

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

Composite State Board
of Medical Examiners

MAY 05 2005

IN THE MATTER OF:

PHIL C. ASTIN, M.D.
License No. 035368

Respondent.

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DOCKET NUMBER
DOCKET NO. 2005 0137

PUBLIC CONSENT ORDER

By agreement of the Composite State Board of Medical Examiners ("Board") and Phil C. Astin, M.D., ("Respondent"), the following disposition of this matter is entered into pursuant to the provisions of O.C.G.A. § 50-13-13(a)(4), as amended.

FINDINGS OF FACT

1.

The Respondent is licensed to practice as a physician in the State of Georgia and was so licensed at all times relevant to the matters stated herein.

2.

O.C.G.A. Ch. 34A, T. 43 requires the Board to collect information from physicians to create physician profiles for dissemination to the public and physicians to provide a description of any final disciplinary action resulting in any restriction of hospital privileges, either involuntary or by agreement, for reasons related to competence or character in the most recent ten years, occurring on or after April 11, 2001. Chapter 360-28 of the Board's rules and regulations require that physicians report on a physician profile final disciplinary action resulting in any restriction of hospital privileges for reasons related to competence or character. The Board's rules further require that, after

initial publication of the profile, this information be updated via an update and correction form within 10 days of the final disciplinary action resulting in any restriction of hospital privileges.

3.

On or about June 11, 2001, Respondent's privileges at Tanner Medical Center were suspended for three months for reasons related to competence or character.

4.

On or about May 24, 2003, Respondent submitted a completed profile to the Board. On that date, he affirmed that the physician profile that he entered was true and correct and acknowledged that providing false or incomplete information may result in disciplinary action against his license pursuant to O.C.G.A. §§ 43-1-19 and 43-34-37.

5.

Respondent did not provide information about the suspension of his privileges at Tanner Medical Center in the profile that he affirmed was true and correct on May 24, 2003. Respondent's profile, attached hereto as Exhibit A, states that he has not had any hospital privileges restricted, on or after April 11, 2001, for reasons related to competence or character.

6.

Respondent admits the above findings of fact and waives any further findings of fact with respect to the above-styled matter.

CONCLUSIONS OF LAW

The Respondent's conduct constitutes sufficient grounds for the imposition of discipline upon his license to practice as a physician in the State of Georgia pursuant to O.C.G.A. Chs. 1, 34 and 34A T. 43, as amended.

ORDER

The Composite State Board of Medical Examiners, having considered all the facts and circumstances of this case, hereby orders, and Respondent hereby agrees that the following sanctions shall be imposed upon the Respondent's license to practice as a physician in the State of Georgia.

1.

Respondent shall submit to the Board **within 10 days** of receipt of an approved and docketed copy of this Consent Order a completed and affirmed update/correction form reflecting the suspension of hospital privileges that was effective June 11, 2001 and any other corrections or changes in profile information occurring since May 23, 2003. Failure to submit an accurate and completed update/correction form within 10 days of receipt of an approved and docketed copy of this Order shall be considered a violation of this Order and shall result in further sanction of Respondent's license, including revocation, upon substantiation thereof.

2.

Respondent shall submit to the Board a fine of five hundred dollars (\$500.00), to be paid in full by cashier's check or money order made payable to the Board within 30 days of the docket date of this Consent Order. Failure to pay the entire amount by the

30th day shall be considered a violation of this Order and shall result in further sanction of Respondent's license, including revocation, upon substantiation thereof.

3.

The Respondent acknowledges that Respondent has read this Consent Order and understands its contents. Respondent understands that the Respondent has the right to hearing in this matter and freely, knowingly and voluntarily waives that right by entering into this Consent Order. Respondent understands and agrees that a representative of the Department of Law may be present during the Board's consideration of this Consent Order and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent further understands that this Consent Order will not become effective until approved and docketed by the Composite State Board of Medical Examiners. Respondent understands that this Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Board. Respondent acknowledges that O.C.G.A. Ch. 34A, T. 43 requires that a record of this violation be maintained as part of the physician profile. Therefore, Respondent hereby gives the Board permission to update his physician profile to reflect said violation. If this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter. Respondent hereby consents to the terms and sanctions contained herein.

Approved this 5th day of MAY, 2005.

**COMPOSITE STATE BOARD OF
MEDICAL EXAMINERS**

(BOARD SEAL)

BY: Roland S. Summers, M.D., M.P.H.
ROLAND S. SUMMERS, M.D., M.P.H.
Board President

(Signatures continued on next page.)

ATTEST: Lasharn Hughes
LASHARN HUGHES
Executive Director

CONSENTED TO: Phil C. Astin, M.D.
PHIL C. ASTIN, M.D.
Respondent

Sworn to and subscribed before me
this 21st day of April, 2005

Amanda P. Deep
NOTARY PUBLIC

My commission expires:

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