

**DEPARTMENT OF STATE
OFFICE OF CONTROLLED SUBSTANCES
BEFORE THE SECRETARY OF STATE**

Statutory Authority: 16 Del. C. §§ 4734, 4735

PATRICK A. TITUS, M. D.)	ORDER
Controlled Substance)	
Registration No.: MD 3949)	

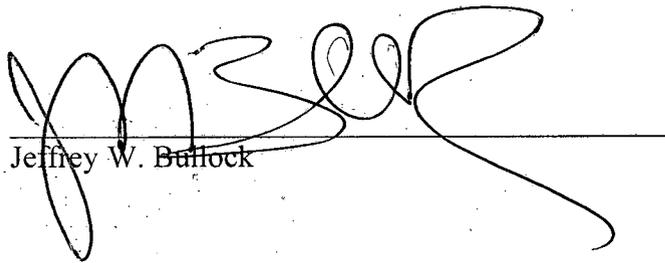
WHEREAS, the Secretary of the Department of State is in receipt of the attached consent decree filed by the State of Delaware and Patrick A. Titus, M.D. regarding the controlled substance registration of Dr. Titus, number MD 3949; and

WHEREAS, the Secretary finds this consent decree provides an acceptable resolution to the State's complaint filed pursuant to 16 Del. C. §§ 4734 and 4735; and

WHEREAS, the Secretary finds that the agreed upon discipline in the consent decree ensures that Dr. Titus's controlled substance registration will be returned when effective controls are established in order to protect the public;

NOW, THEREFORE, IT IS ORDERED this 16th day of April, 2012 that the consent decree is adopted as a formal order of the Secretary.

SECRETARY OF STATE



Jeffrey W. Bullock

**BEFORE THE DELAWARE SECRETARY OF STATE AND/OR
THE CONTROLLED SUBSTANCE ADVISORY COMMITTEE**

IN RE: PATRICK A. TITUS, M.D.) Case No.: 38-15-11
Controlled Substances Reg.: MD3949)

CONSENT AGREEMENT

A written Complaint was filed with the Delaware Secretary of State (“Secretary”) alleging that Patrick A. Titus, M.D. (“Dr. Titus”), a licensed medical doctor, engaged in conduct that constituted grounds for discipline pursuant to the provisions of 16 *Del.C.* Chapter 27.

The State of Delaware and Dr. Titus submit this Consent Agreement for approval by the Secretary as a means of resolving the pending administrative prosecution against Dr. Titus pursuant to 16 *Del.C.* Chapter 27. The parties submit the following for the Secretary’s consideration:

1. Dr. Titus is a licensed medical doctor in the State of Delaware. His medical license, number C1-0006175, was first issued in 2001 and is active.
2. Dr. Titus’s controlled substances registration, number MD3949, was issued in 2001 and was suspended on December 8, 2011.
3. Dr. Titus’s primary specialty is internal medicine he also provides pain management treatment to chronic pain patients.
4. Dr. Titus currently requires additional training, education, and knowledge to manage chronic pain patients and to safely and effectively prescribe narcotics and other controlled substances for patients with chronic pain.
5. Dr. Titus has been treating increased numbers of chronic pain patients and has been prescribing increased amounts of controlled substances to his chronic pain patients.

6. Dr. Titus recognizes that the some of the controls he had established to prevent diversion of controlled substances from his office into non-legitimate and illegal channels may have led to abuse of those controlled substances.

7. Dr. Titus admits that through his conduct detailed in paragraphs 3 through 6 herein, he violated the provisions of 16 *Del.C.* § 4734(a)(1) and (4).

8. Dr. Titus admits the facts contained in paragraphs 1 through 7 herein.

9. In consideration of the fact that Dr. Titus' controlled substances registration has been suspended since December 8, 2011, Dr. Titus and the State of Delaware agree that the suspension of his controlled substances registration shall be withdrawn upon a showing that reinstating his registration is not inconsistent with the public interest, as required by 16 *Del. C.* § 4734(a), including all of the following:

a. Dr. Titus will submit to the Secretary evidence that his practice is fully equipped to comply with the Regulation on the Use of Controlled Substances for the Treatment of Pain of the Delaware Board of Medical Licensure and Discipline ("Board"), the Model Policy for the Use of Controlled Substances for the Treatment of Pain of the Federation of State Medical Boards of the United States, Inc. as adopted by the Board on June 2, 2009, as well as the guidelines of the American Pain Society and the American Academy of Pain Medicine ("AAPM") concerning appropriate opioid practices published in *The Journal of Pain*, Vol 10, No 2 (February 2009) and on online at [www.jpain.org/article/S1526-5900\(08\)00831-6/abstract](http://www.jpain.org/article/S1526-5900(08)00831-6/abstract). In order to demonstrate an ability to comply with these regulations, Dr. Titus will provide the Secretary with: 1) any blank form medical charts, informed consents, controlled substances contracts, or any other form Dr. Titus will use in his practice in order to comply with the regulation and guidelines; 2) Dr. Titus will require toxicology screens in his treatment of patients

and will provide copies of any vendor agreements entered into for the purpose of providing toxicology screens or implementing other controls; 3) a copy of his practice's policies and procedures regarding the aforementioned implemented internal controls; 4) a detailed explanation, along with any supporting documentation, describing how Dr. Titus will come into compliance with the regulation and guidelines not covered by 1 through 3 herein; and, 5) out of an abundance of caution, Dr. Titus will provide treatment for each pain management patient for no longer than six months and, thereafter, Dr. Titus will refer each such patient to a recognized pain management physician for re-evaluation, and Dr. Titus shall rely on and follow the recommendations of the pain management physician before he undertakes to again treat any such patient ; and

b. Dr. Titus will attest that all of his staff have been instructed on the requirements of the regulations and on appropriate medical record keeping practices and will responsibly monitor all staff members to insure compliance with his instructions; and

c. Dr. Titus will fully cooperate with all requests for inspections and records from any investigator employed by the Delaware Division of Professional Regulation and agrees to submit to random audits for the next two years. The purpose of these audits will be to have a board certified pain physician review Dr. Titus' treatment records for appropriate prescribing practices and full compliance with the guidelines and practices as set forth in sub paragraph a herein; and

d. Dr. Titus will submit to the Secretary evidence of his successful completion of 12 Continuing Medical Education ("CME") hours on opioid prescription practices, treatment of chronic pain, or other related topics given by AAPM or other provider approved by the Secretary before his suspension will be lifted. Thereafter, Dr. Titus agrees he will take 6 CME hours on

these topics from either the AAPM or other provider approved by the Secretary annually for the next two years. These CMEs are in addition to those regularly required for renewal of his medical license; and

e. Dr. Titus' controlled substances registration will be reinstated as soon as possible after the Secretary is satisfied that Dr. Titus' registration is not inconsistent with the public interest, as required by 16 *Del. C.* § 4734(a).

10. Dr. Titus acknowledges that he is waiving his rights under 16 *Del.C.* Ch. 47 and 29 *Del.C.* Ch. 101 to a hearing.

11. Dr. Titus hereby acknowledges and agrees that he has carefully read and understands this Consent Agreement, and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

12. Dr. Titus acknowledges that this Consent Agreement is a public record within the meaning of 29 *Del. C.* § 10002 and will be available for public inspection and copying as provided for by 29 *Del. C.* § 10003.

13. The parties to this Consent Agreement are Dr. Titus and the State of Delaware.

14. The parties acknowledge and agree that this Consent Agreement is subject to approval by the Secretary.

15. The parties acknowledge and agree that if the Secretary does not accept this Consent Agreement, it shall have no force or effect, except as follows:

a. Neither Dr. Titus, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Secretary to conduct an evidentiary hearing relating to the allegations in the subject Complaint;

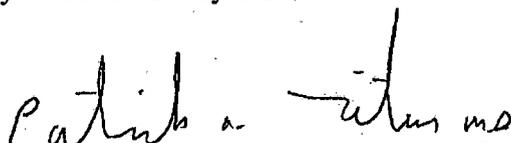
b. The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil or criminal legal proceeding; and

c. No provision contained in the Consent Agreement shall constitute or have the effect of an admission by the Dr. Titus as to any fact alleged in the Complaint in this matter or in this Consent Agreement.

16. Dr. Titus acknowledges and agrees that if the Consent Agreement is accepted it will be reported to the licensing authority of any other state in which he is licensed to practice.

17. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this Consent Agreement.

18. This Consent Agreement shall be effective upon acceptance by the Secretary and entry of the Secretary's Order.



Patrick A. Titus, M.D.
Respondent



Barbara J. Gadbois (I.D. 2544)
Deputy Attorney General
Department of Justice

Dated: 3-22-12

Dated: 3-22-12