

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of :
DAVID C. HAGWOOD, M.D. :
(Certificate No. 10014R) :
: :
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No. 02-I-041

CONSENT
ORDER

An investigation conducted by the Louisiana State Board of Medical Examiners (the "Board") indicates that David C. Hagwood, M.D. ("Dr. Hagwood"), a physician who at all times pertinent has been licensed to practice medicine in this state and engaged in practice in and around New Orleans, Louisiana, suffers from the episodic use and abuse of controlled substances which have the capacity to render him incapable of practicing medicine with reasonable skill and safety to patients. Such information reveals, more particularly, that Dr. Hagwood's condition was first recognized in 1995, at which time he underwent appropriate treatment and entered into a five-year treatment contract with the Louisiana State Medical Society's Physicians' Health Program (currently the Physicians' Health Foundation of Louisiana's Physicians' Health Program or the "PHP"), providing for ongoing treatment, therapy and monitoring. The physician complied with the recommendations of the PHP and progressed well in his recovery and successfully fulfilled the terms and conditions of his contract with the PHP through its conclusion in October 2000. More recently, however, the PHP reported that a urine toxicology study requested by his employer in April 2002 tested positive for cocaine and shortly thereafter that Dr. Hagwood was hospitalized for acute cocaine intoxication. At the urging of the PHP, in May 2002 Dr. Hagwood underwent an inpatient evaluation at Palmetto Addiction Recovery Center, Rayville, Louisiana ("PARC"), and was diagnosed with cocaine relapse and mood disorder for which he commenced inpatient treatment on May 27, 2002. The PHP reports that Dr. Hagwood is progressing well in his treatment.

As evidenced by his subscription hereto, Dr. Hagwood acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer herein with probable cause to pursue formal administrative proceedings against him for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285A(5), (25), constituting sufficient cause for the

suspension, revocation or imposition of such other terms or conditions on his license to practice medicine in the state of Louisiana as the Board may deem appropriate.¹

On the basis of apparently reliable information, however, the Board is persuaded that the conditions from which Dr. Hagwood suffers may be susceptible to effective medical treatment, resulting in the restoration of the physician's capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. Hagwood strictly observes and complies with appropriate restrictions on and conditions to restoration of his medical license. In consideration of this finding, accordingly, 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 administrative adjudication of the charges which have been asserted, 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. Hagwood nonetheless, hereby waives his right to formal adjudication and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. By his subscription hereto Dr. Hagwood 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. Hagwood also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, 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. Hagwood expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel 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.

¹The Board may take action against the license of a physician as a result of: '[H]abitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence,' La. Rev. Stat. §37:1285A(5); '[I]nability to practice medicine ... with reasonable skill or safety to patients because of mental illness or deficiency ... and/or excessive use or abuse of drugs, including alcohol,' La. Rev. Stat §37:1285A(25).

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 David C. Hagwood, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 10014R, be, and the same is hereby, effective as of the date hereof, **SUSPENDED**; and

IT IS FURTHER ORDERED that the reinstatement of Dr. Hagwood's license to practice medicine in the state of Louisiana shall be subject to his acceptance of and strict compliance with the following terms and conditions:

(1) Inpatient Treatment; Notice of Discharge; Records and Reports. Dr. Hagwood shall successfully complete inpatient treatment at PARC (the "Inpatient Treatment Program") until discharged by and with the consent of his treating physicians and he shall cause his Inpatient Treatment Program and his treating physicians at such program to provide the Board with a complete copy of his medical records, together with a written report as to his discharge diagnosis and prognosis and his prescriptions or recommendations for continuing outpatient and/or aftercare treatment, therapy and monitoring.

(2) Outpatient Treatment and Aftercare. Prior to or concurrently with his discharge from the Inpatient Treatment Program, Dr. Hagwood shall enter into and execute a treatment contract with the Inpatient Treatment Program providing for such outpatient treatment and aftercare monitoring as may be prescribed or recommended by the Inpatient Treatment Program. Dr. Hagwood shall, in addition, enter into and execute a new treatment contract providing for such terms and conditions as may be recommended by the PHP. Within five (5) days of the execution or amendment of any such treatment contract, be it with the Inpatient Treatment Program or the PHP, Dr. Hagwood shall furnish a true copy of such contract to the Board. Dr. Hagwood shall further, within five (5) days of his execution of a treatment contract with the PHP, notify the Board in writing of the name and address of his treating and monitoring physicians, respectively.

(3) Suspension of Practice/Reinstatement. Dr. Hagwood shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves on him a written order reinstating his license to practice medicine. As express conditions to the issuance of such order, in addition to the other conditions as are set forth hereinabove, Dr. Hagwood shall have been discharged from the Inpatient Treatment Program and the Board shall have received the opinion of two (2) physicians acceptable to the Board that Dr. Hagwood's prognosis for continued abstinence from the use of mood-altering chemicals and/or

any psychiatric condition from which he may suffer is good and that he is then capable of practicing medicine with reasonable skill and safety to patients, based upon their personal examination, evaluation and diagnosis of Dr. Hagwood.

(4) Personal Appearance Before Impaired Physicians Committee.

In connection with any request for reinstatement of his license Dr. Hagwood shall, after successfully completing each of the terms and conditions set forth hereinabove, contact the Board at least sixty (60) days in advance of its next regularly scheduled meeting and request an appearance before its Physicians Health Committee. At such meeting Dr. Hagwood shall demonstrate his compliance with the terms and conditions imposed by this Order and discuss his intended plans for the practice of medicine.

IT IS FURTHER ORDERED that upon Dr. Hagwood's compliance with and complete and continuing satisfaction of the terms and conditions hereinabove set forth, his license to practice medicine in the state of Louisiana shall be reinstated by the Board, **ON PROBATION**, for a period of five (5) years from the date of reinstatement; *provided, however*, that such reinstatement of license and his continuing exercise of rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

(a) Continuing Treatment, Participation in the PHP/Reports to Board. Dr. Hagwood shall continue in, abide by and strictly adhere to each of the recommendations for ongoing treatment and monitoring of his condition which are contained in his PHP treatment contract or any subsequent treatment contract which may be recommended by the PHP, as well as those recommendations of his treating physicians at the Inpatient Treatment Program and any other health care provider involved in his care to the extent that they continue to follow him. Dr. Hagwood shall, in addition, authorize and cause his treating and monitoring physicians and/or the PHP to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports and/or verbal reports should the Board desire the latter on his then-current treatment diagnosis, course of treatment, prognosis, maintenance of abstinence from controlled or other mood-altering substances, his fitness and ability to practice medicine with reasonable skill and safety to patients, his compliance with the terms, conditions and restrictions of this Order, any PHP treatment contract signed by Dr. Hagwood and any aftercare agreement he has executed or may hereafter execute.

(b) Drug Screens. Dr. Hagwood shall submit to periodic, unannounced blood, urine, saliva and/or hair collection for the presence of controlled or other mood-altering substances by a PHP physician or his or her designee. Dr. Hagwood shall authorize and cause such physician to report the results of such drug screens to the Board not less frequently than quarterly throughout the probationary period.

(c) Maintenance of Complete Abstinence. Dr. Hagwood shall, for the duration of his life, maintain complete and total abstinence from the use of alcohol or any other mood-altering substance except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition. Dr. Hagwood shall personally inform his treating and monitoring physicians, both orally and in writing, within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by him from another physician for treatment of a *bona fide* medical condition.

(d) Board Access to Treatment Records and Reports. Dr. Hagwood shall, and does by his subscription hereto, authorize any physician or any institution at which he undergoes treatment for any psychiatric or substance abuse condition, as well as any physician under whose care he may come at such an institution who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with copies of all medical reports relating to Dr. Hagwood's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Hagwood expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and shall immediately execute any authorization or release that may be necessary to permit the Board access to such records.

(e) Continuing Medical Education. Dr. Hagwood shall obtain not less than fifty (50) credit hours per year for three (3) years through attendance at and participation in continuing medical education programs ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years from the date of the Board's Order reinstating his license. On or before the anniversary date of each year for the three (3) years following the reinstatement of his license, Dr. Hagwood shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

(f) Additional Probationary Terms. In addition to such other terms and conditions as are placed upon any reinstated license to practice medicine by this Order, Dr. Hagwood hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length and nature thereof, including, but not limited to, an additional period of actual suspension of his license, restrictions as to the nature, scope, location and supervision of his practice, additional treatment, reports and evaluations and an extension of his probationary period which the Board in its sole discretion may deem necessary or appropriate to impose thereon.

(g) Probation Monitoring Fee. For each year of the probationary term Dr. Hagwood shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60)

days from the effective date of the Order reinstating his license on probation. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(h) Sanction. By his subscription hereto Dr. Hagwood acknowledges that his receipt of written notification from the Board that it has received apparently reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without need for formal hearing or providing him with any right to which he may otherwise 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, constitute his consent to the immediate suspension of his license to practice medicine in this state pending the issuance of a decision by the Board following administrative adjudication of such charges.

(i) Cooperation with Board's Probation and Compliance Officer. Dr. Hagwood shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers, and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Consent Order.

(j) Absence from State—Effect on Suspension. Should Dr. Hagwood at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance the probationary period ordered herein and all terms and conditions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Hagwood notifies the Board in writing that he has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance Dr. Hagwood shall not receive credit toward the probationary period for the time during which he was absent from the state of Louisiana.

(k) Certification of Compliance with Probationary Terms/Personal Appearance before the Board. At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. Hagwood shall provide the Board with a notarized oath certifying that he has complied with each of the terms of probation imposed upon him by this Order, and he shall contact the Board and arrange for a personal appearance before the Board's Physicians Health Committee or such other committee as may be designated by the Board at its meeting preceding the expiration of the probationary term ordered herein.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the restrictions set forth by this Order by Dr. Hagwood shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and

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cancellation of Dr. Hagwood's license to practice medicine in the state of Louisiana, as well as any right to renewal and/or reinstatement thereof or for such other action as the Board may deem appropriate, as if such violations 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.

New Orleans, Louisiana, this 20th day of August, 2002.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**



ELMO J. LABORDE, M.D.
President

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Consent Order

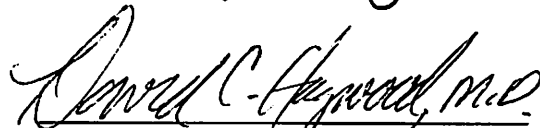
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STATE OF LOUISIANA


PARISH OF Richland

**ACKNOWLEDGMENT
AND CONSENT**

I, DAVID C. HAGWOOD, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 19th day of July, 2002.

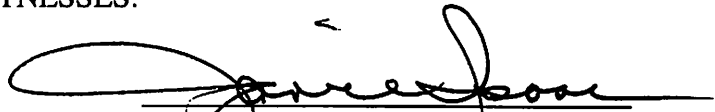

DAVID C. HAGWOOD, M.D.

WITNESSES:


Signature

Odie L. Davis
Typed Name


Rayville, LA
Address


Signature

Janice Isaac
Typed Name

Rayville, LA
Address

Sworn to and subscribed before me at Rayville, Louisiana, this 19 day of July, 2002, in the presence of the two stated witnesses.


Notary Public