

**BEFORE THE NEW MEXICO MEDICAL BOARD**

IN THE MATTER OF  
CHRISTOPHER DRISKILL, M.D.  
License No. 2003-0585

No. 2014-043

Respondent.



**ORDER OF THE BOARD  
LIFTING SUMMARY SUSPENSION WITH RESTRICTIONS**

On February 13, 2015 the New Mexico Medical Board (“Board”) received Respondent's motion titled Confidential Motion to Restore Licensure and Expunge or Vacate Notice of Summary Suspension. The Board also reviewed the Prosecutor’s Response to Confidential Motion to Restore Licensure and Expunge or Vacate Notice of Summary Suspension. The Order denying the Motion to Expunge will be issued separately.

**Procedural Posture of the Case**

On November 14, 2014 the Board issued a Notice of Contemplated Action (“NCA”) alleging certain violation of the provisions of the Medical Practice Act. At the same time, the Board issued a Summary Suspension of licensure suspending Respondent’s license to practice medicine in the State of New Mexico. Respondent, on January 8, 2015, acknowledged that sufficient evidence existed such that the Board could find that he violated such statutes and agreed and submitted to the discipline of the Board without hearing. Therefore, on January 8, 2015 the Board issued a Stipulation of Licensure (“Stipulation”). In that Stipulation, Respondent’s license to practice medicine continued to be suspended unless certain conditions were met. The conditions required in

part that within three months of the Stipulation, Respondent submit to a comprehensive in-patient evaluation by the SRI, a subsidiary of Promises, located in California. Upon completion of the SRI, Promises evaluation, Respondent could petition the Board for a lifting or modification of the suspension of his license.

On February 19, 2015, the Board reviewed Respondent's SRI and Promises evaluations. The Board also reviewed the motions submitted by the parties, the Confidential Motion to Restore Licensure and Expunge or Vacate Notice of Summary Suspension and the Prosecutor's Response to Confidential Motion to Restore Licensure and Expunge or Vacate Notice of Summary Suspension.

#### **Order Lifting Summary Suspension of License with Restrictions**

Pursuant to Section 61-6-1 NMSA 1978 the duty of the Board is to protect the public while also aiding in the rehabilitation of physicians. The evaluations of Respondent were required so that the Board could make an informed decision on how best to protect the public while also aiding in Respondent's rehabilitation. The Promises evaluation confirmed that Respondent had completed a comprehensive in-patient evaluation as directed by the Board and recommended further after-care treatment. Respondent is continuing with his after-care treatment plan recommended by Promises and SRI. The Board reviewed these evaluations and determined that under certain conditions Respondent could practice medicine.<sup>1</sup> Therefore, the Board determined that the summary suspension of Respondent's medical license is **Lifted** and Respondent may return to work as a physician under the following conditions:

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<sup>1</sup> The Board specifically disagrees with paragraph 3 of Respondent's Confidential Motion to Restore Licensure and Expunge or Vacate Notice of Summary Suspension.

1. Respondent shall sign a contingency work-site monitoring agreement with the New Mexico Monitored Treatment Program (“MTP”) that includes at least the following:
  - a. Respondent shall participate in a CME based Professional Boundaries class as soon as can be arranged. This class must be completed before Respondent is allowed to return to work;
  - b. Respondent shall attend 12-step meetings on a regular basis,
  - c. Respondent shall participate in random drug testing;
  - d. Respondent shall participate in ongoing monitoring groups,
  - e. Respondent shall participate in psychotherapy;
  - f. Respondent shall comply with all other requirement of the New Mexico Monitored Treatment Program, including but not limited to the following:
    1. Respondent shall abstain completely from the use of mind-altering substances, or alcoholic beverages, or controlled substances except as legitimately prescribed by a licensed physician;
    2. Respondent shall enter into a treatment contract with, and as determined by, the MTP within thirty (30) days of signing this Order and shall comply fully with the recommendations, terms and conditions required of Respondent by the Program;
    3. Respondent must waive any right to confidentiality he may have with respect to information gathered by the Monitored

Treatment Program with regard to the Board's access to MTP information. Respondent must authorize the MTP to release any and all information to the Board;

- g. Respondent must have no further contact with any of the women with whom Respondent had affairs;
- h. Respondent must have a chaperone/scribe with him at all times when meeting with patients (for his own protection and documentation); and
- i. Respondent must return to Promises for a one (1) week follow-up visit within one year as needed.

It is specifically required that Respondent sign the MTP monitoring agreement, have a work-site monitor in place (item 1), and must complete the CME Based Professional Boundaries course (item 1 (a)) before returning to work. Proof of completion of these items must be provided to the Board prior to returning to work.

Respondent must comply with all other terms and conditions of this Order including:

- 2. Respondent shall comply with the Medical Practice Act and Rules and all other applicable laws.
- 3. Respondent shall appear before the Board on a quarterly basis or upon the Board's request;
- 4. Respondent shall submit quarterly reports to the Board attesting to his compliance with this Order. Such quarterly reports shall be on a form provided by Board staff and sent to Respondent;


5. 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.
6. 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.
7. In the event of such breach, the Board may 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.

The suspension of Respondent's license to practice medicine is hereby **LIFTED WITH THE ABOVE STATED CONDITIONS.**

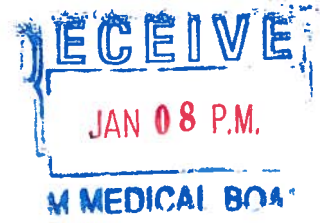
IT IS SO ORDERED.

#### **RIGHT TO JUDICIAL REVIEW**

Respondent may seek judicial review of the Decision and Order pursuant to NMSA 1978, Sections 61-1-17 and 39-3-1.1 with thirty days from the date of filing of the Board's Decision and Order.

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

2/26/15  
Date



**BEFORE THE NEW MEXICO MEDICAL BOARD**

**IN THE MATTER OF** )  
**CHRISTOPHER DRISKILL, M.D.** )  
 )  
**License No. 2003-0585** )  
 )  
**Respondent.** )

**No. 2014-043**

**STIPULATION OF LICENSURE**

This matter, having come before the New Mexico Medical Board ("the Board"), by agreement of the Prosecutor and the respondent Christopher Driskill, M.D. ("Respondent"), by and through his counsel, Thomas Mack (collectively, "the Parties") regarding this Stipulation of Licensure ("Stipulation"), and the Board, being fully advised, hereby finds and orders as follows:

**FINDINGS**

1. Respondent is subject to the jurisdiction of the Board pursuant to the Medical Practice Act, NMSA 1978, Sections 61-6-1 through -35 ("the Act"), and the New Mexico Medical Board rules and regulations, Title 16, Chapter 10, NMAC.
2. The Board enters this Stipulation pursuant to NMSA 1978, Section 61-6-15(A), and Board Rule 16.10.5.15 NMAC.
3. The Board issued a Notice of Contemplated Action ("NCA") and Notice of Summary Suspension on November 14, 2014.
4. The NCA and Summary Suspension both allege that Respondent violated certain provisions of the Medical Practice Act. Respondent, without admitting that his actions have violated the statutes cited therein, acknowledges that sufficient evidence exists such that the Board could find that he violated such statutes and hereby agrees and submits to the discipline set forth in the Order below.

5. Respondent knows and understands the applicable statutory and regulatory provisions setting forth the authority and power of the Board. Respondent further understands that this Stipulation, if accepted, results in a waiver of his right to a hearing on the merits of the summary suspension and NCA, and to judicial review of those Board actions, and of his right to challenge this Stipulation in court.

ORDER

A. Unless and until the conditions in paragraph C are met, Respondent shall remain suspended from the practice of medicine.

B. The restriction in A, above, does not prevent Respondent from making any appropriate referrals to other health care providers.

C. Respondent shall, within three (3) months of this order, submit to a comprehensive in-patient evaluation by the SRI, a subsidiary of Promises, located in California. Upon receipt of a written report after such evaluation, Respondent may thereafter petition the Board for a lifting or modification of the restriction in A, above. The Board shall modify or lift the restrictions if, in its discretion, the assessment reflects that Respondent can return to the practice of medicine in a manner consistent with public health, safety and welfare. The Board separately reserves the right to require ethics education with respect to physician-patient boundaries, and to include practice restrictions, in any modification or lifting of the restriction in A.

D. Respondent shall comply with the Medical Practice Act and Rules and all other applicable laws.

E. Respondent shall appear before the Board at the Board's request.

F. Respondent shall pay the Board's costs in this matter, totaling \$593.28. *JRM*

G. In the event Respondent breaches any of the terms of this 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. Furthermore, each breach of any term of this Stipulation shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in Sec. 61-6-15 (D) 29 NMSA 1978. In the event of such breach, the Board may 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.

H. This Stipulation and any subsequent Board Order enforcing or interpreting this Order will be reported to the National Practitioner Data Bank and is a public document open to public inspection.

SUBMITTED BY:



Daniel Rubin  
*Board Administrative Prosecutor*  
2055 S. Pacheco St. Bldg. 400  
Santa Fe New Mexico 87505  
505-476-7223




Thomas Mack

*Attorney for Christopher Driskill, M.D.*  
Miller Stratvert, P.A.  
500 Marquette NW  
Albuquerque, New Mexico 87102  
(505) 842-1950



AGREED:

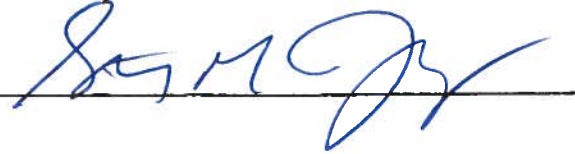


Christopher Driskill, M.D.

SO ORDERED:

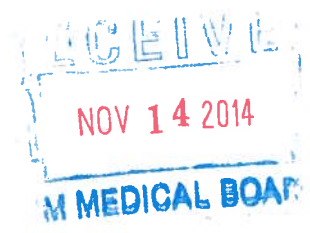
THE NEW MEXICO MEDICAL BOARD

By:



1/8/15  
Date

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF )  
CHRISTOPHER DRISKILL, M.D. )  
 )  
License No. 2003-0585 )  
 )  
Respondent. )

No. 2014-043

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 Medical Board imposing sanctions that could include restricting, revoking or suspending your license to practice medicine in the State of New Mexico.

1. You are subject to action by the Board pursuant to Sections 61-1-1 et seq. NMSA 1978 of the Uniform Licensing Act and Sections 61-6-1 et seq., NMSA 1978 of the Medical Practice Act.

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

A. While practicing within the specialty of obstetrics/gynecology in Hobbs, New Mexico ("Premier"), you had a sexual relationship with several of your then-current patients.

B. Several of the patients identified in paragraph A, above were employees of Premier or Lea Regional Medical Center ("LRMC") located immediately adjacent to Premier's office.

C. You prescribed a controlled substance, Alprazolam, to one of the patients identified above without maintaining proper medical records.

D. You entered inappropriate notations of a personal nature into certain patient medical charts.

E. On a multitude of occasions within the past few years, patients gave birth at

LRMC unattended by you, after you admitted them and after being called by the nursing staff. You were unavailable at least during one of these unattended births because you were having sexual relations with another patient. On one occasion, an emergency cesarean-section operation was delayed because of your delay in arriving at LRMC.

F. You were under the influence of alcohol during hours while you were at work and on call at LRMC, and maintained a personal cache of alcohol in your office at Premier.

F. You performed a pelvic examination on a patient in July, 2014 without a chaperone present after informing the patient that one would be present.

G. Your sexual relationships and abuse of alcohol have negatively affected your practice of medicine.

H. On or about August 11, 2014, you were terminated at Premier for your actions identified in paragraphs A-G.

I. On or about August 21, 2014, Premier informed LRMC of your termination for cause, and the grounds thereof. To avoid being formally disciplined by LRMC, you immediately requested from LRMC, and received, a retroactive "temporary leave of absence," and have not returned to LRMC as of this date.

J. You failed to report your termination by Premier or your "leave" with LRMC to the Board.

3. The above allegations in 2A-I, if proven, would violate the following provisions of the Act:

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

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

C. Section 61-6-15(D)(21)(c), failure to report to the Board any adverse

action taken against the licensee by a health care entity;

- D. Section 61-6-15(D)(26), injudicious prescribing of a drug or medicine;
- E. Section 61-6-15(D)(28), sexual contact with a patient;
- F. Section 61-6-15(D)(29), conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public;
- G. Section 61-6-15(D)(32), sexual contact with a patient when the licensee uses or exploits treatment, knowledge, emotions or influence derived from the previous professional relationship;
- H. Section 61-6-15(D)(33), failure to maintain timely, accurate and complete medical records; and
- I. Section 61-6-15(D)(36), interaction with hospital personnel and others that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient.

4. 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.

5. 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.

6. 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.

7. 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 pursuant to Section 61-1-4(G) of the ULA unless excused by the Board.

Dated this 14<sup>th</sup> day of Nov, 2014.

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 )  
CHRISTOPHER DRISKILL, M.D. )  
License No. 2003-0585 )  
Respondent. )

No. 2014-043

NOTICE OF SUMMARY SUSPENSION

YOU ARE HEREBY NOTIFIED that your license to practice medicine is hereby **IMMEDIATELY SUSPENDED** pursuant to Section 61-6-15.1 of the New Mexico Practice Act (“the Act”), and that pursuant to 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’s suspension of your license to practice medicine in the State of New Mexico. This suspension is based on the following:

- A. While practicing within the specialty of obstetrics/gynecology in Hobbs, New Mexico (“Premier”), you had a sexual relationship with several of your then-current patients.
- B. Several of the patients identified in paragraph A, above were employees of Premier or Lea Regional Medical Center (“LRMC”) located immediately adjacent to Premier’s office.
- C. You prescribed a controlled substance, Alprazolam, to one of the patients identified above without maintaining proper medical records.
- D. On a multitude of occasions within the past few years, patients gave birth at LRMC unattended by you, after you admitted them and after being called by the nursing staff. You were unavailable during at least one of these unattended births because you were having sexual relations with another patient. On one occasion, an emergency cesarean-section operation was delayed because of your delay in arriving at LRMC.

E. You were under the influence of alcohol during hours while you were at work and on call at LRMC, and maintained a personal cache of alcohol in your office at Premier.

F. Your sexual relationships and abuse of alcohol have negatively affected your practice of medicine.

G. Based upon the allegations in A-F, above, and the evidence in support of such allegations, you currently pose a clear and immediate danger to the public health and safety if you continue to practice medicine.

**IN CONSIDERATION OF THE FORGOING, IT IS HEREBY ORDERED** that your New Mexico license to practice as a physician is hereby **SUSPENDED** until further Order of the Board.

**PLEASE TAKE FURTHER NOTICE THAT:**

1. Pursuant to Board Rule at NMAC 16.10.5.16, you are entitled to a hearing on the merits of your summary suspension within fifteen (15) days of a request for such hearing. This hearing request shall be in writing, addressed to the Board, delivered by certified mail, return receipt requested. You are not required to comply with this summary action until service of this action has been made personally or by certified mail, return receipt requested, at your last known address as shown in the Board's records, or you have actual knowledge of this order, whichever comes first.

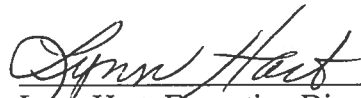
2. Pursuant to Section 61-1-8 NMSA 1978, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any 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. The issuance of this Summary Suspension is a disciplinary event and will be reported to the National Practitioners Data Bank and Healthcare Integrity and Protection Data Bank and is a public document, open to public inspection.

Dated this 14<sup>th</sup> day of Nov., 2014.

NEW MEXICO MEDICAL BOARD

  
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