provided:

a. Individual's Name: Rees, Joseph Richard

b. Date of Birth: [redacted]

c. Social Security Number: [redacted]

d. Current Address: St. Benedict's Professional Bldg., 425 East 5350 South - Suite 120, Ogden UT 84405

e. Degree: MD (1962)

f. Institution: University of Utah

g. State and Number of Licensure: Utah #0433110225, California #G-15150, Wyoming #3443A, and New York #091549

h. Military Treatment Facility Involved: 554th Medical Group, 4349 Duffer Drive, Nellis AFB NV 89191-7007

i. Date and Action: Restrictions on clinical privileges, 29 Jan 93

j. Basis for Report: Dr. Rees' privileges were restricted due to inadequate documentation and a case of medical care mismanagement. If he had not resigned, he would have been required to: (1) improve his documentation, (2) receive additional training including a general review course in emergency medicine, and (3) work under supervision (after completion of training) until he achieved an acceptable standard of practice.

2. Please provide us with a copy of any action you take as a result of this notification. Requests for further information may be sent to SSgt Paul

CA. LICENSE NO. _____
ORIGINAL ISSUE DATE _____
EXPIRATION DATE _____
DISCIPLINARY ACTION _____

Huelskamp or Captain Donna Wallace at HQ AFMOA/SGPC, 170 Luke Avenue, Suite 400, Bolling AFB DC 20332-5113, (202) 767-2591.

THEODORE P. YURKOSKY, Col, USAF, MC, FS
Chief, Clinical Quality Management Division
Air Force Medical Operations Agency
Office of the Surgeon General

cc: HQ AFMPC/DPMMU
NGB/SG
HQ AFRES/SG
HQ ARPC/SG
HQ ACC/SG
UT Physician Lic Board
CA Bd of Medical QA
WY St Bd of Med Exam
NY St Board For Med
Dr. Rees

RECEIVED
SACRAMENTO
MEDICAL BOARD
OF CALIFORNIA

DOCUMENT NO.: 0119932230105000
DATA BANK ID: 101496200001012

PRACTITIONER NOTIFICATION DOCUMENT
(ADVERSE ACTION)

PROCESS DATE: 08/17/93
PAGE 03

SEP 27 11 56 AM '93

0119932230105000020031014962000010 12

THE FOLLOWING INFORMATION WAS REPORTED TO THE NATIONAL PRACTITIONER DATA BANK CONCERNING YOU.

****

SECTION C: ADVERSE ACTION INFORMATION REPORTED

DATE OF ACTION: 01/29/93
ADVERSE ACTION CODE: 645.02 INCOMPETENCE/MALPRACTICE/NEGLIGENCE
LENGTH OF ACTION: PERMANENT
EFFECTIVE DATE OF ACTION: 01/29/93
ACTS/OMISSIONS DESCRIPTION:

DR. REES' PRIVILEGES WERE RESTRICTED DUE TO INADEQUATE DOCUMENTATION AND A CASE OF MEDICAL CARE MISMANAGEMENT. IF HE HAD NOT RESIGNED, HE WOULD HAVE BEEN REQUIRED TO: (1) IMPROVE HIS DOCUMENTATION, (2) RECEIVE ADDITIONAL TRAINING INCLUDING A GENERAL REVIEW COURSE IN EMERGENCY MEDICINE, AND (3) WORK UNDER SUPERVISION (AFTER COMPLETION OF TRAINING) UNTIL HE ACHIEVED AN ACCEPTABLE STANDARD OF PRACTICE.

****

SECTION D: INITIATION OF DISPUTE

I HEREBY INFORM THE SECRETARY OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE PROVISIONS OF PUBLIC LAW 99-660, AS AMENDED, THAT I AM DISPUTING THE ACCURACY OF INFORMATION CONTAINED IN THE REPORT. I HEREBY REQUEST THAT THE REPORT BE ENTERED INTO A DISPUTED STATUS, AND THAT ALL PREVIOUS AND SUBSEQUENT INQUIRERS BE NOTIFIED OF THE DISPUTED STATUS. I HAVE INDICATED MY DISAGREEMENT BELOW AND THE BASIS FOR IT. I CERTIFY THAT I HAVE NOTIFIED THE REPORTING ENTITY IN WRITING OF MY DISAGREEMENT WITH THE FACTS IN THE REPORT, AND I AM ATTEMPTING TO ENTER INTO DISCUSSION WITH THE REPORTING ENTITY TO RESOLVE THE DISPUTE.

NAME J. Richard Rees, M.D.

SIGNATURE J. Richard Rees, MD DATE Sept 22, 1993

ON THE FOLLOWING EIGHT (8) LINES, YOU MAY INDICATE THE BASIS FOR YOUR DISPUTE. THE NUMBER OF CHARACTERS IS LIMITED TO 600, INCLUDING PUNCTUATION AND SPACES. ENTER UP TO 75 CHARACTERS PER LINE. IF YOUR STATEMENT EXCEEDS CHARACTER AND LINE LIMITS, IT WILL BE TRUNCATED. PLEASE TYPE OR LEGIBLY PRINT IN INK.

YOUR STATEMENT WILL NOT BE EDITED BY THE DATA BANK. IT WILL BE DISTRIBUTED TO QUERYING ENTITIES AS YOU HAVE SUBMITTED IT.

The 554th. Medical Group (ACC) advised Dr. Rees that the findings of the credentializing hearing board would not be reported to the National Physicians Registry provided Dr. Rees would agree to the findings of the Board. Dr. Rees disagreed with many items brought up by the board and still does. He agreed to consent with the findings provided they were not reported to the National Physician's Data Bank. Much of the documentation of material against Dr. Rees was supplied by an officer of doubtful intregrity and a low level of medical knowledge.

DATA BANK USE ONLY

Document Number of Previous Report (To be entered by Reporting Entity only when submitting a "Correction or Addition," or "Void Previous Report.")

RECEIVED

SECTION A -- REPORTING ENTITY INFORMATION

1. Data Bank ID (15): 238112100000064
2. Type of Report: [X] Initial Report [ ] Correction or Addition [ ] Revision to Action [ ] Void Previous Report
3. Type of Adverse Action Taken: [ ] Licensure [X] Clinical Privileges [ ] Society Membership
4. Entity Name (40): OFFICE OF THE SURGEON GENERAL
5. Street Address (40): HQ AFMOA/SGPC, 170 LUKE AVENUE, SUITE 400
6. City (28): BOLLING AFB
7. State (2): DC
8. Zip Code (5 or 9): 20332-5113

SECTION B -- PRACTITIONER INFORMATION

Add'l Info. (See Instructions): X

9. Practitioner Name Last (25): REES
First (15): JOSEPH
Middle (15): RICHARD
Suffix (3):
10. Other Name Used Last (25):
First (15):
Middle (15):
Suffix (3):
11. Organization Name (40): 554th Medical Group
12. Work Address (40): 4349 Duffer Drive
13. City (28): Nellis AFB
14. State (2): NV
15. Zip Code (5 or 9): 89191-7007
16. Country (if not U.S.) (10):
17. Home Address (40): St. Benedict's Professional Building, 425 East, 5350 South, Suite 120
18. City (28): Ogden
19. State (2): UT
20. Zip Code (5 or 9): 84405
21. Country (if not U.S.) (10):
22.a. License Number (16): 0433110225
22.b. State of Licensure (2): UT
22.c. Field of Licensure (3): 010
23. Date of Birth (mm/dd/yy): [redacted]
24. Social Security Number (U.S.) (9): [redacted]
25. Federal DEA No. (12):
26.a. Professional School Attended (40): University of Utah
26.b. Year of Graduation (4): 1962

SECTION C -- ADVERSE ACTION INFORMATION

27. Date of Action (mm/dd/yy): 1/29/93
28. Adverse Action Classification Code (5): 645.02
29. Length of Action (in months): 99
30. Effective Date of Action (mm/dd/yy): 1/29/93
31. Description of the acts or omissions or other reasons for the action taken, and if known and if applicable, the reasons for surrender of clinical privileges (600)

Dr. Rees' privileges were restricted due to inadequate documentation and a case of medical care mismanagement. If he had not resigned, he would have been required to: (1) improve his documentation, (2) receive additional training including a general review course in emergency medicine, and (3) work under supervision (after completion of training) until he achieved an acceptable standard of practice.

SECTION D -- CERTIFICATION

I certify that the reporting entity or individual identified in Section A of this report is authorized, under the provisions of P.L. 99-660, as amended, and as specified in 45 CFR Part 60, to provide this information to the National Practitioner Data Bank. I further certify that the reporting entity or individual has authorized me to submit this report to the Data Bank and that the information provided is true and complete.

WARNING: Any person who knowingly makes a false statement or misrepresentation to the National Practitioner Data Bank is subject to a fine and imprisonment under Federal statute.

32. Printed Name of Authorized Representative (40): THEODORE P. YURKOSKY, Col, USAF, MC, FS
33. Title of Authorized Representative (40): Chief, Clinical Mgmt Division
34. Telephone Number (15): (202) 767-2591 ext.
35. Signature Date (mm/dd/yy): 08/03/93
36. Signature of Authorized Representative: Yurkosky

WHITE-DATA BANK YELLOW-STATE MEDICAL OR DENTAL BOARD PINK-OTHER STATE LICENSING BOARD GOLD-REPORTING ENTITY

DATA BANK USE ONLY

1. Data Bank ID (15) (Repeat from item 1 on the main form)	2. Page of	3. Date (mm/dd/yy)	4. Initials
238112100000064	2 2	08/03/93	XO

5. Practitioner Name Last (25)	First Init.	Middle Init.	Suffix
REES	I	R	

ADDITIONAL LICENSE NUMBERS

Add'l Info. (see instructions)

a. License Number (16)	b. State of Licensure (2)	c. Held of Licensure (3)
G-15150	CA	010
3443A	WY	010
091549	NY	010

ADDITIONAL FEDERAL DEA NUMBERS

Add'l Info. (see instructions)

Federal DEA Number (12)	Federal DEA Number (12)

ADDITIONAL PROFESSIONAL SCHOOLS ATTENDED

Add'l. Info. (see instructions)

a. Professional School Attended (40)	b. Year of Graduation

ADDITIONAL HOSPITAL AFFILIATIONS

Add'l Info. (see instructions)

a. Hospital Affiliation (40)	b. City (28)	c. State (2)

NARRATIVE DESCRIPTIONS CONTINUED

38. Description of the acts or omissions and injuries or illnesses upon which the action or claim was based

39. Description and total amount of judgment or settlement and any conditions attached thereto, including terms of payment

INSTRUCTIONS

Use this form only as an addendum to one of the following National Practitioner Data Bank main forms: *Medical Malpractice Payment Report; Adverse Action Report; Request for Information Disclosure;* or *Request for Information Disclosure--Supplement.* Use this form only when you are providing more than one License Number, Federal DEA Number, Professional School Attended, or Hospital Affiliation, or are continuing the narrative descriptions requested in Items 38 and 39 of the *Medical Malpractice Payment Report.* Please be sure that you have placed an "X" in the "Add'l. Info." box in the appropriate section heading on the main form.

1. Please provide your Entity's Data Bank ID–repeat from Item 1 on the main form.
2. Enter this *Additional Information* form's page number in the first blank, and the total number of pages (including the main form) in the second blank.
3. Enter the same date you entered for the signature date on the main form.
4. Each *Additional Information* form must bear the initials of the same person who signed the main form.
5. Please provide the Practitioner's last name as stated on the main form, as well as the initials for the first and middle names, and a suffix, if used.
6. In the appropriate section, fill in the additional information items following the instructions for the main form. If more space is needed, place an "X" in the "Add'l. Info." box, and continue to provide all known information on another form.

REDACTED

DANIEL E. LUNGREN, Attorney General
of the State of California
JANA L. TUTON
Supervising Deputy Attorney General
DANIEL J. TURNER
Deputy Attorney General
1515 K Street, Suite 511
P. O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 327-7852

Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
STATE OF CALIFORNIA

In the Matter of the Accusation Against: JOSEPH R. REES, M.D. 425 East 5350 South Ogden, Utah 84403 Physician and Surgeon's Certificate No. G 15150 Respondent.	No. D-5441 **FIRST SUPPLEMENTAL ACCUSATION**

COMPLAINANT, DIXON ARNETT, alleges as follows:

1. He is the Executive Director of the Medical Board of California (hereinafter "Board") and makes and files this accusation solely in his official capacity.

2. On or about August 7, 1968, respondent Joseph R. Rees, M.D. (hereinafter "Respondent") was issued Physician and Surgeon's Certificate No. G 15150 under the laws of the State of California. Said certificate is presently in full force and effect.

///

3. Section 2234 of the Business and Professions Code (hereinafter "Code") provides that the Division of Medical Quality of the Medical Board of California shall take action against the holder of a physician's and surgeon's certificate who is guilty of unprofessional conduct.

4. Section 2305 of the Code provides that the revocation, suspension or other discipline by another state of a license or certificate to practice medicine issued by the state or restriction of the authority to practice medicine by any agency of the federal government to a licensee under this chapter shall constitute grounds for disciplinary action for unprofessional conduct against such licensee in this state.

5. Respondent is subject to disciplinary action pursuant to Code sections 2234 and 2305 in that respondent on or about November 25, 1991, the Utah Division of Occupational and Professional Licensing, disciplined respondent's license to practice medicine. A copy of the Utah order is attached hereto as Exhibit A and incorporated by reference herein.

6. Respondent is subject to disciplinary action pursuant to sections 2234 and 2305 of the Code in that on or about June 23, 1993, respondent entered into a stipulation with the Wyoming Board of Medicine, disciplining respondent's license to practice medicine. A copy of the Wyoming stipulation is attached hereto as Exhibit B and incorporated by reference herein.

7. Respondent is subject to disciplinary action pursuant to sections 2234 and 2305 of the Code in that on or

about January 29, 1993, the Department of the Air Force restricted respondent's clinical privileges due to inadequate documentation and medical care mismanagement. A copy of the Department of the Air Force's Report of Action is attached hereto as Exhibit C and incorporated by reference herein.

WHEREFORE, complainant prays that the Division of Medical Quality hold a hearing on the matters alleged herein and following said hearing issue a decision:

1. Suspending or revoking the physician and surgeon's certificate issued to respondent Joseph R. Rees, M.D.;

2. Prohibiting respondent from supervising physician's assistants; and

3. Taking such other and further action as it deems proper.

DATED: JUNE 16, 1994

DIXON ARNETT
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

EXHIBIT A

R. PAUL VAN DAM, #3312
Utah Attorney General
MELISSA M. HUBBELL, #5090
Assistant Attorney General
36 South State, 11th Floor
Salt Lake City, Utah 84111
Telephone: (801) 533-3200

BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL

LICENSING OF THE DEPARTMENT OF COMMERCE

OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF JOSEPH RICHARD REES TO PRACTICE MEDICINE AND TO PRESCRIBE AND ADMINISTER CONTROLLED SUBSTANCES IN THE STATE OF UTAH :	STIPULATION & ORDER CASE NO: OPL-91-38

Joseph Richard Rees ("Respondent") by and through counsel Ronald E. Nehring and the Division of Occupational & Professional Licensing ("the Division") by and through counsel, Melissa M. Hubbell, Assistant Attorney General, hereby stipulate and agree as follows:

1. Respondent is and has been a licensee of the Division at all times relevant to this case.

2. The Division has jurisdiction over Respondent and over the subject matter of this action.

3. Respondent acknowledges that he enters into this Stipulation voluntarily, and that no promise or threat whatsoever has been made by the Division, or any member, officer, agent or representative of the Division to induce him to enter into this Stipulation.

4. Respondent acknowledges that he has been represented by counsel, Ronald E. Nehring during this proceeding and that he

enters into this Stipulation with the advice of counsel. Respondent also acknowledges that he has a personal knowledge and understanding of the terms of this Stipulation.

5. Respondent waives the right to confront adverse witnesses and the right to a hearing before the Division.

6. Pursuant to complaint, the Division initiated an investigation into alleged violations of Utah Code Ann. §§ 58-12-35(1)(a), 58-12-36(15), 58-37-6(4)(a)(vi), 58-37-8(3)(a)(i) and § R153-37-9(1)(2) and (6) of the Controlled Substances Rules.

7. The Division has completed its investigation and alleges that Respondent is in violation of the provisions cited in paragraph 6 above, based upon the allegation of fact contained in the Amended Petition filed in the present case, which Amended Petition is incorporated by reference to this Stipulation & Order.

8. The parties hereto have agreed to stipulate to the follow facts:

a. On or about March, 1989, the Division received information from a confidential source regarding concerns about Respondent's purchase of certain controlled substances. Documentation regarding Respondent's purchases were requested from Rugby Laboratories. Copies of the invoices were subsequently provided, these invoices indicated that Respondent had ordered thirty thousand (30,000) dosages of Phendimetrazine, a Schedule III controlled substance from March 8, 1988 through August 9, 1989.

b. On or about October 12, 1989, Christine Godnick, an Investigator with the Division, and Richard Maughan, an

Investigator with the Drug Enforcement Administration, conducted an audit in the Respondent's medical office of controlled substances he purchased from March 1988 through August 1989. Respondent had purchased thirty thousand (30,000) dosages of Phendimetrazine during the just stated period, but was unable to account for twenty seven thousand six hundred and fifty one (27,651) doses. Two thousand three hundred forty nine dosages (2,349) dosages remained in Respondent's possession. Respondent had a copy of one invoice but did not have any records pertaining to the other purchases. Respondent told investigators he had administered some of the drugs to himself and family members, although he did not maintain any record of the administrations.

c. On or about February 11, 1991, an Administrative Inspection Warrant was signed by the U.S. Magistrate for an inspection and inventory of Respondent's controlled substance inventory.

d. On or about February 12, 1991, Drug Enforcement Investigators, Richard Maughan and Robert Johnson conducted the inspection and inventory of Respondent's office. Respondent was informed by the investigators that they wanted to examine records relating to receipt and dispensing of thirty thousand (30,000) dosage units of phendimetrazine purchased during 1989. Respondent stated he had no receipts for the purchases. Respondent then took a bottle out of his desk drawer that was an empty five thousand (5000) count phendimetrazine container bearing Rugby's label. This was the bottle that had contained the remaining two thousand three

hundred and forty nine (2,349) doses that had been left in Respondent's possession after the October 1989 inspection. Respondent stated that at this time there were none on hand and that he had not ordered or received any more. The bottle contained slips of paper he claimed to be his dispensing records of the two thousand three hundred forty nine (2,349) tablets. These slips allegedly account for approximately eleven hundred sixty five (1,165) dosage units, eleven hundred and eighty four (1,184) doses were unaccounted for. Respondent told investigators Maughan and Johnson that he self-administered the remainder of the drugs to himself to treat his problems with depression.

e. On or about February 12, 1991, investigators Maughan and Johnson requested copies of patient records for the patients recorded on the slips of paper as receiving doses of phendimetrazine. A review of the records of these patients made no reference to dispensing phendimetrazine to any of the patients.

9. Respondent admits the aforereferenced allegations of fact and that such allegations constitute violations of Utah Code Ann. §§ 58-12-35(1)(a), 58-12-36(15), 58-37-6(4)(a)(vi), 58-37-8(3)(a)(i) and § R153-37-9(1)(2) and (6).

10. Respondent agrees to the imposition of the following sanctions:

Respondent's license to Dispense Controlled Substances shall be revoked. Respondent's license to Practice Medicine shall be suspended, but both revocation and suspension shall be stayed in favor of a five year probation subject to the following terms and

Within thirty (30) days of the effective date of the companying Order, Respondent shall enter an in-patient eatment program approved by the Physician's Licensing Board.

Respondent shall participate in and successfully complete the aftercare program associated with his treatment. If, after the first year of probation, the Board determines that aftercare attendance may be terminated, or attended on a less frequent basis, the Board may, in its discretion, allow Respondent to terminate aftercare, or reduce the required frequency of his attendance. Respondent shall provide quarterly reports to the Board containing documentary evidence of continuing participation in the approved aftercare group. At the end of the required period of attendance, the director of the program shall provide the Board with documentation concerning Respondent's completion of the program and appropriate follow-up.

c. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the Controlled Substances Act, and dangerous drugs as defined by law, or any drugs requiring a prescription, unless such drug is lawfully prescribed for him for a bona fide illness or condition by a licensed practitioner and taken according to that practitioner's instructions for the specific illness or condition for which prescribed. Respondent shall inform the Division and the drug testing company of any prescriptions for controlled substances lawful prescribed for him.

d. Respondent shall submit to random blood and/or urine testing upon the request of the Division or any company with whom the Division has contracted to conduct drug testing. The company shall determine when and where Respondent is to submit himself for testing. Respondent shall pay for the cost of drug testing and shall sign any and all release forms authorizing the company to send the drug test results to the Division.

e. Respondent shall meet with the Board at the beginning of his probation, every three months during the first year of his probation, and every six months thereafter during the term of his probation.

f. Respondent shall immediately surrender to Division investigators or other authorized agents any controlled substances in his possession unless the controlled substances have been lawfully prescribed to him by a licensed practitioner for a bona fide illness or injury.

g. Respondent shall submit to the Physician's Licensing

Board a list of those controlled substance he needs to prescribe in order to enable him to maintain his surgical practice. The list shall be subject to the Board's approval and Respondent shall prescribe only the approved controlled substances. Respondent shall only prescribe these substances for patients and shall not prescribe for himself or his family. Respondent shall further be required to maintain a strict record of all prescriptions of controlled substances. This record shall be submitted to the Division every six months during the probationary term.

11. If Respondent successfully completes the terms of this Stipulation, Respondent's licenses shall be fully restored by the Division.

12. If Respondent violates probation in any respect, the Division, after giving Respondent notice and the opportunity to be heard, may revoke probation and impose any sanction stayed thereby, and/or may otherwise proceed against Respondent under applicable law. If a complaint or petition to revoke probation is filed against Respondent during probation, the period of probation shall be extended until the matter is final.

13. Respondent acknowledges that this Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter. Respondent further acknowledges that the Director of the Division may not accept the terms of this Stipulation and Order and that if the Stipulation is not accepted by the Director, it is null and void and without any force of effect.

14. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between

the parties. There are no verbal agreements which modify, interpret, construe or affect this agreement.

DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

DATED: 11-21-91

BY: _____
MELISSA M. HUBBELL
Assistant Attorney General

RESPONDENT

DATED: 11-18-91

BY: _____
JOSEPH RICHARD REES
Respondent

APPROVED AS TO FORM:

DATED: 11.20.91

BY: _____
RONALD E. NEHRING
Counsel for Respondent

ORDER

The above Stipulation is hereby approved by the Division of Occupational & Professional Licensing and constitutes my Findings of Facts and Conclusions of Law in this matter. The terms and conditions of the Stipulation are hereby adopted as the Order of the Division of Occupational & Professional Licensing.

DATED this 25th day of ~~August~~ November, 1991.

DAVID E. ROBINSON
Director

EXHIBIT B

THE STATE OF WYOMING

MIKE SULLIVAN
GOVERNOR

Board of Medicine

BARRETT BUILDING CHEYENNE, WYOMING 82002

TELEPHONE: (307) 777-6463

WYOMING BOARD OF MEDICINE

CERTIFICATION

I, Carole Shotwell, Executive Secretary for the Wyoming Board of Medicine, certify that the Wyoming Board of Medicine is the record keeping agency and the agency which is responsible for licensing physicians in the State of Wyoming. As Executive Secretary, I am the keeper of the records of administrative proceedings before the Wyoming Board of Medicine.

I further certify that the attached copy of a Stipulation for Issuance of Physician's License With Conditions dated June 23, 1993 and an Agreement to Correct Stipulation for Issuance of Physician's License With Conditions dated September 30, 1993, in the matter of Joseph R. Rees, M.D., are accurate copies of the documents as they appear in the file.

Dated this 8th day of October, 1993.

Carole Shotwell, Executive Secretary
WYOMING BOARD OF MEDICINE

SEAL

STIPULATION FOR ISSUANCE OF PHYSICIAN'S LICENSE WITH CONDITIONS

STIPULATION dated this 23 day of June, 1993, by and between the Wyoming Board of Medicine (hereinafter "Board") and Joseph R. Rees, M.D., (hereinafter "Rees"):

WITNESSETH:

WHEREAS, the Board is the duly authorized agency of the State of Wyoming charged with the duties and powers set forth in the Wyoming Medical Practices Act, W.S. 33-26-101 et seq, including, but not limited to, the power to issue physician's licenses to qualified applicants; and

WHEREAS, Rees has applied to the Board for a Wyoming Physician's License; and

WHEREAS, Rees' application for licensure and his own statements to the Board during his personal interview before the Board on June 5, 1993, reveal that he has had prior alcohol dependency involvements ; and

WHEREAS, due to the circumstances of Rees' impairment, and the circumstances of his intended practice in the State of Wyoming, the Board has determined that the health and safety of the people of the State of Wyoming dictate that conditions be placed upon Rees' licensure which are intended to assist Rees in his continued rehabilitation and recovery and insure that his medical practice will be conducted without any interference from alcohol dependency; and

WHEREAS, based upon the terms and agreements set forth herein, upon Rees' execution hereof, the Board shall issue a Wyoming Physician's license to Rees which shall be encumbered by the terms and conditions of this Stipulation.

NOW THEREFORE, by and for their mutual covenants and agreements herein contained, the parties agree as follows:

1. The Board is the sole and exclusive regulatory and licensing agency in the State of Wyoming regarding the practice of medicine and surgery. Rees acknowledges and agrees that the Board has jurisdiction and authority to impose the conditions set forth herein and to enter into this Stipulation. By his execution hereof and acceptance of a Wyoming Physician's license under the conditions set forth herein, Rees waives any rights he may have to a hearing before the Board on his license application and any claims based upon any perceived defects in the manner by which the Board reviewed his application, conducted its interview with him and/or the manner in which the Board has imposed the conditions on licensure set forth herein. Rees agrees that this Stipulation is in accordance with the requirements of law and that the Board is lawfully constituted to consider this matter to include consideration of this Stipulation.

2. Respondent further agrees that the Wyoming Medical Practice Act, W.S. 33-26-101 et seq., is constitutional on its face and as applied in this application and Stipulation.

3. Under the provisions of W.S. 33-26-202 (b)(i) and (xi), the Board has the authority to enter impose restrictions on and periodically review the compliance with any restrictions or conditions placed upon any physician's license by it.

4. Upon execution hereof by all parties, the Board shall issue a Wyoming Physician's license to Rees which shall be encumbered by the following terms and conditions:

a. Rees must participate in a substance abuse aftercare program; and

b. Rees shall submit biannual reports of his participation in counseling and medication monitoring from C. Craig Nelson, M.D. and G. Thomas Blanch, M.D.

c. In the event that Rees intends to practice in the State of Wyoming, he agrees to inform the Board in writing of such intention and the circumstances and location of each intended practice at least thirty (30) days prior to the date on which he intends to start such practice.

d. In the event that Rees commences the practice of medicine in the State of Wyoming, he agrees to submit to provide the Board with copies of the urine screens he receives pursuant to his compliance with his agreement with the State of Utah.

5. The conditions set forth in ¶ 4 above shall remain in effect until June 16, 1996, at which time if they have been completely complied with, they shall expire.

6. The physician's license to be issued to Rees by the Board shall not restrict the area or scope of Rees' medical practice.

7. Should Rees fail to comply with the provisions of this Stipulation, such action may result in the Board or Board designee holding an informal investigative inquiry, to which Rees now consents, at a location designated by the Board, to determine whether Rees should be held in violation of this Stipulation. Upon determination that Rees has breached or violated this Stipulation, the Board may take such disciplinary action as the Board deems appropriate, including, but not limited to disciplinary proceedings pursuant to W.S. 33-26-401 et seq.

8. This Stipulation and the fact that Rees' Wyoming physician's license is subject to the conditions set forth herein shall constitute a final Order of the Board subject to the disclosure to the National Practitioner's Data Bank, the Federation of State Medical Boards and those federal and state agencies, public and private health care facilities and individuals who are entitled to information about the status of physician's licenses. This Stipulation shall be subject to disclosure to those persons

acting as agents of the Board for the purpose of carrying out the interview, testing and reporting conditions set forth above.

9. Nothing in this Stipulation shall be construed to deny the Board jurisdiction to investigate alleged violations of the Medical Practice Act or complaints received by the Board which are unknown at this time or that are not covered under the conditions of this Stipulation or past or subsequent acts which are unknown to the Board.

10. Rees acknowledges that this Stipulation is entered into by him freely and voluntarily.

11. This Stipulation constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year set forth above.

WYOMING BOARD OF MEDICINE
By:

Richard Campbell, D.O., President

Howard Mussell, M.D., Secretary

Joseph R. Rees, M.D.

Don W. Riske
Special Assistant Attorney General
Attorney for the Wyoming Board of Medicine

AGREEMENT TO CORRECT STIPULATION FOR ISSUANCE OF PHYSICIAN'S LICENSE WITH CONDITIONS

AGREEMENT dated this 30 day of September, 1993, by and between the Wyoming Board of Medicine (hereinafter "Board") and Joseph R. Rees, M.D., (hereinafter "Rees"):

WITNESSETH:

WHEREAS, the Board and Rees entered into a Stipulation for Issuance of Physician's License with Conditions dated the 23rd day of June, 1993; and

WHEREAS, such Stipulation contained a typographical error at Paragraph 4 b which erroneously described a condition upon Rees' licensure which is material and should be corrected; and

WHEREAS, the Board and Rees deem it to be in their best interests to enter into this Agreement to correct such error.

NOW THEREFORE, by and for their mutual covenants and agreements herein contained, the parties agree as follows:

1. Paragraph 4 b. of the Stipulation for Issuance of Physician's License with Conditions stated:

"b. Rees shall submit ***biennial*** reports of his participation in counseling and medication monitoring from C. Craig Nelson, M.D. and G. Thomas Blanch, M.D."

2. Paragraph 4 b. of the Stipulation for Issuance of Physician's License with Conditions, in order to accurately reflect the oral agreement between Rees and the Board arrived at during the June, 1993 interview before the Board, should have stated:

"b. Rees shall submit ***semiannual*** reports of his participation in counseling and medication monitoring from C. Craig Nelson, M.D. and G. Thomas Blanch, M.D."

3. By their execution hereof, the Board and Rees agree to amend Paragraph 4 b. of the Stipulation for Issuance of Physician's License with Conditions dated the 23rd day of June, 1993 to read:

b. Rees shall submit semiannual reports of his participation in counseling and medication monitoring from C. Craig Nelson, M.D. and G. Thomas Blanch, M.D.

4. All other terms of the Stipulation for Issuance of Physician's License with Conditions dated the 23rd day of June, 1993 shall remain in full force and effect as written.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year set forth above.

WYOMING BOARD OF MEDICINE
By:

Richard Campbell, D.O., President

Howard Mussell, M.D., Secretary

Joseph R. Rees, M.D.

Don W. Riske
Special Assistant Attorney General
Attorney for the Wyoming Board of Medicine

EXHIBIT C

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE

RECEIVED SACRAMENTO MEDICAL BOARD
AUG 11 2 01 PM '93

06 AUG 1993

FROM: HQ AFMOA/SGPC
170 Luke Avenue Suite 400
Bolling AFB DC 20332-5113

SUBJ: Report of Action Involving Licensed Health Care Professional

TO: Federation of State Medical Boards
600 Western Place, Suite 707
Fort Worth, TX 76107

1. Department of Defense policy requires that we notify licensing agencies of certain actions involving licensed providers. The following information is provided:

a. Individual's Name: Rees, Joseph Richard

b. Date of Birth: [redacted]

c. Social Security Number: [redacted]

d. Current Address: St. Benedict's Professional Bldg., 425 East 5350 South - Suite 120, Ogden UT 84405

e. Degree: MD (1962)

f. Institution: University of Utah

g. State and Number of Licensure: Utah #0433110225, California #G-15150, Wyoming #3443A, and New York #091549

h. Military Treatment Facility Involved: 554th Medical Group, 4349 Duffer Drive, Nellis AFB NV 89191-7007

i. Date and Action: Restrictions on clinical privileges, 29 Jan 93

j. Basis for Report: Dr. Rees' privileges were restricted due to inadequate documentation and a case of medical care mismanagement. If he had not resigned, he would have been required to: (1) improve his documentation, (2) receive additional training including a general review course in emergency medicine, and (3) work under supervision (after completion of training) until he achieved an acceptable standard of practice.

2. Please provide us with a copy of any action you take as a result of this notification. Requests for further information may be sent to SSgt Paul

CA. LICENSE NO. _____
ORIGINAL ISSUE DATE _____
EXPIRATION DATE _____
DISCIPLINARY ACTION _____

Huelskamp or Captain Donna Wallace at HQ AFMOA/SGPC, 170 Luke Avenue, Suite 400, Bolling AFB DC 20332-5113, (202) 767-2591.

THEODORE P. YURKOSKY, Col, USAF, MC, FS
Chief, Clinical Quality Management Division
Air Force Medical Operations Agency
Office of the Surgeon General

cc: HQ AFMPC/DPMMU
NGB/SG
HQ AFRES/SG
HQ ARPC/SG
HQ ACC/SG
UT Physician Lic Board
CA Bd of Medical QA
WY St Bd of Med Exam
NY St Board For Med
Dr. Rees

RECEIVED
SACRAMENTO
MEDICAL BOARD
OF CALIFORNIA

SEP 27 11 56 AM '93

DOCUMENT NO.: 0119932230105000
DATA BANK ID: 101496200001012

PRACTITIONER NOTIFICATION DOCUMENT
(ADVERSE ACTION)

PROCESS DATE: 08/17/93
PAGE 03

0119932230105000020031014962000010 12

THE FOLLOWING INFORMATION WAS REPORTED TO THE NATIONAL PRACTITIONER DATA BANK CONCERNING YOU.

****

SECTION C: ADVERSE ACTION INFORMATION REPORTED

DATE OF ACTION: 01/29/93
ADVERSE ACTION CODE: 645.02 INCOMPETENCE/MALPRACTICE/NEGLIGENCE
LENGTH OF ACTION: PERMANENT
EFFECTIVE DATE OF ACTION: 01/29/93
ACTS/OMISSIONS DESCRIPTION:

DR. REES' PRIVILEGES WERE RESTRICTED DUE TO INADEQUATE DOCUMENTATION AND A CASE OF MEDICAL CARE MISMANAGEMENT. IF HE HAD NOT RESIGNED, HE WOULD HAVE BEEN REQUIRED TO: (1) IMPROVE HIS DOCUMENTATION, (2) RECEIVE ADDITIONAL TRAINING INCLUDING A GENERAL REVIEW COURSE IN EMERGENCY MEDICINE, AND (3) WORK UNDER SUPERVISION (AFTER COMPLETION OF TRAINING) UNTIL HE ACHIEVED AN ACCEPTABLE STANDARD OF PRACTICE.

****

SECTION D: INITIATION OF DISPUTE

I HEREBY INFORM THE SECRETARY OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE PROVISIONS OF PUBLIC LAW 99-660, AS AMENDED, THAT I AM DISPUTING THE ACCURACY OF INFORMATION CONTAINED IN THE REPORT. I HEREBY REQUEST THAT THE REPORT BE ENTERED INTO A DISPUTED STATUS, AND THAT ALL PREVIOUS AND SUBSEQUENT INQUIRERS BE NOTIFIED OF THE DISPUTED STATUS. I HAVE INDICATED MY DISAGREEMENT BELOW AND THE BASIS FOR IT. I CERTIFY THAT I HAVE NOTIFIED THE REPORTING ENTITY IN WRITING OF MY DISAGREEMENT WITH THE FACTS IN THE REPORT, AND I AM ATTEMPTING TO ENTER INTO DISCUSSION WITH THE REPORTING ENTITY TO RESOLVE THE DISPUTE.

NAME J. Richard Rees, M.D.

SIGNATURE J. Richard Rees, MD DATE Sept 22, 1993

ON THE FOLLOWING EIGHT (8) LINES, YOU MAY INDICATE THE BASIS FOR YOUR DISPUTE. THE NUMBER OF CHARACTERS IS LIMITED TO 600, INCLUDING PUNCTUATION AND SPACES. ENTER UP TO 75 CHARACTERS PER LINE. IF YOUR STATEMENT EXCEEDS CHARACTER AND LINE LIMITS, IT WILL BE TRUNCATED. PLEASE TYPE OR LEGIBLY PRINT IN INK.

YOUR STATEMENT WILL NOT BE EDITED BY THE DATA BANK. IT WILL BE DISTRIBUTED TO QUERYING ENTITIES AS YOU HAVE SUBMITTED IT.

The 554th. Medical Group (ACC) advised Dr. Rees that the findings of the credentializing hearing board would not be reported to the National Physicians Registry provided Dr. Rees would agree to the findings of the Board. Dr. Rees disagreed with many items brought up by the board and still does. He agreed to consent with the findings provided they were not reported to the National Physician's Data Bank. Much of the documentation of material against Dr. Rees was supplied by an officer of doubtful intregrity and a low level of medical knowledge.

FOR DATA BANK USE ONLY

Document Number / Previous Report (To be entered by Reporting Entity only when submitting a "Correction or Addition," or "Void Previous Report.")

RECEIVED

SECTION A -- REPORTING ENTITY INFORMATION

1. Data Bank ID (15): 238112100000064
2. Type of Report: [X] Initial Report [ ] Correction or Addition [ ] Revision to Action [ ] Void Previous Report
3. Type of Adverse Action Taken: [ ] Licensure [X] Clinical Privileges [ ] Society Membership
4. Entity Name (40): OFFICE OF THE SURGEON GENERAL
5. Street Address (40): HQ AFMOA/SGPC, 170 LUKE AVENUE, SUITE 400
6. City (28): BOLLING AFB
7. State (2): DC
8. Zip Code (5 or 9): 20332-5113

SECTION B -- PRACTITIONER INFORMATION

Add'l Info. (see instructions): X

9. Practitioner Name Last (25): REES
First (15): JOSEPH
Middle (15): RICHARD
Suffix (3):
10. Other Name Used Last (25):
First (15):
Middle (15):
Suffix (3):
11. Organization Name (40): 554th Medical Group
12. Work Address (40): 4349 Duffer Drive
13. City (28): Nellis AFB
14. State (2): NV
15. Zip Code (5 or 9): 89191-7007
16. Country (if not U.S.) (10):
17. Home Address (40): St. Benedict's Professional Building, 425 East, 5350 South, Suite 120
18. City (28): Ogden
19. State (2): UT
20. Zip Code (5 or 9): 84405
21. Country (if not U.S.) (10):
22.a. License Number (16): 0433110225
22.b. State of Licensure (2): UT
22.c. Field of Licensure (3): 010
23. Date of Birth (mm/dd/yy): [redacted]
24. Social Security Number (U.S.) (9): [redacted]
25. Federal DEA No. (12):
26.a. Professional School Attended (40): University of Utah
26.b. Year of Graduation (4): 1962

SECTION C -- ADVERSE ACTION INFORMATION

27. Date of Action (mm/dd/yy): 1/29/93
28. Adverse Action Classification Code (5): 645.02
29. Length of Action (in months): 99
30. Effective Date of Action (mm/dd/yy): 1/29/93
31. Description of the acts or omissions or other reasons for the action taken, and if known and if applicable, the reasons for surrender of clinical privileges (600)

Dr. Rees' privileges were restricted due to inadequate documentation and a case of medical care mismanagement. If he had not resigned, he would have been required to: (1) improve his documentation, (2) receive additional training including a general review course in emergency medicine, and (3) work under supervision (after completion of training) until he achieved an acceptable standard of practice.

SECTION D -- CERTIFICATION

I certify that the reporting entity or individual identified in Section A of this report is authorized, under the provisions of P.L. 99-660, as amended, and as specified in 45 CFR Part 60, to provide this information to the National Practitioner Data Bank. I further certify that the reporting entity or individual has authorized me to submit this report to the Data Bank and that the information provided is true and complete.

WARNING: Any person who knowingly makes a false statement or misrepresentation to the National Practitioner Data Bank is subject to a fine and imprisonment under Federal statute.

32. Printed Name of Authorized Representative (40): THEODORE P. YURKOSKY, Col, USAF, MC, FS
33. Title of Authorized Representative (40): Chief, Clinical Mgmt Division
34. Telephone Number (15): (202) 767-2591 .ext.
35. Signature Date (mm/dd/yy): 08/03/93
36. Signature of Authorized Representative: Yurkosky

WHITE-DATA BANK YELLOW-STATE MEDICAL OR DENTAL BOARD PINK-OTHER STATE LICENSING BOARD GOLD-REPORTING ENTITY

TA BANK USE ONLY

1. Data Bank ID (15) (Repeat from item 1 on the main form)	2. Page of	3. Date (mm/dd/yy)	4. Initials
238112100000064	2 2	08/03/93	XD

5. Practitioner Name Last (25)	First Init.	Middle Init.	Suffix
REES	I	R	

ADDITIONAL LICENSE NUMBERS

Add'l Info. (see instructions)

a. License Number (16)	b. State of Licensure (2)	c. Held of Licensure (3)
G-15150	CA	010
3443A	WY	010
091549	NY	010

ADDITIONAL FEDERAL DEA NUMBERS

Add'l Info. (see instructions)

Federal DEA Number (12)	Federal DEA Number (12)

ADDITIONAL PROFESSIONAL SCHOOLS ATTENDED

Add'l Info. (see instructions)

a. Professional School Attended (40)	b. Year of Graduation

ADDITIONAL HOSPITAL AFFILIATIONS

Add'l Info. (see instructions)

a. Hospital Affiliation (40)	b. City (28)	c. State (2)

NARRATIVE DESCRIPTIONS CONTINUED

38. Description of the acts or omissions and injuries or illnesses upon which the action or claim was based

39. Description and total amount of judgment or settlement and any conditions attached thereto, including terms of payment

INSTRUCTIONS

Use this form only as an addendum to one of the following National Practitioner Data Bank main forms: *Medical Malpractice Payment Report; Adverse Action Report; Request for Information Disclosure;* or *Request for Information Disclosure--Supplement.* Use this form only when you are providing more than one License Number, Federal DEA Number, Professional School Attended, or Hospital Affiliation, or are continuing the narrative descriptions requested in Items 38 and 39 of the *Medical Malpractice Payment Report.* Please be sure that you have placed an "X" in the "Add'l. Info." box in the appropriate section heading on the main form.

1. Please provide your Entity's Data Bank ID--repeat from Item 1 on the main form.
2. Enter this *Additional Information* form's page number in the first blank, and the total number of pages (including the main form) in the second blank.
3. Enter the same date you entered for the signature date on the main form.
4. Each *Additional Information* form must bear the initials of the same person who signed the main form.
5. Please provide the Practitioner's last name as stated on the main form, as well as the initials for the first and middle names, and a suffix, if used.
6. In the appropriate section, fill in the additional information items following the instructions for the main form. If more space is needed, place an "X" in the "Add'l. Info." box, and continue to provide all known information on another form.