



BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF)
JOHN BRAY-MORRIS, M.D.)
)
License No. 2003-0404,)
)
Respondent.)
_____)

Case No. 2017-002

AGREED ORDER FOR VOLUNTARY SURRENDER OF LICENSE

The New Mexico Medical Board (“Board”) and John Bray-Morris, M.D. (“Respondent”) (together, “the Parties”) jointly approve this “Agreed Order for Voluntary Surrender of License (“Agreed Order”).

STIPULATIONS OF THE PARTIES

1. The Parties stipulate that Respondent holds license number 2003-0404 and is subject to the jurisdiction of the Board pursuant to the Medical Practices Act (MPA), NMSA 1978, Sections 61-6-1 through -35 (1989, as amended through 2017), the Uniform Licensing Act (ULA), NMSA 1978, Sections 61-1-1 through -34 (1953, as amended through 2017), and the Rules of the Board (“Rules”), Title 16, Chapter 10, NMAC.

2. The Parties stipulate that Respondent was previously reprimanded by the Board in Case No. 2012-013, and that Stipulations of Licensure dated August 20, 2012, and October 3, 2013, were entered in that case. The Parties further stipulate that in Case No. 2012-013, the Board –

a. suspended Respondent’s license to practice medicine in New Mexico based on Respondent’s violations of numerous provisions of the MPA constituting unprofessional or dishonorable conduct, including, but not limited to, conduct likely to harm the public, injudicious prescribing, violation of a Board Order, violation of a drug law, interactions with physicians,

hospital personnel, patients, family members and others that interferes with care or could reasonably be expected to adversely impact the quality of care rendered to a patient,

b. ordered Respondent to abstain completely from the use of mind-altering substances and controlled substances except as legitimately prescribed by a licensed physician, to enroll in, and maintain compliance with, the New Mexico Monitored Treatment Program (MTP), and to be monitored by a workplace monitor, and

c. ordered that any violation by Respondent of its prior order(s) would constitute “conduct unbecoming in a person licensed to practice medicine or detrimental to the best interests of the public,” NMSA 1978, Section 61-6-15(D)(29) and would result in the immediate suspension of Respondent’s license.

3. The Parties stipulate that the Board has investigated subsequent conduct by Respondent that has resulted in allegations against Respondent and has given rise to the current case, including –

a. violations of the Board’s prior stipulations and orders through the personal and unlawful use of mind-altering substances, namely, one or more opioid drugs that were not legitimately prescribed by a licensed physician, and by willfully thwarting the Board’s mandate that Respondent subject himself to urine drug screenings,

b. forging signatures on urine drug screening sample forms,

c. prescribing large and varied amounts of controlled substances to patients without adequate medical justification, specifically including placing patients on a regimen of at least one opioid, one benzodiazepine, and carisoprodol – a combination of controlled substances known to cause fatal drug interactions when prescribed together,

d. providing patient care that deviates from the standard of care required of

physicians through the injudicious and non-therapeutic prescribing of controlled substances,

e. failing to screen patients for substance abuse disorders, specifically by prescribing opiates to poor candidates for such treatment, failing to make a reasonable assessment of patient behavioral and medical histories, and ignoring evidence that patients were abusing and/or diverting controlled substances prior to and while under his care,

f. diverting controlled substances he prescribed to patients for his own personal use,

g. failing to make and maintain complete and accurate patient records, and falsifying records to justify the prescribing of controlled substances,

h. paying non-physician subordinate employees to create and/or complete medical records on his behalf,

i. sexually harassing one or more members of his staff,

j. leaving his medical clinic for prolonged periods of time in the middle of examining and/or treating patients,

k. engaging in disruptive behavior while working alongside fellow healthcare professionals, which interfered with the orderly conduct of patient care, or which could reasonably be expected to adversely impact the quality of patient care,

l. failing to be honest and forthright with the MTP and Board investigators about his use of controlled substances, and

m. failing to obtain prescription monitoring reports from the New Mexico Board of Pharmacy as required by law when treating chronic pain.

4. The Parties stipulate that the allegations against Respondent outlined above, if proven, constitute multiple violations of the MPA, the Board's Rules, and/or the Code of Ethics of the American Medical Association, as adopted in the Board's Rules.

5. The Parties stipulate that on January 13, 2017, the Board issued a Notice of Summary Suspension (NSS) and Notice of Contemplated Action (NCA) against Respondent based on the allegations outlined above on the basis that Respondent's continued practice of medicine posed a clear and immediate danger to the public health and safety.

6. The Parties stipulate that on July 14, 2017, the Board amended the NCA it issued against Respondent based on evidence that Respondent was arrested and charged with driving while under the influence, and that he failed to report that arrest within thirty days of its occurrence as required by the MPA and the Board's Rules.

7. The Parties stipulate that Respondent has received all notice required by law and submitted a timely request for hearing on the NCA.

8. The Parties stipulate that, if Respondent's case proceeded to hearing on the allegations contained in the NSS and NCA, the Board believes it could establish by a preponderance of the evidence the allegations against Respondent.

9. The Parties stipulate that Respondent does not admit any wrongdoing by entering into this Agreed Order.

10. The Parties stipulate that they have the authority under the MPA and the ULA to enter into this Agreed Order, and that entry of this Agreed Order will settle all existing investigations and allegations by the Board involving Respondent, except those that may arise from information indicating Respondent has been engaged in the unlicensed practice of medicine.

11. The Parties stipulate that this Agreed Order –
 - a. was mutually negotiated and determined,
 - b. contains no provision that is unconscionable, and

c. will otherwise remain in full force and effect if any portion of it is invalidated by judgment or court order.

AGREEMENT OF THE PARTIES

12. The Parties agree this Agreed Order to allow Respondent to surrender his license to practice medicine in New Mexico is in the best interests of Respondent, the Board and the public.

13. In exchange for Respondent's agreement to surrender his license, the Board agrees not to pursue an action to revoke Respondent's license.

14. Respondent agrees –

a. to voluntarily surrender his license to practice medicine in New Mexico, and

b. to accept a permanent bar on his ability to practice medicine in New Mexico, i.e., a waiver of any right he may have to apply for reactivation, reinstatement, or issuance of a new license to practice medicine in New Mexico, if he fails to present evidence satisfactory to the Board of his complete and continuous sobriety during the eighteen-month period following entry of this Agreed Order.

15. Respondent further agrees he is solely responsible –

a. for reimbursing the Board for its costs of investigating his case (\$7,500) and for paying fines in the amount of \$2,000, based on a payment plan administratively agreed to by the Parties not to exceed three years in duration, and

b. for paying all costs associated with his compliance with this Agreed Order.

16. Respondent further agrees he will not apply for a new license to practice medicine in New Mexico, or for any license that would allow him to practice medicine in New Mexico, absent evidence satisfactory to the Board –

a. that he has experienced complete and continuous sobriety for two years following entry of this Agreed Order, and

b. has paid the costs and fines described above.

17. Respondent further agrees that if he applies and is granted a license to practice medicine in New Mexico again in the future, the Board may condition the grant of a license to Respondent on his agreeing to and/or satisfying any and all requirements the Board in its sole discretion may deem appropriate and necessary.

18. The Board agrees it will not seek to bar permanently bar Respondent from holding a license to practice medicine in New Mexico and will consider Respondent's application to obtain a new license as long as Respondent complies with the terms of this Agreed Order and does not engage in further conduct that could result in a violation of the MPA and the Rules of the Board.

19. By signing this Agreed Order, Respondent agrees to waive –

a. his right to challenge the veracity of the allegations contained in the NSS and the NCA in any future Board proceeding,

b. his right to a hearing on the NSS, under NMSA 1978, Section 61-6-15.1,

c. his right to a hearing on the NCA, under NMSA 1978, Section 61-1-4(F), and

d. his right to any appeal of this Agreed Order.

21. The Parties agree this Agreed Order contains the entire agreement between the Parties with respect to its subject matter, and that this Agreed Order will not be enlarged, modified, or altered except by written order of the Board after Respondent has been given an the opportunity to be heard.

20. The Parties agree this Agreed Order shall have full force and effect if it is

executed in counterparts and/or via facsimile or electronic means.

21. The Parties agree this Agreed Order will be effective upon approval by the Board.

22. The Parties agree Respondent will report entry of this Agreed Order to any other jurisdiction where he may be licensed to practice medicine.

STATEMENT AND ACKNOWLEDGEMENTS BY RESPONDENT

23. By signing below, Respondent states and acknowledges that he –

a. knowingly, voluntarily and intelligently accepts and understands the terms of this Agreed Order,

b. knowingly, voluntarily and intelligently is waiving his rights under the MPA and the ULA, including his right to a hearing, and his right to any appeal of this Agreed Order.

c. knows and understands he has the right to consult with an attorney of his choice regarding his rights and the effects of this Agree Order, and that he is stating he has either consulted an attorney or is waiving his right to counsel,

d. confirms his knowledge that this Agreed Order is a public document, reportable to the National Practitioner's Data Bank (NPDB), the Federation of State Medical Boards (FSMB) and the American Medical Association (AMA), and

e. states he is of sound mind and not under the influence of, or impaired by, any medication or drug.

6-5-2018
Date



John Bray-Morris, M.D., Respondent

6-6-18
Date



Molly Schmidt-Nowara
Counsel for Respondent

ORDER

THE BOARD, HAVING FOUND that Respondent's surrender of his license is in the best interests of Respondent, the Board and the public, that it will promote administrative efficiency, and that it will conserve taxpayer resources, and

HAVING FURTHER found that Respondent understands the terms of this Agreed Order, including his waiver of rights,

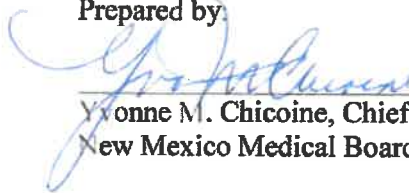
HEREBY ORDERS AND ACCEPTS Respondent's surrender of his license to practice medicine in the State of New Mexico and the terms of the Agreed Order described above.

NEW MEXICO MEDICAL BOARD

7/3/18
Date _____


Steve Jenkusky, M.D., Chairman

Prepared by:


Yvonne M. Chicoine, Chief Legal Counsel
New Mexico Medical Board

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
JOHN D. BRAY-MORRIS, M.D.)
)
License No. 2003-0404)
)
Respondent.)
_____)

No. 2017-002

TO: John D. Bray-Morris, M.D.
12 Monterey Road
Santa Fe, New Mexico 87508

John D. Bray-Morris, M.D.
c/o Molly Schmidt Nowara
Garcia Ives Nowara
924 Second Street NW
Suite A
Albuquerque NM 87102

AMENDED NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that the New Mexico Medical Board at its meeting held on June 29, 2017 determined that the Notice of Contemplated Action previously filed and served on January 13, 2017 be amended to add the following allegation:

1. On April 24, 2017, during which time your license was already summarily suspended, you were arrested and charged with driving under the influence of substances, a petty misdemeanor.
2. You failed to report the arrest within 30 days of its occurrence as required, which is in violation of NMSA 1978, Section 61-6-15(D)(21)(f) (failure to report to the Board any adverse action taken against the licensee by a law enforcement agency); and 16.10.10.13 NMAC.
3. The conduct is also in violation of the Applicable Board rules found at Title 16, Chapter 10, NMAC; and/or Provisions of the Code of Medical Ethics of the American Medical Association (2014-2015 Ed.) as adopted by the Board at Rule 16.10.8.9 NMAC.

PLEASE TAKE FURTHER NOTICE THAT:

Pursuant to NMSA 1978, Section 61-1-4 you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing. If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, including retroactive revocation or suspension, and there will be no judicial review of their decision.

Pursuant to NMSA 1978, Section 61-1-8, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

In the event that the Board takes a final action against you as specified in NMSA 1978, Section 61-1-3, you shall bear all costs of disciplinary proceedings pursuant to NMSA 1978, Section 61-1-4(G) unless excused by the Board.

Dated this 14th day of July, 2017.

NEW MEXICO MEDICAL BOARD



Sondra Frank, J.D.

Executive Director

2055 South Pacheco Street, Building 400

Santa Fe, New Mexico 87505

Tel: 505-476-7220

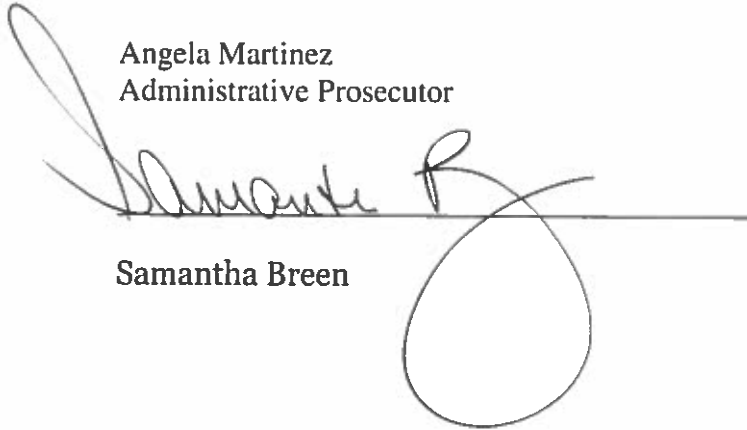
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Amended Notice of Contemplated Action was sent to Respondent's Counsel on July 14, 2017.

Molly Schmidt-Nowara, Esq.
Garcia Ives and Nowara
924 Second Street NW, Ste. A
Albuquerque, NM 87102

Hand Delivered to:

Angela Martinez
Administrative Prosecutor



A handwritten signature in black ink, appearing to read 'Samantha Breen', is written over a horizontal line. The signature is stylized and includes a large, circular flourish at the end.

Samantha Breen



BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF)
JOHN D. BRAY-MORRIS, M.D.)
)
License No. 2003-0404)
)
Respondent.)
_____)

No. 2017- 002

TO: John D. Bray-Morris, M.D.
P.O. Box 1520
Moriarty, New Mexico 87035

John D. Bray-Morris, M.D.
12 Monterey Road
Santa Fe, New Mexico 87508

John D. Bray-Morris, M.D.
1105 U.S. Route 66
Moriarty, New Mexico 87035

Email: braymorris@hotmail.com
JMorrisMD@newmexmed.com

ORDER OF IMMEDIATE SUSPENSION
AND NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that your license to practice medicine is hereby **IMMEDIATELY SUSPENDED** and that pursuant to provisions of NMSA 1978, Section 61-1-4 of the Uniform Licensing Act (“ULA”), the New Mexico Medical Board (“Board”) has before it sufficient evidence that, if not rebutted or explained, will justify the NMMB imposing sanctions that could include restricting, revoking or suspending your license to practice medicine in the State of New Mexico. In support therefore, the Board alleges as follows:

1. You were issued a license to practice medicine in the State of New Mexico (License No. 2003-0404) in 2003 and therefore, you are subject to the Board’s jurisdiction pursuant to provisions of the ULA and the Medical Practice Act (“MPA”), Chapter 61, Article 6, NMSA 1978.
2. In Case No. 2012-013 before the Board, you were reprimanded and had your license to practice medicine in New Mexico suspended for violating numerous provisions of the MPA constituting unprofessional or dishonorable conduct, including but not limited to, conduct likely to harm the public, injudicious prescribing, violation of a Board Order, violation of a drug law,

interaction with physicians, hospital personnel, patients, family members or others that interferes with care or could reasonably be expected to adversely impact the quality of care rendered to a patient, etc. etc. The Board further commanded that you abstain completely from the use of mind-altering substances and controlled substances except as legitimately prescribed by a licensed physician; that you enroll in, and maintain compliance with, New Mexico Monitored Treatment Program for habitual or excessive use of intoxicants or drugs; and that you be monitored by a workplace monitor. The stipulations memorializing the Board's commands provided that any violation of the terms of the stipulations by you would constitute "conduct unbecoming in a person licensed to practice medicine or detrimental to the best interests of the public" pursuant to NMSA 1978, Section 61-6-15(D)(29) and result in the immediate suspension of your license. See Stipulation of Licensure dated August 20, 2012 and Second Stipulation of Licensure dated October 3, 2013.

3. This immediate suspension and further contemplated action is based on the following allegations:

a. You have violated the terms of the Board's prior stipulations and orders in that you have resumed the personal and unlawful use mind-altering substances, namely, one or more opioid drugs that were not legitimately prescribed to you by a licensed physician, and you have willfully thwarted the Board's mandate for you to be subjected to urine drug screenings.

b. You forged a signature on urine drug screen sample forms.

c. You have prescribed large and varied amounts of controlled substances to patients without adequate medical justification. On more than one occasion, you placed patients on a regimen of at least one (1) opioid, one (1) benzodiazepine, and carisoprodol – a combination of controlled substances that is known to cause fatal drug interactions when prescribed

together.

d. The care you provided to patients deviated from the standard of care required of physicians through the injudicious and non-therapeutic prescribing of controlled substances.

e. You failed to screen patients for substance abuse disorders; indeed, you prescribed opiates to poor candidates for such treatment, failing to make a reasonable assessment of your patients' behavioral and medical histories and ignoring evidence that indicated your patients were abusing and/or diverting controlled substances both prior to and while under your care.

f. You diverted controlled substances that were prescribed by you, to patients, from those patients for your own personal use.

g. Medical records for several of your patients are incomplete, and certain portions of your records (e.g. progress notes) appear to have been falsified to justify the prescribing of controlled substances.

h. You paid non-physician subordinate employees to create and/or complete medical records on your behalf.

i. You sexually harassed one or more female medical clinic staff members.

j. On more than one occasion, you left the medical clinic for prolonged periods of time in the middle of examining and/or treating patients.

k. On one or more occasion, while working alongside fellow healthcare professionals, you engaged in disruptive behavior which interfered with the orderly conduct of patient care, or which could reasonably be expected to adversely impact the quality of care rendered to a patient.

l. You have failed to be honest and forthright with MTP and Board investigators about

your use of controlled substances.

m. You failed to adhere to Board-promulgated regulations concerning the prescribing of controlled substances for the treatment of chronic pain in that you failed to obtain prescription monitoring reports from the New Mexico Board of Pharmacy as required by law.

4. The Board has reviewed and considered such information and is authorized pursuant to NMAC 16.105.15(C) to immediately suspend a license if the Board has reasonable cause to believe that a stipulation has been violated.

5. The allegations set forth above, if proven, would constitute violations of the following provisions of law:

a. NMSA 1978, Section 61-6-15(D)(7), habitual or excessive use of intoxicants or drugs;

b. NMSA 1978, Section 61-6-15(D)(15), the use of a false, fraudulent or deceptive statement in a document connected with the practice of a licensee;

c. NMSA 1978, Section 61-6-15(D)(17), the prescribing, administering or dispensing of narcotic, stimulant or hypnotic drugs for other than accepted therapeutic purposes;

d. NMSA 1978, Section 61-6-15(D)(18), conduct likely to deceive, defraud or harm the public;

e. NMSA 1978, Section 61-6-15(D)(26), injudicious prescribing, administering or dispensing of a drug or medicine;

f. NMSA 1978, Section 61-6-15(D)(29), conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public;

- g. NMSA 1978, Section 61-6-15(D)(33), improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records;
- h. NMSA 1978, Section 61-6-15(D)(36), interaction with physicians, hospital personnel, patients, family members or others that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient;
- i. NMSA 1978, Section 61-6-15(D), “unprofessional or dishonorable conduct” as further defined through Board Rule 16.10.8.8(C), violating a narcotic or drug law;
- j. NMSA 1978, Section 61-6-15(D), “unprofessional or dishonorable conduct” as further defined through Board Rule 16.10.8.8(G), making or signing false documents;
- k. NMSA 1978, Section 61-6-15(D), “unprofessional or dishonorable conduct” as further defined through Board Rule 16.10.8.8(H), dishonesty;
- l. NMSA 1978, Section 61-6-15(D), “unprofessional or dishonorable conduct” as further defined through Board Rule 16.10.8.8(K), violation of a term of a stipulation;
- m. 16.10.14.10 NMAC, requiring physicians treating patients with a controlled substance listed in Schedule II, III, IV to obtain and review PMP reports as required by law;
- n. Applicable Board rules found at Title 16, Chapter 10, NMAC; and/or
- o. Provisions of the Code of Medical Ethics of the American Medical Association (2014-2015 Ed.) as adopted by the Board at Rule 16.10.8.9 NMAC.

IN CONSIDERATION OF THE FORGOING, IT IS HEREBY ORDERED that your New Mexico license to practice as a physician is hereby **IMMEDIATELY SUSPENDED** until further Order of the Board, and that the Board contemplates additional action of restricting, suspending or revoking your license to practice as a physician pursuant to Section 61-1-4 of the ULA.

PLEASE TAKE FURTHER NOTICE THAT:

Pursuant to NMSA 1978, Section 61-1-4 you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing. If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, including retroactive revocation or suspension, and there will be no judicial review of their decision.

Pursuant to NMSA 1978, Section 61-1-8, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

In the event that the Board takes a final action against you as specified in NMSA 1978, Section 61-1-3, you shall bear all costs of disciplinary proceedings pursuant to NMSA 1978, Section 61-1-4(G) unless excused by the Board.

Dated this 13th day of January, 2017.

NEW MEXICO MEDICAL BOARD



Albert Bourbon, PA-C, Vice-Chair
2055 South Pacheco Street, Building 400
Santa Fe, New Mexico 87505
Tel: 505-476-7220

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Order of Immediate Suspension and Notice of Contemplated Action was sent via Certified Return Receipt USPS Mail and email on January 13, 2017 to Respondent.

John D. Bray-Morris, M.D.
P.O. Box 1520
Moriarty, New Mexico 87035

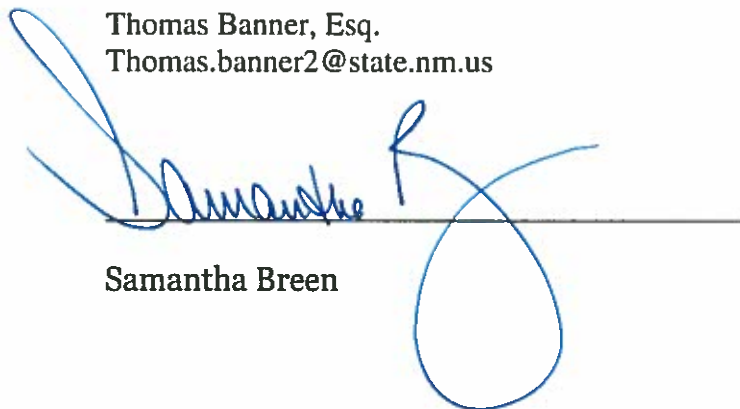
John D. Bray-Morris, M.D.
12 Monterey Road
Santa Fe, New Mexico 87508

John D. Bray-Morris, M.D.
1105 U.S. Route 66
Moriarty, New Mexico 87035

Email: braymorris@hotmail.com
JMorrisMD@newmexmed.com

Hand Delivered

Thomas Banner, Esq.
Thomas.banner2@state.nm.us



Samantha Breen

BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF
JOHN BRAY-MORRIS, M.D.
License No. 2003-0404,

No. 2012-013



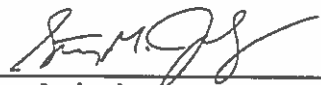
Respondent.

**AMENDED ORDER OF THE BOARD-
OFF-SITE MONITORING**

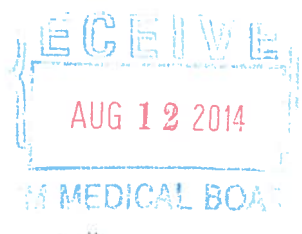
THIS MATTER having come before the Board on May 12, 2016, upon the request by Respondent to amend the Second Stipulation of Licensure ("Second Stipulation") to change the requirement of having an on-site worksite monitor to having an off-site worksite monitor, and the Board having reviewed Respondent's request and having met with Respondent on May 12, 2016, enters this order and FINDS:

1. Respondent's request for off-site monitoring is APPROVED;
2. The New Mexico Monitored Treatment Program (MTP) shall report off-site monitoring plan recommendations to the Executive Committee of the Board;
3. Respondent shall remain compliant with MTP and all terms and conditions set forth in his October 3, 2013 Second Stipulation of Licensure;
4. Respondent shall appear in front of the Board on a quarterly basis or upon the request of the Board and shall submit quarterly compliance affidavits;
5. All other terms and conditions set forth in Respondent's Stipulation of Licensure not inconsistent with the terms in this Order remain in full force and effect.

It is so ORDERED.



Steve Jenkusky, M.D.
Chair New Mexico Medical Board



BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF)
)
JOHN BRAY-MORRIS, MD)
License No. 2003-0404)
)
Respondent.)

No. 2012-013


ORDER OF THE BOARD

THIS MATTER having come before the Board on August 7, 2014, upon the request by Respondent to have his prescriptive authority reinstated to prescribe controlled substances, and the Board having reviewed Respondent's request and having met with Respondent on August 7, 2014, enters this Order and FINDS:

1. Respondent's prescriptive authority to prescribe controlled substances shall be reinstated effective on the date this Order is entered;
2. Respondent shall remain compliant with the December 13, 2013 Order of the Board Worksite Monitor Plan with respect to maintaining worksite monitors;
3. Respondent shall remain compliant with MTP and all terms and conditions set forth in his initial August 2013 Stipulation of Licensure;
4. Respondent shall appear in front of the Board on a quarterly basis or upon the request of the Board and shall submit quarterly compliance affidavits;
5. All other terms and conditions set forth in Respondent's Stipulation of Licensure not inconsistent with the terms in this Order remain in full force and effect.

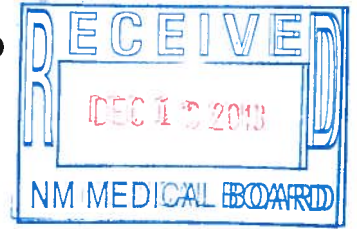
IT IS SO ORDERED.

8/12/14
Date



Steve Weiner, M.D., Chair
New Mexico Medical Board

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
)
JOHN BRAY-MORRIS, MD)
License No. 2003-0404)
)
Respondent.)

No. 2012-013

**ORDER OF THE BOARD
WORKSITE MONITOR PLAN**

Pursuant to the November 26, 2013 Order of the Board, requiring Respondent to obtain an on-site worksite monitor, who is a medical doctor and who will be physically present at the designated clinic where Respondent is practicing medicine, and the Board, through its Executive Committee, who was designated to approve or deny the on-site worksite monitoring plan, agrees to the following:

1. Harry ("Hal") Messec, M.D. is approved as the on-site worksite monitor for Respondent at the McLeod Clinic in Cedar Crest, New Mexico, upon the Board's receipt of the completed and signed On-site Worksite Monitor Agreement form. Dr. Messec will be required to directly monitor Respondent at all times that Respondent is practicing medicine at the McLeod Clinic, in Cedar Crest, New Mexico.

2. Prior to Respondent's transfer to the McLeod Clinic in Moriarty, New Mexico, Respondent shall first notify the Board of this transfer.

3. Jennifer Como, M.D. and Elizabeth Lawrence, M.D. are approved as the on-site worksite monitors of Respondent at the McLeod Clinic in Moriarty, New Mexico, upon the Board's receipt of their completed and signed On-site Worksite Monitor Agreement forms. Dr. Como or Dr. Lawrence will be required to directly monitor Respondent at all times that

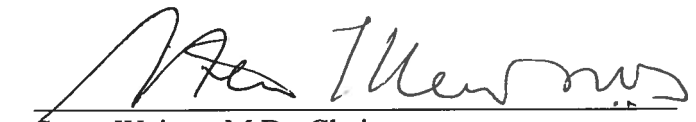
Respondent is practicing medicine at the McLeod Clinic, in Moriarty, New Mexico.

4. These on-site worksite monitors of Respondent, named herein, shall abide by the terms set forth in the On-site Worksite Monitor Agreement and shall submit monthly monitor reports to the Board on the designated form supplied by Board staff.

5. All other terms and conditions set forth in Respondent's Stipulation of Licensure and Second Stipulation of Licensure not inconsistent with the terms in this Order remain in full force and effect.

IT IS SO ORDERED.

12/13/13
Date



Steve Weiner, M.D., Chair
New Mexico Medical Board



BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF
JOHN BRAY-MORRIS, M.D.
License No. 2003-0404,

No. 2012-013

Respondent.


**ORDER OF THE BOARD-
WORKSITE MONITOR**

On October 3, 2013 the Board approved a Second Stipulation of Licensure ("Second Stipulation"), which restricted Respondent's license by suspending it for a period of three months retroactively beginning on August 20, 2013. Additionally in order for the Respondent to resume practicing medicine, the Second Stipulation required a Board approved MD physician worksite monitor. At the November 21, 2013 Board meeting, Respondent proposed a work plan which included a worksite monitoring team. The Board unanimously DENIED Respondent's proposed worksite monitoring team. The Board voted unanimously to GRANT Respondent's resuming the practice of medicine conditioned on the following:

1. Respondent will be under the supervision of an on-site, M.D. physician monitor ("Monitor") during the times that Respondent is practicing medicine.
2. The Monitor must be approved by the Board prior to Respondent resuming the practice of medicine.
3. Monitor shall have an active, unrestricted M.D. license to practice medicine in the State of New Mexico as well as an active DEA registration.
4. The Board will require the Monitor to submit monthly compliance reports regarding the monitoring on forms supplied by the Board.

5. The Board will take expedited action to consider such approval of monitoring by allowing its designee, the Executive Committee, to approve the Monitor so that Respondent may return to practice.
6. Respondent shall remain compliant with MTP and all terms and conditions set forth in his initial August 2013 Stipulation of Licensure.
7. Respondent will report to the Board every three months;
8. Respondent shall not prescribe controlled substances until further order of the Board.
9. After one year, Respondent may petition the Board to request modification of the terms and conditions set forth herein.
10. All other terms and conditions of the Stipulation of Licensure and Second Stipulation of Licensure remain in full force and effect.

It is thereby ordered that the above conditions shall apply.



Steve Weiner, M.D.
Chair New Mexico Medical Board

BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF

JOHN BRAY-MORRIS, MD
License No. 2003-0404

Respondent.

)
)
)
)
)
)

No. 2012-013

SECOND STIPULATION OF LICENSURE

This Second Stipulation of Licensure (“Second Stipulation”) is between John Bray-Morris, M.D. (“Respondent”) and the New Mexico Medical Board (“Board”) (collectively, “the Parties”), upon submission of this Stipulation jointly by Respondent and the Board Prosecutor.

RECITALS

1. Respondent is subject to the jurisdiction of the Board pursuant to the Medical Practice Act, NMSA 1978, §§ 61-6-1 through -35; the Impaired Health Care Provider Act, §§ 61-7-1 through -12; and the New Mexico Medical Board rules and regulations, Title 16, Chapter 10, NMAC.
2. The Board issued a first notice of contemplated action (“the First NCA”) on April 18, 2012.
3. By stipulation filed August 20, 2012 (“the First Stipulation”), the Parties stayed resolution of the matters alleged in the First NCA through several stipulations on Respondent’s license to practice medicine.
4. On February 25, 2013, the Board issued an order (“the First Order”) which partially restricted Respondent’s license, including, *inter alia*, his privileges to write prescriptions for certain controlled substances.
5. On August 20, 2013, the Board issued a second notice of contemplated action (“the Second NCA”) together with an Order of Immediate Suspension, the latter of which also lifted the stay on prosecution of matters alleged in the First NCA.

6. The Second NCA alleged, in part, violations of the terms of the First Stipulation;

7. Respondent has requested a hearing on the merits all pending matters, currently scheduled for November 5th and 6th, 2013.

8. Respondent, without admitting that his actions have violated the terms of the First Stipulation or satisfy the other allegations in the Second NCA, acknowledges that sufficient evidence exists such that the Board could find that he violated the First Stipulation and could find violations as alleged in the Second NCA, and hereby agrees and submits to the sanctions and discipline set forth in the Order below.

9. Respondent knows and understands his right to consult with an attorney and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives his right to counsel.

THEREFORE, IN LIGHT OF THE FORGOING RECITALS, IT IS HEREBY STIPULATED BETWEEN THE PARTIES AND ORDERED BY THE BOARD:

1. Respondent is hereby REPRIMANDED for violating the sections of the Medical Practice Act and Board rules as cited in the Second NCA.

2. Respondent's license shall be SUSPENDED for a minimum of three (3) months, retroactively beginning on August 20, 2013, when the Board issued its aforementioned order, to be lifted pursuant to the provisions of paragraph 3, below.

3. Until such time as the Board approves a medical doctor duly and currently licensed by the Board as Respondent's worksite monitor as part of a monitoring plan that will allow Respondent to safely resume the practice of medicine, the aforementioned suspension shall remain in effect. Respondent shall personally present such plan to the Board at its quarterly meeting in November, 2013.

4. The Board hereby reaffirms the restrictions on Respondent's license as set forth in the

First Order. These restrictions intend to allow Respondent to only make recommendations to a worksite monitor regarding the prescribing of controlled substances. Under no circumstances can the worksite monitor "pre-sign" prescriptions. Respondent agrees to complete his contract with the Monitored Treatment Program ("MTP"), as agreed to by the Parties in the First Stipulation.

5. All terms of the First Stipulation and First Order not inconsistent with the terms of this Second Stipulation shall remain in effect.

6. Respondent shall take and complete a course on ethics of at least six (6) credits, approved by the Board within six (6) months of approval of this Agreement by the Board. Such coursework is in addition to the continuing medical education requirements established by Board Rule at NMAC 16.10.4.

7. Respondent shall appear before the Board upon the Board's request.

8. If the Board has reasonable cause to believe that Respondent has violated any of the terms of this Second Stipulation, the Board may immediately and summarily suspend his license to practice as a physician in New Mexico pursuant to NMAC 16.10.5.15(C). A breach of any term of this Second Stipulation shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1978, § 61-6-15(D)(29). The Board shall, within 10 days of a summary suspension, issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 through -33.

9. Respondent hereby waives any limitation of actions pursuant to Section 61-1-3.1 of the Uniform Licensing Act on the matters alleged in the Second NCA.

10. Respondent understands that this stipulation is made pursuant to NMSA 1978, Section 61-6-15(B), and Board Rule 16.10.5.15 NMAC. Respondent further understands that entering into this stipulation results in a waiver of his rights under the Uniform Licensing Act and the Medical Practice Act, including the right to appeal and any claim he may have regarding these

matters.

11. Respondent understands that this stipulation will be reported to the National Practitioners Data Bank and Healthcare Integrity and Protection Data Bank and is a public document.

12. The conditions and terms set forth in this Second Stipulation will remain in effect unless and until removed or amended by the Board.

13. The pending hearing is hereby vacated and all further administrative prosecution stayed until further notice by the Board.

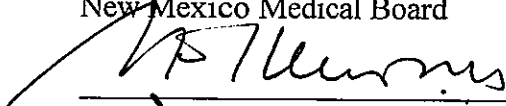
14. This Stipulation incorporates any and all agreements, covenants and understandings between Parties, and incorporates all of the above recitals. No prior agreement or understanding, verbal or otherwise of the Parties or their agents or assignees shall be valid or enforceable unless embodied in this Stipulation.

IT IS SO STIPULATED BY John Bray-Morris, M.D., Respondent, and the New Mexico Medical Board.

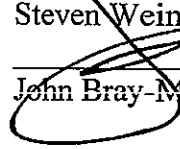
Dated: 10/03/2013

Dated: 10/3/2013

New Mexico Medical Board

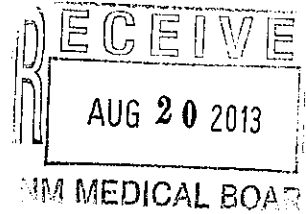


Steven Weiner, M.D. Chair



John Bray-Morris, M.D., Respondent

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
)
JOHN BRAY-MORRIS, MD)
License No. 2003-0404)
)
Respondent.)

No. 2012-013

SECOND NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that pursuant to provisions of Section 61-1-4 NMSA 1978 of the Uniform Licensing Act (“ULA”), the New Mexico Medical Board (“Board”) has before it sufficient evidence that, if not rebutted or explained, will justify the Board imposing sanctions that could include restricting, revoking or suspending your license to practice medicine in the State of New Mexico:

1. The Board issued a Notice of Contemplated Action (“the First NCA”) against you on or about April 18, 2012.
2. You and the Board entered into a stipulation of licensure (“Stipulation”) on or about August 20, 2012.
3. The Stipulation provides, *inter alia*, that:
 - a. “Respondent shall abstain completely from the use of mind-altering substances and controlled substances except as legitimately prescribed by a licensed physician” (§3)
 - b. “...Respondent shall agree to any restrictions on his license as recommended by the [Monitoring Treatment Program (“MTP”)] (§9)
 - c. “If the Board has reasonable cause to believe that Respondent has violated any of the terms of this Stipulation, the Board may

immediately and summarily suspend his license to practice as a physician in New Mexico. A breach of any term of this stipulation shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1978, § 61-6-15(D)(29). The Board shall, within 10 days of a summary suspension, issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 through -33.” (¶10)

d. “The conditions and terms set forth in this stipulation will remain in effect unless and until removed or amended by the Board.” (¶14)

e. “The pending hearing on the merits of the NCA is hereby vacated and all further administrative prosecution stayed until further notice by the Board.” (¶15)

4. Pursuant to the Stipulation, you agreed with MTP to maintain a workplace monitor. You informed MTP that Orrin McLeod, D.O. would serve in this capacity.

5. The Board issued an order (“Order”) on February 25, 2013.

6. The Order provides, *inter alia*, that

a. You “shall not prescribe any controlled substances in Schedules II through V of the New Mexico Controlled Substances Act. This limitation shall remain in effect until the restrictions are removed by the Board, at the discretion of the Board.” (¶2)

b. “In the event [you] breach any of the terms of this Order, the Board

may immediately and summarily suspend his license to practice as a physician in New Mexico pursuant to NMAC 16.10.5.15. Furthermore, each breach of any term of this Order shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in Sec. 61-6-15 (D) 29 NMSA 1978. The Board shall within 10 days of an immediate suspension issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing in accordance with the Uniform Licensing Act, Section 61-1-1 through 61-1-33 NMSA 1978.”

7. This contemplated action is further based on the following additional allegations:
 - a. An inspection of your office by officers of the United States Drug Enforcement Agency (“DEA”) revealed that you have been stockpiling blank prescriptions signed by your supervising physician, Orrin McLeod, D.O.
 - b. You have personally written numerous prescriptions for dangerous drugs, including controlled substances: (1) subsequent to the entry of the Order, (2) without approval by your workplace monitor by relying upon pre-signed scripts, and (3) allowed non-licensed medical assistants in your office to issue such scripts.
 - c. You failed to maintain adequate and timely medical records regarding the above prescriptions.
 - d. You failed to maintain a physician-patient relationship regarding the

above prescriptions.

- e. At your direction, your office, McLeod Medical Center, terminated its physician-patient relationship with a patient treated by a physician assistant under your supervision, Michael Smoker, in retaliation for submitting a complaint to the Board regarding your alleged injudicious prescribing to another patient. Mr. Smoker had been treating the patient for congestive heart failure. You terminated her care without providing any advance notice to the patient, a referral, or any prescriptions necessary to maintain her health until she could establish treatment with another health care provider.
 - f. In a written statement to the Board, you claimed that the aforementioned patient was your patient instead of Mr. Smoker's.
8. The above information gives the Board reasonable cause to believe that you violated the Stipulation and the Order.
 9. The above allegations, if proven, would be a violation of the following provisions of the Medical Practice Act :
 - a. 61-6-15(D)(29), conduct unbecoming in a person licensed to practice medicine or detrimental to the best interests of the public;
 - b. Section 61-6-15(D)(26), injudicious prescribing;
 - c. Section 61-6-15(D)(36), interaction with patients, family members or others that interferes with patient care;
 - d. Section 61-6-15(D)(15), the use of a false, fraudulent or deceptive

statement in a document connected with the practice of medicine;

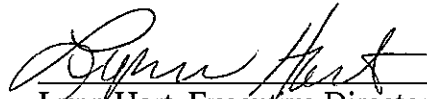
- e. Section 61-6-15(D)(18), conduct likely to harm the public;
- f. Section 61-6-15(D), “unprofessional or dishonorable conduct” as further defined through Board Rule NMAC 16.10.8.8(L), which prohibits “prescribing, dispensing or administering drugs or medical supplies to a patient when there is no established physician-patient relationship....”;
- g. Section 61-6-15(D), “unprofessional or dishonorable conduct” as further defined through Board Rule NMAC 16.10.8.8(C), violation of a drug law;
- h. Section 61-6-15(D), “unprofessional or dishonorable conduct” as further defined through Board Rule NMAC 16.10.8.8(K), violating a term of a stipulation;
- i. 16.10.8.9 NMAC, Medical Ethics Violation.

10. Please take notice that pursuant to Section 61-1-4, you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing. If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, and there will be no judicial review of their decision.

11. Pursuant to Section 61-1-8 NMSA 1978, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas *duces tecum* issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.
12. The issuance of this Notice of Contemplated Action is not a disciplinary event reportable to any data bank but is a public document open to public inspection.
13. In the event that the Board takes a final action against you as specified in Section 61-1-3 of the ULA, you shall bear all costs of disciplinary proceedings unless excused by the Board pursuant to Section 61-1-4(G) of the ULA.

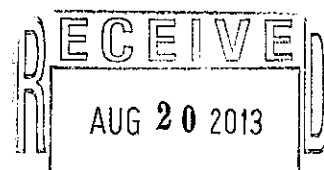
Dated this 20th day of August, 2013.

NEW MEXICO MEDICAL BOARD



Lynn Hart, Executive Director
NM Medical Board
2055 S. Pacheco, #400
Santa Fe, New Mexico 87505
(505) 476-7220

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
JOHN BRAY-MORRIS, MD)
License No. 2003-0404)
Respondent.)

No. 2012-013

ORDER OF IMMEDIATE SUSPENSION, and LIFTING OF STAY OF PROSECUTION

YOU ARE HEREBY NOTIFIED that your license to practice medicine is hereby IMMEDIATELY AND SUMMARILY SUSPENDED, and that the previously entered order staying prosecution is hereby lifted, as follows:

- 1. The Board issued a Notice of Contemplated Action ("the First NCA") against you on or about April 18, 2012.
2. You and the Board entered into a stipulation of licensure ("Stipulation") on or about August 20, 2012.
3. The Stipulation provides, inter alia, that:
a. "Respondent shall abstain completely from the use of mind-altering substances and controlled substances except as legitimately prescribed by a licensed physician" (§3)
b. "...Respondent shall agree to any restrictions on his license as recommended by the [Monitoring Treatment Program ("MTP")] (§9)
c. "If the Board has reasonable cause to believe that Respondent has violated any of the terms of this Stipulation, the Board may immediately and summarily suspend his license to practice as a

physician in New Mexico. A breach of any term of this stipulation shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1978, § 61-6-15(D)(29). The Board shall, within 10 days of a summary suspension, issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 through -33.” (§10)

- d. “The conditions and terms set forth in this stipulation will remain in effect unless and until removed or amended by the Board.” (§14)
 - e. “The pending hearing on the merits of the NCA is hereby vacated and all further administrative prosecution stayed until further notice by the Board.” (§15)
4. Pursuant to the Stipulation, you agreed with MTP to maintain a workplace monitor. You informed MTP that Mr. Orrin McLeod, D.O. would serve in this capacity.
5. The Board issued an order (“Order”) on February 25, 2013.
6. The Order provides, *inter alia*, that
- a. You “shall not prescribe any controlled substances in Schedules II through V of the New Mexico Controlled Substances Act. This limitation shall remain in effect until the restrictions are removed by the Board, at the discretion of the Board.” (§2)
 - b. “In the event [you] breach any of the terms of this Order, the Board may immediately and summarily suspend his license to practice as a

physician in New Mexico pursuant to NMAC 16.10.5.15.

Furthermore, each breach of any term of this Order shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in Sec. 61-6-15 (D) 29 NMSA 1978. The Board shall within 10 days of an immediate suspension issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing in accordance with the Uniform Licensing Act, Section 61-1-1 through 61-1-33 NMSA 1978.”

7. This summary and immediate suspension is based on the following additional allegations:
 - a. An inspection of your office by officers of the United States Drug Enforcement Agency (“DEA”) revealed that you have been stockpiling blank prescriptions signed by your monitoring physician, Orrin McLeod, D.O.
 - b. You have personally written numerous prescriptions for dangerous drugs, including controlled substances: (1) subsequent to the entry of the Order, (2) without approval by your workplace monitor by relying upon pre-signed scripts, and (3) allowed non-licensed medical assistants in your office to issue such scripts.
 - c. You failed to maintain adequate and timely medical records regarding the above prescriptions.
 - d. You failed to maintain a physician-patient relationship regarding the above prescriptions.

- e. At your direction, your office, McLeod Medical Center, terminated its physician-patient relationship with a patient treated by a physician assistant under your supervision, Michael Smoker, in retaliation for submitting a complaint to the Board regarding your alleged injudicious prescribing to another patient. Mr. Smoker had been treating the patient for congenitive heart failure. You terminated her care without providing any advance notice to the patient, a referral, or any prescriptions necessary to maintain her health until she could establish treatment with another heath care provider.
 - f. In a written statement to the Board, you claimed that the aforementioned patient was your patient instead of Mr. Smoker's.
8. The above information gives the Board reasonable cause to believe that you violated the Stipulation and the Order.
 9. The above information gives the Board reasonable cause to believe that your continued practice of medicine poses a clear and immediate danger to the public health and safety.
 10. The Board has reviewed and considered such information and is authorized pursuant to NMAC 16.105.15(C) to immediately suspend a license if the Board has reasonable cause to believe that the Stipulation has been violated.
 11. The above allegations, if proven, would be a violation of the following provisions of the Medical Practice Act:
 - a. 61-6-15(D)(29), conduct unbecoming in a person licensed to practice

- medicine or detrimental to the best interests of the public;
- b. Section 61-6-15(D)(26), injudicious prescribing;
 - c. Section 61-6-15(D)(36), interaction with patients, family members or others that interferes with patient care;
 - d. Section 61-6-15(D)(15), the use of a false, fraudulent or deceptive statement in a document connected with the practice of medicine;
 - e. Section 61-6-15(D)(18), conduct likely to harm the public;
 - f. Section 61-6-15(D), “unprofessional or dishonorable conduct” as further defined through Board Rule NMAC 16.10.8.8(L), which prohibits “prescribing, dispensing or administering drugs or medical supplies to a patient when there is no established physician-patient relationship....”;
 - g. Section 61-6-15(D), “unprofessional or dishonorable conduct” as further defined through Board Rule NMAC 16.10.8.8(C), violation of a drug law;
 - h. Section 61-6-15(D), “unprofessional or dishonorable conduct” as further defined through Board Rule NMAC 16.10.8.8(K), violating a term of a stipulation;
 - i. 16.10.8.9 NMAC, Medical Ethics Violation.

IN CONSIDERATION OF THE FORGOING, IT IS HEREBY ORDERED

that:

1. Respondent's New Mexico license to practice as a physician is hereby
SUSPENDED until further Order of the Board;

2. a second NCA shall issue and be served simultaneously with the service of this order, and
3. the stay on further proceedings associated with the First NCA is hereby lifted and should be scheduled for hearing simultaneously with a hearing on the merits of a second NCA.

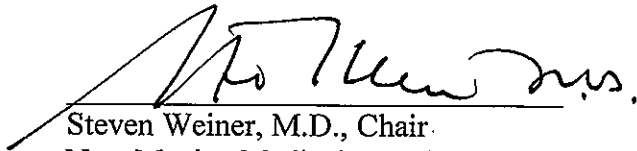
PLEASE TAKE FURTHER NOTICE THAT:

1. Pursuant to Section 61-6-15.1(C) and NMAC 16.10.5.16(C), you may request a hearing before the Board and are entitled to a hearing within fifteen (15) days of your request. The request shall be in writing, addressed to the Board, delivered by certified mail, return receipt requested.

2. Pursuant to Section 61-1-8 NMSA 1978, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas *duces tecum* issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

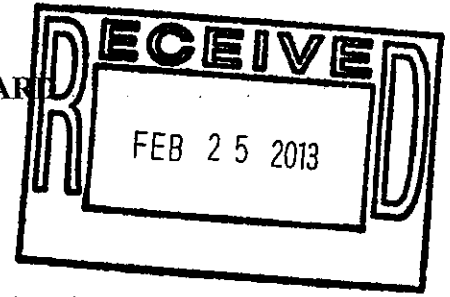
3. In the event that the Board takes a final action against you as specified in Section 61-1-3 of the ULA, you shall bear all costs of disciplinary proceedings unless excused by the Board pursuant to Section 61-1-4(G) of the ULA.

Dated this 15th day of August, 2013.

A handwritten signature in black ink, appearing to read "Steven Weiner, M.D.", written over a horizontal line.

Steven Weiner, M.D., Chair
New Mexico Medical Board

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
)
JOHN BRAY-MORRIS, MD)
License No. 2003-0404)
)
Respondent.)

No. 2012-013

ORDER OF PARTIAL RESTRICTION OF LICENSE

This matter has come before the New Mexico Medical Board (“Board”) on a report by the New Mexico Monitoring Treatment Program (“MTP”) regarding John Bray-Morris, M.D. (“Respondent”) and upon the personal appearance and request of Respondent at the Board’s regularly scheduled meeting on February 8, 2013, and the Board, having duly considered the report by MTP and Respondent’s request, hereby enters the following recitals and the following Order of Partial Restriction of License (“Order”) as follows:

WHEREAS, Respondent is subject to the jurisdiction of the Board pursuant to the Medical Practice Act, NMSA 1978, §§ 61-6-1 through -35; the Impaired Health Care Provider Act, §§ 61-7-1 through -12; and the New Mexico Medical Board rules and regulations, Title 16, Chapter 10, NMAC.

WHEREAS, this matter previously came before the Board upon a report by an Impaired Provider Committee pursuant to NMSA 1978 Section 61-7-7, and upon a report by MTP regarding results of tests that indicate Respondent’s unlawful, personal use of opiates;

WHEREAS, the MTP previously determined that Respondent should remain under its care and supervision until such time as he is fit to return to the practice of medicine;

WHEREAS, Respondent previously agreed to a “Stipulation of Licensure” (“Prior Stipulation”) dated August 20, 2012, wherein Respondent agreed to place his license on inactive status;

WHEREAS, the Prior Stipulation further provided, *inter alia*, that Respondent shall not seek reinstatement of his license from inactive status until such time as the Board, in its discretion, accepts a report by the MTP which states that Respondent is fit to return to the practice of medicine, and Respondent shall agree to any restrictions on his license as recommended by the MTP; and,

WHEREAS, the Board received a report by MTP which recommends that Respondent can return to the practice of medicine if under the care of MTP and a worksite monitor, and which further expressed concerns regarding Respondent’s current ability to write prescriptions for controlled substances in a manner consistent with his own safety and well-being, and consistent with the interests of public health, safety and welfare.

BASED ON THE FORGOING RECITALS, IT IS HEREBY ORDERED THAT:

1. Respondent’s license to practice medicine is hereby restored to active status, subject to the provisions in paragraph 2 and 3, below.
2. Respondent shall not prescribe any controlled substances in Schedules II through V of the New Mexico Controlled Substances Act. This limitation shall remain in effect until the restrictions are removed by the Board, at the discretion of the Board.
3. Respondent shall maintain, and continue to comply with, his contract with MTP, which shall provide for a workplace monitor in addition to whatever other measures MTP deems appropriate.

4. The restrictions in 2 and 3, above, do not prevent Respondent from making any appropriate referrals to other health care providers.

5. Respondent shall provide a copy of this Order to all health care providers that he works with or supervises until the restrictions in 2 and 3, above, are removed by subsequent Board order.

6. In the event Respondent breaches any of the terms of this Order, the Board may immediately and summarily suspend his license to practice as a physician in New Mexico pursuant to NMAC 16.10.5.15. Furthermore, each breach of any term of this Order shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in Sec. 61-6-15 (D) 29 NMSA 1978. The Board shall within 10 days of an immediate suspension issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing in accordance with the Uniform Licensing Act, Section 61-1-1 through 61-1-33 NMSA 1978. The Board may issue a NCA upon a breach of any term without issuing an immediate suspension.

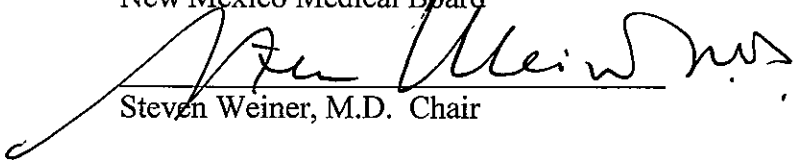
7. This Order and any subsequent Board Order enforcing or interpreting this Order will be reported to the National Practitioners Data Bank and/or Healthcare Integrity and Protection Data Bank and is a public document open to public inspection.

8. All provisions of the Prior Stipulation not inconsistent with the terms of this Order are hereby affirmed and otherwise remain in effect.

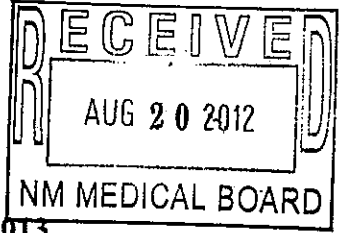
SO ORDERED BY the New Mexico Medical Board.

Dated: Feb. 25, 2013

New Mexico Medical Board


Steven Weiner, M.D. Chair

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
JOHN BRAY-MORRIS, MD)
License No. 2003-0404)
Respondent.)

No. 2012-013

STIPULATION OF LICENSURE

This Stipulation of Licensure ("Stipulation") is between John Bray-Morris, M.D. ("Respondent") and the New Mexico Medical Board ("Board"), upon submission of this Stipulation jointly by Respondent and the Board Prosecutor.

WHEREAS, Respondent is subject to the jurisdiction of the Board pursuant to the Medical Practice Act, NMSA 1978, §§ 61-6-1 through -35; the Impaired Health Care Provider Act, §§ 61-7-1 through -12; and the New Mexico Medical Board rules and regulations, Title 16, Chapter 10, NMAC.

WHEREAS, this matter came before the Board upon a report by an Impaired Provider Committee pursuant to NMSA 1978 Section 61-7-7, and upon a report by the New Mexico Monitored Treatment Program ("MTP") regarding results of tests that indicate Respondent's illegal, personal use of opiates;

WHEREAS, the MTP has determined that Respondent should remain under its care and supervision until such time as he is fit to return to the practice of medicine;

WHEREAS, Respondent is currently in an out-of-state treatment program and does not intend to practice medicine in New Mexico, or in any other state, in the immediate future;

WHEREAS, the Board previously issued a Notice of Contemplated Action ("NCA") against Respondent for violation of NMSA 1978 §61-6-15(D) (26), injudicious prescribing, and

of NMAC 16.10.8.9 and of NMSA 1978 §61-6-15(D)(29), unprofessional or dishonorable conduct, and of NMAC 16.10.8.8. D and L;

WHEREAS, Respondent has requested a hearing on the merits of such matter, currently scheduled for September 19, 2012;

WHEREAS, Respondent wishes at this time to exclusively dedicate his efforts to his rehabilitation, subject himself to the judgment of the MTP regarding his fitness to practice medicine at some future time, and is willing to place his license on inactive status to achieve these ends; and

WHEREAS Respondent knows and understands his right to consult with an attorney and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives his right to counsel.

THEREFORE, IN LIGHT OF THE FORGOING RECITALS, IT IS HEREBY STIPULATED BETWEEN THE PARTIES AND ORDERED BY THE BOARD:

1. This Stipulated Order memorializes Respondent's voluntary placement of his license on inactive status pursuant to NMSA 1978, Section 61-6-33 of the Medical Practice Act.
2. Respondent inactive licensure status will become effective the date this Stipulation is signed by Respondent and the Board;
3. Respondent shall abstain completely from the use of mind-altering substances and controlled substances except as legitimately prescribed by a licensed physician;
4. Respondent shall maintain, at all times until further decision by the Board, a treatment contract with the MTP, as determined by the MTP, and shall comply fully with the recommendations, terms and conditions required of Respondent by the MTP;

5. If the Board is notified that Respondent has violated any of the MTP contract terms, the Board shall constitute it as a violation of this Stipulation;

6. Respondent hereby waives any right to confidentiality he may have with respect to information gathered by the MTP with regard to the Board's access to MTP's information. Respondent hereby authorizes the MTP to release any and all information to the Board;

7. Respondent shall appear before the Board upon the Board's request;

8. Respondent shall submit quarterly reports to the Board attesting to his compliance with this Stipulation. Such quarterly reports shall be on a form provided by Board staff and sent to Respondent;

9. Respondent shall not seek reinstatement of his license from inactive status until such time as the Board, in its discretion, accepts a report by the MTP which states that Respondent is fit to return to the practice of medicine, and Respondent shall agree to any restrictions on his license as recommended by the MTP;

10. If the Board has reasonable cause to believe that Respondent has violated any of the terms of this Stipulation, the Board may immediately and summarily suspend his license to practice as a physician in New Mexico. A breach of any term of this stipulation shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1978, § 61-6-15(D)(29). The Board shall, within 10 days of a summary suspension, issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 through -33.

11. Respondent hereby waives any limitation of actions pursuant to Section 61-1-3.1 of the Uniform Licensing Act on the matters alleged in the NCA, and on the matters noted in the forgoing recitals;

12. Respondent understands that this stipulation is made pursuant to NMSA 1978, § 61-6-15(B), and Board Rule 16.10.5.15 NMAC. Respondent further understands that entering into this stipulation results in a waiver of his rights under the Uniform Licensing Act, Medical Practice Act, and the Impaired Health Care Provider Act, including the right to appeal and any claim he may have regarding these matters;

13. Respondent understands that this stipulation will be reported to the National Practitioners Data Bank and Healthcare Integrity and Protection Data Bank and is a public document;

14. The conditions and terms set forth in this stipulation will remain in effect unless and until removed or amended by the Board;

15. The pending hearing on the merits of the NCA is hereby vacated and all further administrative prosecution stayed until further notice by the Board;

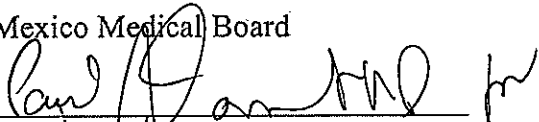
16. This Stipulation incorporates any and all agreements, covenants and understandings between Parties, and incorporates all of the above recitals. No prior agreement or understanding, verbal or otherwise of the Parties or their agents or assignees shall be valid or enforceable unless embodied in this Stipulation.

IT IS SO STIPULATED BY John Bray-Morris, M.D., Respondent, and the New Mexico Medical Board.

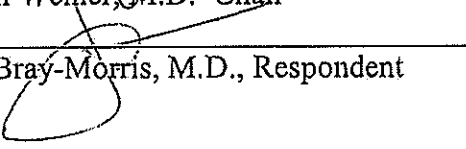
Dated: 8/20/12

Dated: 8/12/12

New Mexico Medical Board

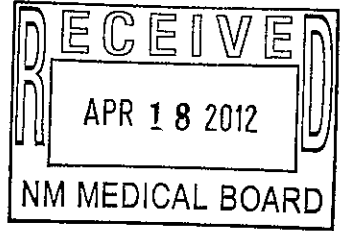


Steven Weiner, M.D. Chair



John Bray-Morris, M.D., Respondent

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
JOHN BRAY-MORRIS, MD)
License No. 2003-0404)
Respondent.)

No. 2012-013

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that pursuant to provisions of §61-1-4 NMSA 1978 of the Uniform Licensing Act (ULA), the New Mexico Medical Board ("Board") has before it sufficient evidence that, if not rebutted or explained, will justify the Board imposing sanctions that could include restricting, revoking or suspending your license to practice medicine in the State of New Mexico.

1. Respondent is subject to action by the Board pursuant to §61-1-1 et seq. NMSA 1978 and §61-6-1 NMSA 1978 et seq.

2. This contemplated action is based on the following allegations:

A. From at least on or about December 2009 until at least on or about March 6, 2012, Respondent prescribed various controlled substances to his family members. The drugs prescribed included Hydrocodone Bitrate and Acetaminophen, Hydromorphone Hydrochloride and diazepam. These drugs were prescribed over thirty (30) times during the subject period. In many instances the drugs were picked up at the pharmacy by Respondent.

This allegation, if proven, would be a violation of NMSA 1978 §61-6-15(D) (26), injudicious prescribing, and of NMAC 16.10.8.9 and of NMSA 1978 §61-6-15(D)(29), unprofessional or dishonorable conduct, and of NMAC 16.10.8.8. D and L.

B. On or about February 29, 2012 and continuing thereafter, Respondent

forged prescriptions for controlled substances for himself and family members.

This allegation, if proven, would be a violation of NMSA 1978 §61-6-15(D) (26), injudicious prescribing; of NMAC 16.10.8.9 and of NMSA 1978 §61-6-15(D) (29), unprofessional or dishonorable conduct, and of NMAC 16.10.8.8. D and L; of NMSA 1978 §61-6-15(D)(10), impersonating another licensee; and of NMSA 1978 §61-6-15(D)(13), manifest incapacity to practice as a licensee.

C. During the time of Respondent's issuance of prescriptions as set forth in A. and B. above, Respondent neither created nor maintained any medical records with respect thereto. These allegations, if proven, would be a violation of §61-6-15(D) (33) NMSA 1978, improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records.

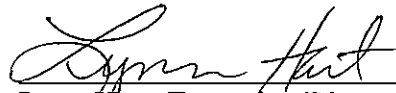
3. Please take notice that pursuant to §61-1-4, you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing. If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, and there will be no judicial review of their decision.

4. Pursuant to §61-1-8 NMSA 1978, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and

have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

Dated this 18th day of April, 2012.

NEW MEXICO MEDICAL BOARD



Lynn Hart, Executive Director
NM Medical Board
2055 S. Pacheco, #400
Santa Fe, New Mexico 87505
(505) 476-7220