VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: ROBERT E. KANE, III, M.D.
License No.: 0101-252337

CONSENT ORDER

The Virginia Board of Medicine ("Board") and Robert E. Kane, III, M.D., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Kane to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings of fact and conclusions of law in this matter:

1. Dr. Kane was issued license number 0101-252337 by the Board to practice medicine and surgery in the Commonwealth of Virginia on July 10, 2012. Said license is currently active and will expire on April 30, 2016, unless renewed or otherwise restricted.

2. Dr. Kane is in violation of Section 54.1-2915.A(2), (4), and (14) of the Code of Virginia (1950), as amended ("Code"), in that he is unable to practice with reasonable skill and safety due to illness or substance abuse. Specifically:
   a. Dr. Kane reports a long history of alcohol abuse going back to 2007. Previously, Dr. Kane successfully participated in the Missouri impaired physician’s program for almost five years, from approximately 2008-2012.
   b. Although Dr. Kane entered the Virginia Health Practitioners’ Monitoring Program ("HPMP") on or about July 6, 2012 as a pre-condition to receiving his Virginia medical license, Dr. Kane was dismissed from that program for non-compliance on or about January 11, 2013. An Informal Conference Order of the Board entered on or about September 11, 2013, decided to take no further action against Dr. Kane’s Virginia medical license as a result of that
dismissal “since he has established a solid record of recovery and is committed to maintaining his sobriety.”

c. Dr. Kane experienced a relapse on alcohol on or about July 3, 2014. Specifically, on that date, Dr. Kane presented to the emergency room for treatment of injuries he sustained when he fell in his driveway (i.e., a facial laceration, orbital fracture, and concussion). Blood alcohol testing performed in the emergency room revealed that Dr. Kane’s blood alcohol level was 3070mg/ml.

d. Prior to this incident, in June 2014, patients and medical staff/employees at the hospital where Dr. Kane was employed reported concerns to hospital administration regarding Dr. Kane’s performance and behavior (e.g., confusion and memory issues). Consequently, Dr. Kane was placed on administrative leave on or about June 6, 2014 and ordered to undergo a neuro-psychiatric evaluation. Dr. Kane reported that he drank a pint of vodka prior to his fall in the driveway on July 3, 2014 because he was anxious, depressed, and stressed after the lengthy neuro-psychiatric testing he had undergone the previous day (on July 2, 2014).

e. As a result of the incident on July 3, 2014, Dr. Kane’s employer required that he remain on leave, participate in HPMP, and have a substance abuse assessment. Subsequently, Dr. Kane underwent such assessment and was admitted on or about August 13, 2014 to an intensive inpatient treatment program for alcohol dependence at a substance abuse treatment facility. The period of Dr. Kane’s inpatient treatment was extended beyond the initial planned discharge date of September 30, 2014 to November 5, 2014 due to his minimal compliance with treatment.
f. On or about September 10, 2014, Dr. Kane signed a Participation Contract with HPMP whereby he recognized that he "may suffer from the disease of alcoholism and/or chemical dependency that impairs my ability to practice my health profession safely as evidenced by my alcohol abuse." Dr. Kane entered into a Recovery Monitoring Contract with HPMP on or about November 6, 2014 whereby he again acknowledged "that my alcohol and/or substance use disorder and/or mental illness and/or physical illness may impair my ability to practice my health profession safely."

3. On or about May 27, 2014, Dr. Kane's HPMP case manager reported that Dr. Kane had successfully completed his inpatient treatment, had signed the Recovery Monitoring Contract referenced above, and was fully compliant with HPMP at that time.

4. Dr. Kane reports July 4, 2014 as his sobriety date.

CONSENT

I, Robert E. Kane, III, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document;

2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000. A et seq. of the Code of Virginia;

3. I have the following rights, among others:

   a. the right to a an informal conference before the Board; and

   b. the right to appear in person or by counsel, or other qualified representative
before the agency;

4. I waive all rights to an informal conference;

5. I admit the truth of the above Findings of Fact and Conclusions of Law contained herein and agree not to contest the Findings of Fact, Conclusions of Law or any sanction imposed hereunder in any future judicial or administrative proceedings where the Board is a party; and

6. I consent to the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that Robert E. Kane, III, M.D., is issued a REPRIMAND.

It is further ORDERED that Dr. Kane shall remain in HPMP and continue to comply fully with the terms of his contract(s), and any addenda thereto, until he successfully completes the program. In accordance with Dr. Kane’s contract, the Board will be notified of any noncompliance with, or dismissal or resignation from, HPMP.

Dr. Kane shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Violation of this Consent Order may constitute grounds for suspension or revocation of Dr. Kane’s license. In the event that Dr. Kane violates this Consent Order, an administrative proceeding may be convened to determine whether such action is warranted.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Order shall remain in
the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

\[Signature\]

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

11/13/2015
ENTERED

SEEN AND AGREED TO:

\[Signature\]

Robert E. Kane, III, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Henrico TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 2nd day of November, 2015, by Robert E. Kane, III, M.D.

\[Signature\]

Melissa Shore Thiel
Notary Public
Registration Number: 7554550
My commission expires: July 31, 2017