

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE STATE BOARD OF MEDICAL EXAMINERS**

IN THE MATTER OF:

RICHARD STANLEY KELLETT, M.D.
License No. MMD.24890

Respondent.

OIE # 2013-201

**INTERIM ORDER OF
REINSTATEMENT**

This matter was heard on October, 25, 2013 by Dr. Hartwell Z. Hildebrand, a hearing officer appointed by the State Board of Medical Examiners (“Board”), to conduct a hearing regarding the reinstatement of the medical license of the above-named respondent (“Respondent”), which had been temporarily suspended. The State was represented by Patrick Hanks, Assistant General Counsel. Respondent appeared and testified at the hearing, and was represented by Robert G. Rikard, Esquire.

FINDINGS OF FACT

1. Respondent is subject to a September 5, 2007, order of the Board (“Prior Order”), which required *inter alia* that Respondent work only at a Board-approved practice site. The Prior Order provided that Respondent’s license may be immediately temporarily suspended for failure to abide by any of the terms and conditions of the Prior Order, or if the Board received reliable reports that Respondent is otherwise unable to practice with reasonable skill and safety.
2. In 2011, the Board approved the Tri-County Spinal Care Center (the “Facility”) as a practice site for Respondent. Respondent does not have an ownership interest in the Facility. That facility primarily treats acute back pain.
3. Respondent performed injections on patients at the Facility. On May 20, 2013, the South Carolina Department of Health and Environmental Control (“DHEC”) issued a Public Health Order directing Tri-County Spinal Care Center to cease performing all invasive procedures, including but not limited to injections, because three patients of that facility were diagnosed with acute Hepatitis B.

4. On May 21, 2013, the Board issued an Order of Temporary Suspension (“TSO”) of Respondent’s medical license as a result of the DHEC Public Health Order.
5. Subsequent to the issuance of the TSO, the Facility was inspected and lapses were found in safe techniques and practices regarding infection control and injection practices.
6. Kathy Meadows, LLR investigator, testified on Respondent’s behalf that Respondent is not in violation of the Board’s Prior Order and the source of the Hepatitis B infection is unclear. She testified the Facility is now OSHA compliant, and that Respondent is not an ongoing threat to the health, safety and welfare of the public.
7. An investigation is ongoing as to the source of the Hepatitis B transmission. Respondent contends that a multi-dose vial became infected and that now only single dose vials are used.
8. Julie Cole, with the South Carolina Recovering Professionals Program (“RPP”) testified that RPP would approve Respondent to return to practice.
9. Respondent testified he would get a pharmacy permit if he regains his medical license.

CONCLUSIONS OF LAW

The Board, in accordance with S.C. Code §§ 1-23-370(c) and 40-47-110(D)(1) (1976, as amended) issued an Order of Temporary Suspension, dated May 21, 2013. After hearing the testimony and other information provided to determine Respondent’s fitness to practice with a reasonable degree of skill and safety to the public, the undersigned hearing officer concludes that it is in the public interest to reinstate Respondent to the practice of medicine pending a Final Order of the Board at the conclusion of all pending charges, upon the limited and certain conditions, as specified below.

THEREFORE, IT IS ORDERED THAT

1. Respondent’s request for reinstatement of his medical license is **GRANTED**, effective October 25, 2013, subject to the restriction that Respondent shall not perform injections, which shall continue in effect until further Order of the Board.
2. If Respondent fails to abide by any of the aforementioned terms and conditions, or if it

should be indicated from reliable reports submitted to the Board that Respondent is otherwise unable to practice medicine with reasonable skill and safety to patients, then Respondent's license may be immediately temporarily suspended until further Order of the Board following hearing into the matter.

3. This Interim Order does not satisfy, prejudice, or stay any disciplinary action currently pending before the Board or which may be filed in the future.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS

Hartwell Z. Hildebrand, M.D.
Hartwell Z. Hildebrand, M.D.
Hearing Officer

December 20, 2013.