SETTLEMENT AGREEMENT BETWEEN THE MISSOURI STATE BOARD OF REGISTRATION FOR THE HEALING ARTS AND GREGORY C. BUHLER, D.O.

Come now Gregory C. Buhler, D.O., (hereinafter the "Licensee") and the State Board of Registration for the Healing Arts (hereinafter the "Board") and enter into this Agreement for the purpose of resolving the question of whether Dr. Buhler's license as a physician and surgeon will be 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 § 621.045, RSMo.

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf; the right to a decision based upon the record by a fair and impartial Administrative Hearing Commissioner concerning the charges pending against Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided Licensee by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Agreement and agrees to abide by the terms of this document as they pertain to Licensee.

2. Licensee acknowledges that he may, at the time this Agreement is effective or within fifteen days thereafter, submit this Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitutes grounds for discipline of Licensee's license.

3. Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. The parties stipulate and agree that the disciplinary order agreed to by the Board and Licensee in Part III herein is based only on the agreement set out in Parts I and II herein. Licensee understands that the Board may take further disciplinary action against Licensee based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

5. Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this Agreement as an open record of the Board as required by Chapters 334, 610, 620 and 621, RSMo, as amended.

I. JOINT STIPULATION OF FACTS

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

1. The State Board of Registration for the Healing Arts ("Board") is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. Licensee is licensed by the Board as a physician and surgeon, License Number 106949. License was first issued on August 1, 1996. Licensee's license is current, and was current and active at all times relevant herein.

3. Licensee had a physician-patient relationship with Patient G.M.D. from January to March 2004.

4. On the following dates, Licensee prescribed the following prescriptions and amounts to patient G.M.D.:

a. February 13, 2004 Percocet 5/325 #50
b. February 29, 2004 oxycodone 5mg #100
c. March 1, 2004 oxycodone 5 #100
d. March 3, 2004 Percocet 5/325 #100
e. March 4, 2004 Percocet 5/325 #100
f. March 4, 2004 oxycodone 5 #100
g. March 6, 2004 Percocet 5/325 #100
h. March 7, 2004 Percocet 10/325 #50
i. March 8, 2004 Percocet 10/325 #50
j. March 11, 2004 Percocet 10/325 #100
k. March 12, 2004 Percocet 5/325 #100
l. March 18, 2004 Percocet 5/325 #30
m. March 31, 2004 Celebrex 200 #60
n. March 31, 2004 Percocet 5/325 #50

5. Patient G.M.D. had degenerative joint disease in his knees and was recommended for total knee surgery/joint replacement but refused to have this procedure. G.M.D. also had kidney stones that were treated on an outpatient basis and he was hospitalized from on or about 3/16/04 to on or about 3/18/04; however, Licensee believes that Patient G.M.D. misrepresented the extent of his medical condition and the pain and status of the prescriptions issued to him such that Licensee provided additional medication

for pain to the patient When Licensee learned of patient G.M.D.'s misrepresentations and that he had spent time in prison related to drugs, Licensee discontinued seeing G.M.D. as a patient.

6. Percocet is a brand name for oxycodone. Pursuant to §195.017.4(1)(a), RSMo Cum. Supp. 2005, oxycodone is a Schedule II controlled substance.

7. Licensee was duped into prescribing the large quantity of controlled substances to Patient G.M.D. Based upon Licensee's professional training and knowledge, he should have recognized Patient G.M.D.'s misrepresentations.

8. Licensee had a physician-patient relationship with Patient B.W. at all times relevant herein.

9. The Licensee authorized two (2) separate prescriptions of hydrocodone compounded skin cream to Patient B.W. Licensee maintained only a telephone message and a record of one of the prescriptions for this patient.

10. Pursuant to §195.017.4(1)(a), RSMo Cum. Supp. 2005, hydrocodone is a Schedule II controlled substance.

11. Section 334.107(2), RSMo Cum. Supp. 2005 requires physicians to maintain accurate records of controlled substances prescribed.

12. On December 6, 2004, the Licensee voluntarily surrendered his registration with the United States Drug Enforcement Administration (hereinafter the "DEA"), Registration. On or about January 5, 2006, the DEA issued a controlled substance

registration to Licensee. In the intervening time, Licensee completed continuing medical education in the areas of appropriate prescribing, pain management, opioid risk management and office based opioid treatment.

13. Section 334.100.2(8) allows the Board to discipline the Licensee's license for surrendering his controlled substances privileges with the DEA and for surrendering his DEA Registration.

II. JOINT CONCLUSIONS OF LAW

1. Cause exists to discipline Licensee's license pursuant to Sections and 334.100.2(4), (6), and (8) and 334.107(1) and (2) RSMo Cum. Supp. 2005, which state:

> 334.100.2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, 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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> (4) ...unprofessional conduct in performance of the functions or duties of any profession licensed or regulated by this chapter....
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> (8) ...other final disciplinary action against the holder of ...a license or other right to practice any profession regulated by this chapter by another ...federal agency, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, ...surrender of the license, ...while subject to an investigation or while actually under investigation by any ...agency of ...federal government, or employer;

. . . .

> 334.107 Nothing in section 334.106 and this section shall deny the right of the board to deny, revoke or suspend the license of any physician or otherwise discipline any physician who:
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> (1) ...fails to keep complete and accurate ongoing records of the diagnosis and treatment plan;
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> . . . .
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> (2) Fails to keep complete and accurate records of controlled substances ...prescribed, dispensed and administered... .A physician shall keep records of controlled substances ...prescribed, dispensed and administered, and disposal of these drugs shall include ...the name and address of the person receiving the drugs, and the reason for ...the dispensing of the drugs to the person;

. . . .

2. Licensee's conduct, as established by the foregoing facts, falls within the intendments of § 334.100.2, RSMo.

3. Cause exists for the Board to take disciplinary action against Licensees' license under § 334.100.2, RSMo.

III. JOINT AGREEMENT ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the State Board of Registration for the Healing Arts in this matter under the authority of §621.110 RSMo 2000. 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:

1. Medical license number 106949, issued by the Board to the Licensee, is hereby **REPRIMANDED.**

2. 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 attorneys fees and expenses, including any claims pursuant to §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.

3. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

12-18-06

Gregory C. Buhler, D.O. Date

BOARD

12-21-06

Tina Steinman Date
Executive Director

Audrey Hanson McIntosh Date 12-18-06
Attorney for Licensee
MO Bar No. 33341

12/21/06

Sreenu Dandamudi Date
General Counsel
MO Bar No. 50734

EFFECTIVE THIS 21 DAY OF December, 2006.