BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: GARRETT HOWARD SMITH, M.D.
License Number: 0101-242036
Case Number: 178605

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Medicine ("Board") and Garrett Howard Smith, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Smith’s license to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Garrett Howard Smith, M.D., was issued License Number 0101-242036 to practice medicine and surgery on June 27, 2007, which is scheduled to expire on December 31, 2018.

2. Dr. Smith has prior Board history for which the Board entered an Order dated June 27, 2007, granting his Application for a License to Practice Medicine and Surgery in the Commonwealth of Virginia, and placed his license on probation subject to terms, to include complying with all terms and conditions of the Michigan Board of Medicine’s Order Granting Full Licensure, dated December 12, 2006. Further, the Board entered an Order dated September 5, 2012, issuing Dr. Smith a reprimand and continued his license on indefinite probation subject to terms, to include restricting him from the practice of medicine and surgery in Virginia until he submitted verification acceptable to the Board that he complied with the terms and conditions of the Michigan Board Order entered December 12, 2006. By Order of Summary Suspension entered March 14, 2013, the Board summarily suspended Dr. Smith’s license, and by Consent Order entered May 28, 2013, the Virginia Board ordered Dr. Smith to pay a monetary penalty in the amount of $5,000, and continued his license on indefinite suspension.
until he provided satisfactory written evidence to the Board that he fully complied with all the terms and conditions of a 2006 Michigan Order. On December 17, 2015, the Board reinstated his license reflecting he had a full and unrestricted license.

3. Dr. Smith violated Virginia Code § 54.1-2915.A(5) in that:

   a. By Final Order effective November 23, 2014, the Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Board of Medicine ("Michigan Board") placed Dr. Smith on probation for one year with terms, to include contacting the Health Professional Recovery Program ("Contractor") to make arrangements to undergo an independent mental health/psychiatric evaluation as directed by the Contractor, and complying with all requests by the Contractor; entering into and complying with a monitoring agreement with the Contractor if determined that Dr. Smith is in need of treatment monitoring, and submitting all reports in the manner specified by the monitoring agreement; completing a minimum of five (5) hours of continuing education in board ethics; payment of administrative costs, and a fine of $2,500.00. This action was based on the actions taken by the Virginia Board referenced in #2 above.

   b. By Order of Summary Suspension effective December 16, 2016, the Michigan Board summarily suspended Dr. Smith's license, and on February 16, 2017, the Michigan Board issued and entered a Stipulation to Dissolve Summary Suspension. By Consent Order and Stipulation effective April 14, 2017, the Michigan Board ordered that Dr. Smith's license was limited for a minimum period of two (2) years to include not obtaining, possessing, prescribing, dispensing or administering any drug designated as a controlled substance except in a hospital or institutional setting. Further, Dr. Smith was placed on probation for two (2) years with terms and conditions, to include providing copies of this Order and complaint to his employer; having
his immediate supervisor file reports with the Department advising of his work performance; reporting any and all changes in his employment within 15 days of such change; meeting quarterly with an approved physician to review Dr. Smith’s professional practice, and review Dr. Smith’s records of both outpatient and inpatient patients he treated; complete ten (10) hours of continuing education credits in the areas of prescription practices and ethics and legal compliance. In addition, Dr. Smith was fined $7,500.00, and ordered to pay administrative costs. This action was based on factual allegations that Dr. Smith prescribed 60 tablets of Norco (C-II), 60 tablets of Xanax (C-IV) and 30 tablets of Soma (C-IV) to Patient A on two occasions, and 60 tablets of Norco and 60 tablets of Soma for Patient B on one occasion, after performing only a cursory physical examination, without preparing a treatment plan, without documenting the risks and benefits of use of controlled substances, without referring either patient for additional evaluation and treatment or for pain management, and for not analyzing or appreciating the urine drug screens which were performed and showed the patients were not taking the controlled substance medications prescribed. In addition, the action was based on allegations that between January 1, 2015 and June 30, 2015, Dr. Smith wrote more than one thousand prescriptions for patients of Michigan Health Center, PLLC, although he only worked there one to two days per week, and the prescriptions were for drugs listed in the group of most commonly abused and diverted medications, and in March 2016, while working part-time in Flint, Michigan, he wrote 40 prescriptions for drugs listed in the group of most commonly abused and diverted medications.

CONSENT

Garrett Howard Smith, M.D., by affixing his signature to this Consent Order, agrees to the following:
1. I have been advised to seek 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 or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 et seq.;

3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;

4. I waive my right to an informal conference;

5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my licensure to practice medicine and surgery in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. Garrett Howard Smith, M.D., is REPRIMANDED.

2. Dr. Smith is prohibited in Virginia from obtaining, possessing, prescribing, dispensing or administering any drug designated as a controlled substance except in a hospital setting, until the Michigan Board lifts the limitations on his practice.

3. Dr. Smith shall fully comply with the terms and conditions of the Michigan Order, and shall advise this Board, in writing, of any change to the Order within ten (10) calendar days of such change.
4. Upon receipt of evidence acceptable to the Board verifying that Dr. Smith has completed the terms and conditions of the Michigan Order, the Board authorizes the Executive Director to close this matter.

Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of medicine and surgery shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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]

Jennifer L. Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

ENTERED: 5/10/18

SEEN AND AGREED TO:

[Signature]

Garrett Howard Smith, M.D.

STATE OF MICHIGAN
COUNTY/CITY OF Oakland, TO WIT:

Subscribed and sworn to before me, a notary public in and for the State of Michigan at large, on this 20 day of April, 2018.

[Notary Seal]

KYLE P. LONG
Notary Public, State of Michigan
County of Oakland
My Commission Expires Jan. 23, 2020
Acting in the County of Oakland

My commission expires: 01/25/2020

Registration No.: