

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In the Matter of:

No. 16-I-728

HIRAM MANUEL VAZQUEZ, M.D.
(Certificate No.07162R)

**CONSENT ORDER
FOR REPRIMAND**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information concerning Hiram Manuel Vazquez M.D, ("Dr. Vazquez"), a physician who practices medicine in and around Shreveport, Louisiana and who at all times material to the facts and matters alleged herein was engaged in the practice of medicine in this state, as evidenced by Certificate No. 07162R. The Board received information indicating that Dr. Vazquez's Prescription Monitoring Program ("PMP") delegate¹ accessed prescription information from the PMP for an individual who is not a patient of Dr. Vazquez or of the facility in which he works. The delegate subsequently disclosed the prescription information to a third party.²

During the investigation the Investigating Officer discussed the matter in detail with Dr. Vazquez, who denied having any knowledge that his PMP delegate improperly accessed patient information until after the incident was reported to him. This incident arose out of Dr. Vazquez's affiliation with a weight loss clinic where he is employed part time and has limited oversight of the clinic's staff. Dr. Vazquez admitted that although he authorized the appointment of this individual to act as his PMP delegate, he failed to properly supervise the delegate and failed to educate the delegate as to the rules which

¹ A *delegate* is a person authorized by a prescriber or dispenser who is also an authorized user to access and retrieve program data for the purpose of assisting the prescriber or dispenser, and for whose actions the authorizing prescriber or dispenser retains accountability. La. Admin. Code 46:LIII.2901.

² Pursuant to La. Rev. Stat. §40:1009(B), a person or entity authorized to possess prescription monitoring information pursuant to this part who knowingly discloses such information in violation of this part shall be referred to the appropriate professional licensing, certification, or regulatory agency for administrative sanctions as deemed appropriate by that agency and may, upon criminal conviction, be imprisoned, with or without hard labor, for not more than five years, and in addition, may be fined not more than five thousand dollars.

must be abided by all authorized users of the program.³

Without admitting to a violation of the Act, nevertheless, Dr. Vazquez acknowledges that if findings were established before a hearing panel of the Board and the reported information is determined to be true, then the Board may take such against his license to practice medicine in this state that it deems appropriate, pursuant to La. R.S. §§37:1285A(13).⁴ In consideration of the foregoing, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to have notice and administrative adjudication of any charges that may be filed in this matter, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §49:951, *et seq.*, Dr. Vazquez nonetheless, hereby waives his right to notice and formal

³ Prior to performing a PMP patient search, all prescribers, pharmacists and delegates must read and accept the following conditions prior to accessing the database:

I certify that I am authorized to prescribe or dispense controlled substances or drugs of concern in the state of Louisiana, or I am a delegate of an authorized user, and have been approved by the Louisiana Prescription Monitoring Program (PMP) to access the information in the PMP database.

I certify that the requested information is for the purpose of providing medical, healthcare, or pharmaceutical treatment to a bona fide patient of mine or for verifying my prescription records. I understand inappropriate use or disclosure of this information may result in criminal prosecution, disciplinary action by my licensing board and/or revocation of database access privileges.

I understand that the PMP data is for informational purposes and that a definitive conclusion should not be determined without verifying the information with the prescribers and dispensers due to the fact that the information is only as accurate as reported to the program.

⁴ Pursuant to the Prescription Monitoring Program Act, the Board may take action against the license of a physician for inappropriately disclosing PMP information. La. Rev. Stat. §40:1009. Although Dr. Vazquez did not himself disclose PMP information, his authorized PMP delegate disclosed protected health information to a third party. As an authorized user of the prescription monitoring information, Dr. Vazquez is responsible for the enabling and/or disabling of access privileges for his delegates, as well as the supervision of his delegate's activities. La. Admin. Code 46:LIII.2919(A)(6). His failure to appropriately educate and supervise his delegate is in violation of La. R.S. §37:1285A(13), wherein the Board may take action against the license of a physician as a result of '[U]nprofessional conduct.' The Board's rules provide that unprofessional conduct includes the failure to exercise appropriate supervision over a person who is authorized to practice only under physician supervision. La. Admin. Code 46:XLV.7603(5).

adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Vazquez also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto, Dr. Vazquez also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Vazquez expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against him or to the Board's capacity to adjudicate such charges should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Hiram Manuel Vazquez M.D., is hereby *Officially Reprimanded*;

IT IS FURTHER ORDERED that Dr. Vazquez shall pay the Board a fine in the amount of Two Thousand Five Hundred Dollars (\$2,500) within ninety (90) days of the acceptance of this Order by the Board;

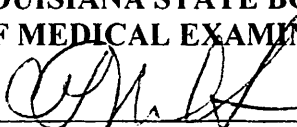
IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Dr. Vazquez shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Dr. Vazquez's license to practice medicine in this state as the Board may deem appropriate, as if such violation were enumerated among the causes provided in La. Rev. Stat. §37:1285.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 17th day of July, 2017.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: _____


Christy L. Valentine, M.D.

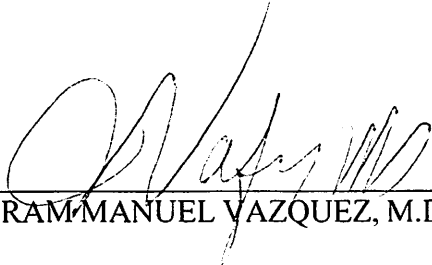
Vice President

STATE OF LOUISIANA

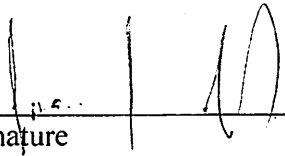
PARISH OF CADDO

**ACKNOWLEDGMENT
AND CONSENT**

I, HIRAM MANUEL VAZQUEZ, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 26th day of June, 2017.

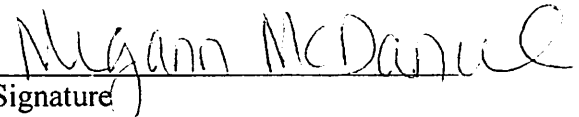

HIRAM MANUEL VAZQUEZ, M.D.,

WITNESSES:


Signature

Jason K Kirk
Typed Name

8658 Business Park Drive
Address Shreveport, LA 71105


Signature

Megann McDaniel
Typed Name

8658 Business Park Drive, Ste 100
Address Shreveport, LA 71105

Sworn to and subscribed before me at Shreveport, Louisiana, this 26th day of June, 2017, in the presence of the two stated witnesses.

Karen Ledbetter
Notary Public (Signature/Seal)

Karen Ledbetter, Notary Public

My Commission is for life

Karen Ledbetter ID# 92163
Notary Public (Printed Name)/Bar-Notary #