

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter of :  
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**THOMAS A. McCOOK, M.D.** :  
(Certificate No. 017063) :  
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No. 00-I-078

## CONSENT ORDER

This matter is before the Louisiana State Board of Medical Examiners (the "Board") in connection with an investigation conducted by the Investigating Officer of the Board regarding Thomas A. McCook, M.D. ("Dr. McCook"), a physician who at all pertinent times has been licensed and engaged in the practice of radiology in and around Shreveport, Louisiana, and who suffers, and for some time has suffered, from chronic and episodically acute drug and alcohol abuse.

Dr. McCook's difficulties with alcohol dependency were first recognized seventeen years ago. After receiving outpatient treatment, Dr. McCook continued in recovery and remained sober for approximately seven years. He relapsed on alcohol that lasted for approximately six months. He thereafter entered treatment for four months at Talbot Marsh Recovery Center, Atlanta, Georgia. After discharge, Dr. McCook continued in recovery and remained sober for the next nine and one-half years.

In 2000, Dr. McCook began receiving medical treatment for complaints of back pain due to an injury and was reportedly to undergo surgery. He reportedly used Lortab, Xanax, Percocet and a Medrol Dose Pack to alleviate his back pain. However, Dr. McCook did not undergo surgery and began to abuse the medications. He also relapsed on alcohol. In January 2001, after an intervention by the Shreveport Physicians' Health Committee, Dr. McCook was admitted to Doctor's Hospital in Shreveport, Louisiana for detoxification. After discharge, he was referred to the Hanley-Hazelden Center in West Palm Beach, Florida ("Hazelden") where he underwent evaluation and treatment from January 10, 2001 through February 7, 2001. At the time of discharge, Dr. McCook was diagnosed with opiate dependence, alcohol dependence and suspect anxiety disorder.

As evidenced by his subscription hereto, Dr. McCook 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 Dr. McCook, for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§ 37:1285(A)(5), (6) and (25), respectively, constituting sufficient cause for the suspension or revocation of the his license to practice medicine in the state of Louisiana.

On the basis of apparently reliable information, however, the Board is persuaded that the conditions from which Dr. McCook suffers may be susceptible to effective medical treatment, resulting in the maintenance of the physician's capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. McCook strictly observes and complies with appropriate restrictions on and conditions to maintenance 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 an administrative adjudication of such charges, at which time Dr. McCook 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. §§ 49:955-965, Dr. McCook, 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. Dr. McCook also acknowledges that he hereby 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 he otherwise may be afforded by any law to contest his agreement to, or the force and effect of the Board's investigation or this document in any court or other forum. By his subscription hereto, Dr. McCook 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. McCook expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an administrative complaint against him, or to the Board's capacity to adjudicate such complaint, 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 Thomas A. McCook, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 017063, be and the same is hereby, effective as of the date hereof, placed **ON PROBATION** for a period of five (5) years, and Dr. McCook's continuing exercise of the rights and privileges thereunder shall be subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

**(1) Personal Appearance Before Physicians' Health Committee.** Prior to the consideration of this Consent Order, Dr. McCook shall personally appear before the Physicians' Health Committee of the Board to permit the Committee and the Board to consider his condition and current treatment program and to advise the Committee and the Board of his intentions with respect to the practice of medicine.

**(2) Participation in Physicians Health Program .** Within 10 days of the date hereof, if he has not already done so, Dr. McCook shall enter into and execute a Treatment Contract with the Physicians' Health Foundation of Louisiana's Physicians' Health Program (the "PHP Contract"), for a period of not less than five years. Dr. McCook shall comply in all respects with the terms, provisions and recommendations of such PHP Contract as well as the aftercare criteria referenced therein. Within five days of his execution of such PHP Contract, Dr. McCook shall cause a copy thereof to be delivered to the Board.

**(3) Continuing Treatment, Reports to Board.** Dr. McCook shall continue under treatment, consistent with the prescription and recommendations of his treating physicians at Hazelden, his current treating and monitoring physician(s) and other health care provider(s) and those of his PHP Contract. Dr. McCook shall authorize and cause such treating and monitoring physicians and/or the PHP to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports on Dr. McCook's then-current treatment program diagnosis, prognosis, and his compliance with the terms, conditions and restrictions of this Order.

**(4) Board Access to Treatment Records and Reports.** Dr. McCook shall, and does by his subscription hereto, authorize any physician or any institution at which he undergoes treatment for any psychiatric or substance or alcohol 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. McCook's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. McCook expressly waives any privilege, which may otherwise be afforded the disclosure of such records pursuant to state or federal law, and shall immediately execute any necessary written authorization presented to him that permits the Board access to such records.

**(5) Drug Screens.** Dr. McCook shall submit to periodic, unannounced blood, urine, saliva, and/or hair collection to detect the presence of alcohol, controlled or

other mood-altering substances by a PHP physician or his or her designee. Dr. McCook shall authorize and cause such physician and/or the PHP to report the results of such drug screens to the Board not less frequently than quarterly throughout the probationary period.

**(6) Maintenance of Complete Abstinence.** Dr. McCook shall, for the duration of his life, maintain complete and total abstinence from the use of alcohol, any controlled substance 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. McCook shall personally inform his treating and monitoring physicians and the PHP 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.

**(7) Prescription, Dispensation, Administration of Controlled Substances Prohibited - All Schedules.** Dr. McCook shall not, for the duration of the probationary period of this Order, prescribe, dispense or administer (i) any controlled substance which may be classified, defined, enumerated or included in 21 C.F.R. §§ 1308.11-.15 or La. Rev. Stat. § 40:964; (ii) any substance which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statute; (iii) any drug or medication which affects the central nervous system or which is capable of producing physiological or psychological dependence; (iv) any mood-altering substance; or (v) the drugs Nubain, Dalgan, Soma, Butalbital or Ultram in any form or generic thereof. This prohibition shall not, however, prohibit Dr. McCook from ordering controlled substances and other prescription medications for administration to in-patients of and at a hospital or similar institution where he may be employed or exercise staff and clinical privileges under the controlled substance license and registration of such hospital or institution and in accordance with such hospital or institution's prescribed policies and procedures governing the administration of controlled substances.

**(8) Continuing Medical Education.** Dr. McCook shall obtain not less than 50 credit hours per year for each year of the probationary term herein 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 years from the date hereof. On or before the anniversary date of each year for the five (5) years following the effective date of this Consent Order, Dr. McCook shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding 12 months.

**(9) Cooperation with Board's Medical Consultant/Probation and Compliance Officer.** Dr. McCook 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. Dr. McCook shall also make himself available, upon reasonable notice, for personal interviews with the Medical Consultant or Probation Officer of the Board or their designated representatives for the purpose of discussing his then-current compliance with the terms of this Order.

**(10) Absence from State - Effect on Probation.** Should Dr. McCook 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. McCook 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. McCook shall not receive credit toward the probationary period for the time during which he was absent from the state of Louisiana.

**(11) Sanction.** By his subscription hereto, Dr. McCook acknowledges that his receipt of written notification from the Board that it has received any report which indicates his failure to comply with the requirements set forth by this Order in any respect, shall, without the need for formal hearing or for 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 by the Board pending the final resolution of an administrative hearing and decision by the Board with respect to the information made the basis of such report.

**(12) Fees and Costs of Supervision/Treatment/Reports.** Any and all fees, costs or expenses incurred by Dr. McCook in connection with his continuing substance abuse or other treatment, drug screens or the reporting requirements contained in this Order shall be borne by him.

**(13) Probation Monitoring Fee.** For each year of the probationary term Dr. McCook 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 this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

**(14) Additional Probationary Terms.** In addition to such other terms and conditions as are placed upon his license to practice medicine by this Order, Dr. McCook 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, a 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.

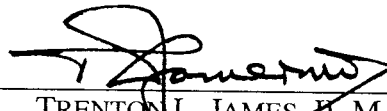
**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. McCook shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. McCook's license to practice medicine in the state of Louisiana 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 22<sup>nd</sup> day of August, 2001.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY:

  
TRENTON L. JAMES, M.D.  
PRESIDENT

ACKNOWLEDGMENT  
AND CONSENT

STATE OF LOUISIANA

PARISH OF CADDO

I, THOMAS A. McCOOK, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 30 day of July, 2001.

Thomas A. McCook M.D.  
THOMAS A. McCOOK, M.D.

WITNESSES:

Melanie F. McCook  
Signature

MELANIE F. McCOOK  
Typed Name

470 RAILSBACK ROAD, SHREVEPORT, LA  
Address 71106

Rene Ross  
Signature

RENE' ROSS  
Typed Name

1800 BUCKNER ST, SHREVEPORT, LA 71101  
Address

Sworn to and subscribed before me at SHREVEPORT, Louisiana, this 30th day of JULY, 2001, in the presence of the two stated witnesses.

Andy A. Jarrett  
Notary Public