

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of	:	No. 96-I-015
HUGH M. BATSON, JR., M.D.	:	
(Certificate No. 00911R)	:	CONSENT
	:	ORDER
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An investigation conducted by the Louisiana State Board of Medical Examiners (the "Board") has indicated that Hugh M. Batson, Jr., M.D. ("Dr. Batson"), a New Orleans, Louisiana internist,¹ has for an extended period, since the 1960's, suffered from chronic and episodically acute drug abuse and alcoholism. In 1985 Dr. Batson was referred to the Alcoholics Anonymous (AA) program. He maintained sobriety until he relapsed in 1991. In 1992 he voluntarily reported himself to the Physicians Health Committee of the Louisiana State Medical Society (the "PHC") and received treatment for alcoholism at the Bowling Green Hospital and Ochsner Foundation Hospital ("Ochsner"), followed by participation in the PHC.² Within three years Dr. Batson suffered another relapse and was admitted to treatment at Ochsner from May 30 through June 14, 1995. On the recommendation of his physicians at Ochsner, Dr. Batson then admitted himself for extended, inpatient/residential treatment at the COPAC facility, Brandon, Mississippi, where he received treatment from June 29 to October 27, 1995, when he was discharged with a diagnosis of alcohol dependence and depression, but felt to be in improved condition with a fair prognosis for continued sobriety, provided he continue with the aftercare program prescribed by the facility. Upon discharge, the physician was referred back to Ochsner for continued therapy in which he executed a Continuing Care Advocacy Contract with the Mississippi Health Care Professionals Treatment Programs and subsequently executed a Substance Abuse Treatment Contract ("Treatment Contract") with the PHC. Following another relapse, Dr. Batson voluntarily sought re-admission to COPAC in February, 1996, where he remained in treatment until June 28, 1996. Upon discharge, Dr. Batson executed a new Treatment Contract with the PHC and has remained in ongoing therapy with his physicians at Ochsner.

¹Dr. Batson, currently 74 years of age, attended the University of Mississippi School of Medicine and did postgraduate residencies in internal medicine at the Baroness Erlanger Hospital, Chattanooga, Tennessee, and Ochsner Foundation Hospital, New Orleans, Louisiana.

²In addition to participating in the after-care program at Ochsner Foundation Hospital, the Physicians Health Committee also required Dr. Batson's attendance at IDAA, Caduceus Club, AA meetings and random drug screening.

All information available to the Board, including that provided by his treating and monitoring physicians and the PHC, indicates that Dr. Batson has remained abstinent since his admission to COPAC in February, 1996, that he has continued in weekly psychotherapy sessions and attends individual and weekly group therapy meetings, that he attends numerous Alcoholics Anonymous meetings each week, that he has weekly contact with his sponsor, that all alcohol and drug screenings have been reported as negative, and he has obtained fifty (50) hours of continuing medical education credits over the past year. Dr. Batson has not returned to the private practice of medicine since his return from COPAC, and he has surrendered his state certificate and federal registration to prescribe controlled substances. He has, however, served as a volunteer at Project Lazarus and Bridge House, in New Orleans, Louisiana, where he respectively works without remuneration with individuals suffering with AIDS and others suffering from chemical dependency and/or alcoholism.

As evidenced by his subscription hereto, Dr. Batson acknowledges the substantial accuracy of the foregoing information and that such information could provide the Investigating Officer herein and the Board with probable cause to initiate formal administrative proceedings against him, charging the physician with "[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;" and "[I]nability to practice medicine ... with reasonable skill and safety to patients because of ... excessive use or abuse of drugs, including alcohol, ..." constituting sufficient legal cause for the suspension or revocation of the physician's license to practice medicine in the state of Louisiana.³

Recognizing his right to have notice of such allegations and charges asserted against him, to administrative adjudication of such charges, 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. Batson, nonetheless, hereby waives his right to notice of charges and 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. Batson 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. Batson 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. Batson 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

³La. Rev. Stat. §§37:1285A(5), (25).

authority to file a formal 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 Hugh M. Batson, Jr., M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 00911R, be, and the same is hereby, effective as of the date hereof, placed on PROBATION until further order of the Board *provided, however*, that Dr. Batson's continued practice of medicine in the state of Louisiana shall be conditioned upon his acceptance of and strict compliance with the general terms and conditions of probation heretofore adopted by the Board and with each of the following six (6) terms, conditions and restrictions:

(1) Limitation on Practice. Dr. Batson shall not, until and unless he receives a written order from the Board authorizing him to do so, engage in the practice of medicine in the state of Louisiana except in his capacity as a volunteer, serving without remuneration, at Project Lazarus and Bridge House. Should Dr. Batson subsequently desire to practice medicine on a volunteer basis at a different location, he may petition the Board for authority to do so. The Board may, at its sole discretion, approve or deny such a request. Moreover, should Dr. Batson ever desire to return to the unrestricted practice of medicine then, as express conditions to the issuance of such an Order, Dr. Batson unconditionally agrees to the following terms and conditions:

(a) Personal Appearance Before Physicians Health Committee. Dr. Batson shall personally appear before the Physicians Health Committee of the Board, or its designee, to permit the Committee, on behalf of the Board, to evaluate Dr. Batson's then-current condition and prognosis and his compliance with the terms of this Order.

(b) Additional Probationary Terms. Dr. Batson hereby consents to, agrees with and acquiesces in the imposition of such terms, conditions or restrictions, as well as the length and nature thereof, which the Board in its sole discretion may deem necessary or appropriate to impose upon any reinstated license to practice medicine.

(2) Controlled Substances-All Schedules. Dr. Batson may not, at any time following the approval of this Consent Order by the Board and for the remainder of his medical career, prescribe, dispense or administer any controlled substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308.11-.15, La. Rev. Stat. §40:964, or any substance which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statute, or the drugs Nubain, Dalgan, Stadol, Soma and Butalbital in any form or generic thereof, or any mind-altering substance.

(3) Continuing Aftercare; Reports to Board. Dr. Batson shall continue in, abide by and comply in all respects with the terms and conditions of his Continuing Care Advocacy Contract with the Mississippi Health Care Professionals Treatment Programs and with the treatment program and restrictions prescribed or recommended by his treating physicians at COPAC and Ochsner. Dr. Batson shall authorize and cause his treating physicians to submit to the Board, not less frequently than quarterly, written reports on Dr. Batson's then-current treatment, diagnosis, course of treatment, prognosis, his maintenance of abstinence from alcohol and mood-altering chemicals, his fitness and ability to practice medicine with reasonable skill and safety to patients, and his compliance with the terms, conditions and restrictions of this Order.

(4) Participation in Physicians Health Committee. Dr. Batson shall observe and comply in all respects with the terms, conditions and restrictions specified in the Substance Abuse Treatment Contract which he has executed with the Louisiana State Medical Society Physicians Health Committee, as well as the aftercare criteria referenced therein. Dr. Batson shall authorize and cause his treating and monitoring physicians, as designated in the PHC Treatment Contract to submit to the Board, not less frequently than quarterly, written reports on Dr. Batson's then-current treatment program diagnosis, prognosis, and his compliance with the terms, conditions and restrictions of this Order and any aftercare agreement he may execute hereafter.

(5) Maintenance of Complete Abstinence. Dr. Batson shall, for the duration of his life, maintain complete and total abstinence from the use of alcohol and any mood-altering substance except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition.

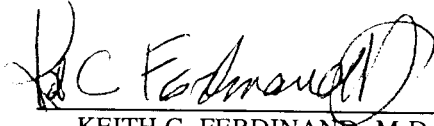
(6) Continuing Medical Education. Dr. Batson shall obtain not less than 50 credit hours per year through attendance at and participation in continuing medical education programs (CME) accredited by and qualifying for the Physician's Recognition Award of the American Medical Association. On or before December 1 of each year, Dr. Batson shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding 12 months.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the restrictions set forth by this Order by Dr. Batson shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the final revocation and cancellation of Dr. Batson's license to practice medicine in the state of Louisiana or for such other disciplinary action as the Board deems appropriate, as if such violation were enumerated among the causes provided in La. Rev. Stat. §37:1285.

IT IS FURTHER ORDERED that this Order shall be and shall be deemed to be and treated as a public record in all respects.

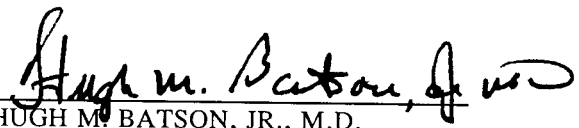
New Orleans, Louisiana, this 10th day of December, 1997.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: 
KEITH C. FERDINAND, M.D.
President

ACKNOWLEDGMENT
AND CONSENT

I, HUGH M. BATSON, JR., M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 19TH day of NOVEMBER, 1997.


HUGH M. BATSON, JR., M.D.

Witness:

