

**VIRGINIA:**

**BEFORE THE BOARD OF MEDICINE**

**IN RE:       ROBERT A. KNOX, D.P.M.**  
**License No.: 0103-000788**

**ORDER**

In accordance with the provisions of Sections 54.1-105, 54.1-110, 2.2-4020, and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was convened before the Virginia Board of Medicine ("Board"), on June 22, 2007, in Richmond, Virginia, to consider Dr. Knox's Petition for Reinstatement of his License to practice podiatry in the Commonwealth of Virginia. The privilege to renew said license was mandatorily suspended by Order of the Department of Health Professions, entered November 17, 2006, pursuant to Section 54.1-2409 of the Code. These matters are set forth in the Board's Notice of Hearing and Statement of Particulars dated May 21, 2007.

Pursuant to Sections 2.2-4024.F and 54.1-2400(11) of the Code, the hearing was held before a panel of the Board with a member of the Board presiding. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. The proceedings were recorded by a certified court reporter. The case was prosecuted by Frank W. Pedrotty, Senior Assistant Attorney General, assisted by Nancy L. Walsh, Adjudication Specialist. Dr. Knox appeared at the formal administrative hearing and was not represented by legal counsel.

**FINDINGS OF FACT**

1. Robert A. Knox, D.P.M., was issued license number 0103-000788 to practice podiatry in the Commonwealth of Virginia on September 1, 1988. Said license expired on

May 31, 2006, due to non-renewal. The privilege to renew said license was mandatorily suspended by Order of the Virginia Department of Health Professions, entered November 17, 2006. This action was based on Dr. Knox's felony conviction in the United States District Court, Southern District of West Virginia for unauthorized distribution of a controlled substance.

2. Prior to his guilty plea and felony conviction, Dr. Knox agreed to:
  - a. Waive his right to be charged by indictment and consented to the filing of a one-count Information;
  - b. Plead guilty to a violation of 21 U.S.C. Section 841(a)(1) (unauthorized distribution of hydrocodone, a Schedule III controlled substance); and
  - c. Surrender his Drug Enforcement Administration (DEA) controlled substance registration within seven (7) days of entering his guilty plea.

3. On or about January 3, 2006, in the United States District Court for the Southern District of West Virginia at Bluefield, Dr. Knox pled guilty to one felony count of distributing hydrocodone, a Schedule III controlled substance, in violation of 21 U.S.C. Section 841(a)(1).

4. Dr. Knox testified at his administrative hearing before the Board that the individual for whom he prescribed hydrocodone was an established patient, but that he had not been seen in Dr. Knox's office in approximately twelve (12) months. Dr. Knox stated that he had maintained contact with the individual outside his office.

5. On or about May 16, 2006, Dr. Knox was convicted of one felony count of distribution of hydrocodone, a Schedule III controlled substance, in the United States District Court for the Southern District of West Virginia at Bluefield. He was sentenced to probation

for a term of three (3) years, during which time he is required to: (a) participate in a program for the treatment of narcotic addiction, drug dependency, or alcohol dependency and submit to random drug testing; (b) abstain from possessing a firearm or destructive device or from residing in a residence with such devices; (c) secure approval from his probation officer before incurring new credit charges or opening additional lines of credit; and (d) provide his probation officer with access to any requested financial information. Dr. Knox also was ordered to pay a fine of \$5,000.

6. On or about July 11, 2006, the West Virginia Board of Medicine entered an Order of Revocation, effective July 20, 2006, revoking Dr. Knox's license to practice podiatry in West Virginia, based on his conviction for distribution of hydrocodone, a felony involving prescribing, selling, administering, dispensing, mixing, or otherwise preparing any prescription drug, for other than generally accepted therapeutic purposes.

7. The National Practitioner Data Bank lists the settlement of a malpractice claim against Dr. Knox in the amount of \$100,000 on August 10, 2001. Dr. Knox did not report this settlement on his Virginia Practitioner Profile.

8. Dr. Knox testified that, should his license be reinstated, he would implement adequate safeguards in his practice to assure the Board that he would remedy the conduct that led to his criminal conviction and licensure action in West Virginia. The safeguards would include the following: (a) no telephonic ordering of controlled substances for patients; (b) providing patient care only in his office, except for house calls for invalid patients; and (c) complying with all laws and regulations of the Virginia Board of Medicine.

**CONCLUSIONS OF LAW**

1. Finding of Fact No. 5 constitutes a violation of Section 54.1-2915.A(20) of the Code.
2. Finding of Fact No. 6 constitutes a violation of Section 54.1-2915.A(5) of the Code.
3. Finding of Fact No. 7 constitutes a violation of Section 54.1-2915.A(18), 54.1-2910.1, and Part VII of the Board’s General Regulations, “Practitioner Profile System” (Section 18 VAC 85-20-290 et seq.).

**ORDER**

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that the license of Robert A. Knox, D.P.M., to practice podiatry in the Commonwealth of Virginia be, and hereby is, REINSTATED. Prior to the issuance of the license, Dr. Knox shall remit all fees associated with activating the license for the current biennium.

It is further ORDERED that Dr. Knox’s license shall be placed on INDEFINITE PROBATION and subject to the following terms and conditions:

1. Within six (6) months of entry of this Order, Dr. Knox shall successfully complete a Board-approved course of not less than fourteen (14) credit hours in the subject of proper prescribing of controlled substances. The course shall be approved in advance of registration by the Executive Director of the Board. These continuing education hours shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or

Internet courses that do not allow for interaction with the lecturer). Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

2. Within fourteen (14) days of completion of the continuing education, Dr. Knox shall submit a certificate or other evidence, satisfactory to the Board, of completion of this course.

3. Within sixty (60) days of the entry of this Order, Dr. Knox shall provide the Board with a written statement certifying that he has read and will comply with the Drug Control Act (Section 54.1-3400 et seq. of the Code).

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

5. The Executive Director of the Board shall have the authority to terminate probation upon satisfactory completion of the foregoing conditions or refer the matter to an informal conference.

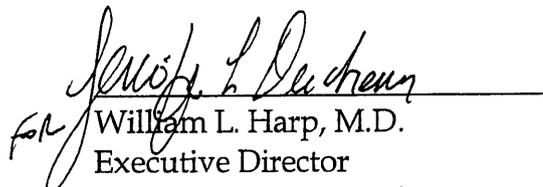
Violation of this Order may constitute grounds for the revocation of Dr. Knox's license. In the event that Dr. Knox violates this Order, an administrative proceeding may be convened to determine whether his license shall be revoked.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Dr. Knox has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with William L. Harp, M.D., Executive Director, Board of Medicine, at 6603

West Broad St., Richmond, Virginia 23230. In the event that this decision is served by mail, three (3) days are added to that period.

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

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

ENTERED: 6/27/07