BEFORE THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN RE: STEFAN S. O’CONNOR }   ) Case No.: 10-101-15
LICENSE NO: C1-0003896 )

ORDER

WHEREAS, the Board of Medical Licensure and Discipline has reviewed this matter and hereby approves the Consent Agreement of the parties, and enters it now as an Order of the Board;

IT IS SO ORDERED this ___th day of __________, 2016.

[Signatures]

Mailed: 06/14/16
June 14, 2016

Stefan S. O’Connor, M.D.
Wilmington DE 19808

RE: Complaint No. 10-101-15
Letter of Reprimand

Dear Mr. O’Connor:

At its meeting on June 7, 2016, the Delaware Board of Medical Licensure and Discipline adopted the Consent Agreement executed between you and counsel for the State of Delaware in the above-captioned matter. Pursuant to the Board’s Order adopting the Consent Agreement, the Board found that your actions violated the following statutory provisions, constituting grounds for discipline:

Section 1731(b)(3) in that you failed to adequately maintain and properly document patient records as required by Board rule 8.1.13.

Section 1731(b)(3) in that you failed to document compliance with the requirements for the use of controlled substances for the treatment of pain as required by Board rule 18 and Board rule 8.1.12.

As a result of the above, the Board issues this Letter of Reprimand as referenced in the attached Order, a copy of which will be retained in your permanent file.

For the Delaware Board of Medical Licensure and Discipline:

[Signature]
Joseph M. Parise, D.O., President
BEFORE THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN RE: STEFAN S. O'CONNOR )

LICENSE NO: C1-0003896 ) Case No.: 10-101-15

CONSENT AGREEMENT

A written Complaint was filed with the Delaware Board of Medical Licensure and Discipline ("Board") alleging that Stefan S. O'Connor, M.D. ("Respondent"), a licensed Medical Doctor in Delaware and Board Certified Ophthalmologist, has engaged in conduct that constituted grounds for discipline pursuant to Delaware's Medical Practice Act (24 Del.C. Chapter 17).

The State of Delaware, by the undersigned Deputy Attorney General, and Respondent submit this Consent Agreement ("Agreement") for approval by the Board as a means of resolving the pending administrative prosecution against Respondent pursuant to 24 Del.C. § 1731.

IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent is a licensed physician M.D. in Delaware. His medical license, number C1-0003896, was issued June 2, 1992 and is currently active.

2. Respondent has a controlled substance license, number MD2182. It was issued June 5, 1992 and is active.

3. At all times relevant, Respondent practiced Ophthalmology at the offices of Stefan S. O'Connor, M.D., P.A. in Wilmington, Delaware.

   Count One: SH

4. In 1999, Respondent began seeing SH as a patient for her routine ophthalmological
5. In November 2012, SH started working at Stefan S. O'Connor, M.D., P.A. as an administrative assistant.

6. Beginning in October 2013 and continuing monthly until January 2014 then beginning in April 2014 and continuing until August 2014, Respondent prescribed to SH Oxycodone-acetaminophen (Percocet), a schedule II controlled substance, varying the strengths and quantity of tablets taken. The amount of pills prescribed never exceeded 30 pills and the longest period of use was over a week (7 days) period.


9. Respondent did not charge SH for any of his medical care which he provided to SH since she became an employee. Respondent states that SH got treatment she would not otherwise be able to obtain.

10. Respondent states that Amphetamine Salts (Adderall) prescriptions are not within the scope of Respondent’s Ophthalmology practice but Respondent did have a year of Internal Medicine residency before changing his medical residency to Ophthalmology. Respondent has experience evaluating ADD patients in his practice as this condition is part of neuroscience and Ophthalmology. SH had been diagnosed with ADHD since the 4th Grade and was being
prescribed Adderall by Respondent in the same amount and the same quantity as previous medical providers for SH. Respondent states he has stopped prescribing Adderall and has committed to not prescribing Adderall to any patient in the future.

11. Respondent failed to document and/or failed to adequately maintain medical records pertaining to the above-referenced prescriptions, treatment of the patient or any physical examinations of the patient, other than eye exams and photosensitivity related to migraines.

12. Respondent, through his conduct described herein, engaged in unprofessional conduct within the meaning of 24 Del.C. § 1731(b) and violated the following provisions of 24 Del.C. § 1731(b).

   a. Section 1731(b)(3) in that he failed to adequately maintain and properly document patient records as required by Board rule 8.1.13

   b. Section 1731(b)(3) in that he failed to document compliance with the requirements for the use of controlled substances for the treatment of pain as required by Board rule 18 and Board rule 8.1.12

13. By the aforesaid conduct, Respondent violated 24 Del. C. §1731(b)(11) in that his failure to document anything pertaining to SH's medical care outside of her eye care and photosensitivity related to migraines demonstrates a pattern of negligence in the practice of medicine.

14. In mitigation for Respondent is the following:

   a. 17.15.1 - Absence of prior disciplinary record. There is no prior disciplinary complaint against Respondent.

   b. 17.15.4 - Voluntary restitution or other actions taken to remedy the misconduct. Respondent is no longer going to prescribe any medication for his
employee SH. Respondent has agreed not to prescribe Adderall and will not prescribe any pain medications for longer than a week for any patient.

c. 17.15.7 - Timely good faith effort to rectify consequences of misconduct. Respondent is no longer prescribing any narcotics for longer than one week for any patient. Respondent will not prescribe Amphetamine Salts (Adderall) to any patient.

d. 17.15.6 - Absence of dishonest of selfish motive. There is no suggestion that Respondent acted other than in the best interest of his patient SH who was also an employee he was able to observe and monitor on a daily basis. Respondent has been cooperative throughout the investigation.

e. 17.15.12 - Consent of patient. SH wanted Respondent to prescribe her medication.

f. 17.15.14 - No significant injury caused by misconduct. There is no indication that SH suffered any injury as a result of the prescriptions that were prescribed by Respondent; in fact, SH states she obtained medical care she otherwise would not have gotten.

g. 17.15.16 - No evidence of motivation of criminal, dishonest or personal gain. Respondent did not charge for any of the medical care for SH.

15. Respondent admits that the allegations set forth in paragraphs one (1) through fourteen (14) above are true and correct.

16. Respondent and the State agree that an appropriate disciplinary sanction for this conduct shall be that as follows:

a. A Letter of Reprimand;
b. Within sixty (60) days of the date that the Board accepts this Agreement and enters it as an Order, Respondent shall pay a fine in the amount of $4,000 payable to the State of Delaware and mailed to the Division of Professional Regulation, Delaware Board of Medical Licensure and Discipline, Cannon Building, Suite 203, 861 Silver Lake Boulevard, Dover, Delaware 19904;

c. Fifteen (15) hours of continuing education on the subject of the safe prescribing of controlled substances. These hours shall be in addition to the hours required by Board Rule 12. Respondent completed the required hours on March 6, 2015 by attending a course titled: “91410 Prescription Opioids: Risk Management and Strategies for Safe Use.”

17. In the concurrent case before the Delaware Secretary of State and/or the Controlled Substance Advisory Committee (case no. 38-19-15) stemming from the same conduct, the parties have submitted a Consent Agreement for approval with a proposal that Respondent’s controlled substance registration be limited as follows for three years: he may not prescribe the controlled substance, Amphetamine Salts; he may not prescribe over a fourteen (14) day supply of any other controlled substance.

18. The parties to this Consent Agreement are the State of Delaware and Respondent.

19. The parties agree and acknowledge that nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this Agreement.

20. Respondent acknowledges that he is waiving his rights under 24 Del.C. Ch. 17 and 29 Del.C. Ch. 101 to a hearing before the Board prior to imposition of disciplinary sanctions.
21. Respondent acknowledges that he has carefully read and understands this Consent Agreement, and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

22. Respondent acknowledges that this Consent Agreement is a public record within the meaning of 29 Del.C. § 10002 and will be available for public inspection and copying as provided for by 29 Del C. § 10003.

23. The parties acknowledge and agree that this Consent Agreement is subject to approval by the Board.

24. The parties acknowledge and agree that if the Board does not accept this Consent Agreement, neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Board to conduct an evidentiary hearing relating to the allegations in the subject Complaint.

25. The parties agree that if the Board does not accept the Consent Agreement the parties will not refer to the Agreement at any hearing or trial, administrative, civil or criminal, and will not introduce or seek to admit the agreement into evidence in any proceeding.

26. The parties agree that if the Board does not accept the consent agreement, no provision contained in the Agreement shall constitute or have the effect of an admission by the Respondent as to any fact alleged in the Complaint in this matter or in this Agreement.

27. This Consent Agreement shall be effective as an Order of the Board upon approval by the Board. If the Board does not accept the consent agreement, it shall be of no effect.

28. If the Board accepts the Consent Agreement and enters it as an Order, the Consent Agreement shall be admissible as evidence at any future proceedings before the Board.
29. Respondent understands and acknowledges that the Board will report this consent Agreement to the licensing authority of any other state in which he is licensed to practice.

30. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

31. This Consent Agreement shall be effective upon acceptance by the Board and entry of the Board’s Order.

Stefan S. O’Connor
Respondent

Carla A.K. Jarosz (I.D. No. 5424)
Deputy Attorney General
Department of Justice

Dated: 5/24/16

Devashree Brittingham
Executive Director
Delaware Board of Medical Licensure and Discipline
Dated: 06/7/16