

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

PRESIDENT

CHARLES B. ODOM, M.D.
4500 MAGNOLIA STREET
NEW ORLEANS, LA 70115

IKE MUSLOW, M.D., VICE-CHANCELLOR
LOUISIANA STATE UNIVERSITY
MEDICAL CENTER
SHREVEPORT, LA. 71130

F. P. BORDELON, JR., M.D.
P. O. BOX 154
MARKSVILLE, LA 71351



OFFICE OF THE SECRETARY-TREASURER

J. MORGAN LYONS, M.D.
830 UNION STREET, SUITE 100
TELEPHONE: (504) 524-6763
NEW ORLEANS, LA 70112

VICE-PRESIDENT

RICHARD M. NUNNALLY, M.D.
5000 HENNESSY BOULEVARD
BATON ROUGE, LA 70809

ANTHONY J. HACKETT, JR., M.D.
2500 LOUISIANA AVENUE
NEW ORLEANS, LA 70115

GERALD R. LANASA, M.D.
433 METAIRIE ROAD, SUITE 602
METAIRIE, LA 70005

-----X

In The Matter Of x

J. H. BLALOCK, JR., M.D. x

CONSENT
ORDER

-----X

Information was provided to the Louisiana State Board of Medical Examiners ("Board") indicating that J. H. Blalock, Jr., M.D. ("Dr. Blalock"), was charged with prescribing controlled substances not in conformity with the minimal standards of acceptable and prevailing medical practice and obtaining a Schedule II controlled substance for his own use, by prescribing said drug to a member of his office staff, by the State Board of Medical Examiners for the State of Georgia.¹ The Board was also advised that Dr. Blalock voluntarily executed a Consent Order and Stipulation² whereby the physician's license to practice medicine in the State of Georgia was placed on probation, under specified terms and conditions, for a period of five (5) years from February 9, 1983.³

Alternative to the institution of formal investigative and adjudicatory proceedings under the Louisiana Medical Practice

¹"In the Matter of: J. H. Blalock, Jr., M.D., License No. 12675." Before the Composite State Board of Medical Examiners, State of Georgia, February 9, 1983.

²"In the Matter of: J. H. Blalock, Jr., M.D., License No. 12675, Consent Order and Stipulation and Wavier," pp. 1-6 inclusive.

³The State Board of Medical Examiners of the State of Georgia assigned February 9, 1983, as the effective date of the probationary period: "In the Matter of: J. H. Blalock, Jr., M.D., License No. 12675," ¶ 2, at p. 2.

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Act,⁴ the Board determined that the public interest would be properly and adequately served by Dr. Blalock's execution of a Consent Order by virtue of which the physician's license would be placed on probation consistently with the duration, specified terms and conditions imposed by the State of Georgia. The Board has so advised Dr. Blalock,⁵ who, in response,⁶ and as evidenced by his subscription hereto, has accepted the disposition proposed by the Board in lieu of formal administrative proceedings.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to LSA-R.S. 49:955-58, to be represented therein by legal counsel of his choice and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Blalock, nonetheless, hereby waives his right to notice and formal adjudication of charges, pursuant to LSA-R.S. 49:959D, and acknowledges, accepts and consents to entry of the following order.

Accordingly, in consideration of the foregoing and, pursuant to the authority vested in the Board by LSA-R.S. 37:1285 and LSA-R.S. 49:955D,

IT IS ORDERED that, until and unless this Order is modified or rescinded by written Order of the Board:

⁴LSA-R.S. 37:1261-91. The Board is empowered to suspend, revoke or impose probationary conditions on, the license of any physician for "[r]evocation, suspension or other restriction imposed on a license, permit or certificate ... which prevents and restricts the practice in that state," and "[p]rescribing, dispensing or administering habit-forming or other legally controlled substances, in other than a legal or legitimate manner." LSA-R.S. 37:1285(30),(6).

⁵Letter, J. Morgan Lyons, M.D., Sec.-Treas., La. St. Bd. Med. Exam., to J. H. Blalock, Jr., M.D. (July 13, 1983).

⁶Verbal communication of Dr. Blalock's acceptance of the disposition of this matter by consent was relayed to the Board by John Swearingen, Esq., counsel for Dr. Blalock.

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A. J. H. Blalock, Jr., M.D. shall comply in each and every respect with the enumerated terms and conditions of the "Consent Order and Stipulation and Waiver," ⁷ executed by Dr. Blalock on February 7 and 9, 1983, respectively, and adopted by the State Board of Medical Examiners for the State of Georgia on February 9, 1983.

B. Consistent with this Order, Dr. Blalock hereby authorizes and directs the State Board of Medical Examiners for the State of Georgia, to report and respond to the Board's inquiries concerning his compliance with the terms and conditions of the "Consent Order and Stipulation and Waiver"; and

C. Dr. Blalock will immediately notify the Board in writing if, prior to the expiration of the five (5) year probationary period specified in the "Consent Order and Stipulation and Waiver," (1) he is relieved of any of the specified terms and conditions thereof, or any modifications to, the said Consent Order and Stipulation and Waiver or (2) he relocates to the State of Louisiana for the purpose of engaging in the practice of medicine. Upon notice of either of the above-mentioned by Dr. Blalock, the Board may undertake to reimpose and supervise the terms and conditions of the said "Consent Order and Stipulation and Waiver," on its own behalf, for the remainder of the five (5) year probationary period. Upon notice of (2) above, Dr. Blalock will be required to make a personal appearance before the Board prior to engaging in the practice of medicine.

IT IS FURTHER ORDERED that any violation of the terms, conditions and restrictions set forth hereinabove, shall be deemed just cause for the suspension or revocation of the medical license of J. H. Blalock, Jr., M.D., or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in LSA-R.S. 37:1285.

⁷Attached hereto as Exhibit "A" and incorporated herein by reference.

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Upon the Board's approval and execution hereof, the Notice of Hearing, issued by the Board on August 29, 1983 and directed to the attention of J. H. Blalock, Jr., M.D. is hereby recalled.

New Orleans, Louisiana, this 30 day of September, 1983.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

By: Charles B. Odom, M.D.
CHARLES B. ODOM, M.D.
President

I HEREBY acknowledge, approve, accept and consent to entry of the above and foregoing Consent Order and the terms, conditions and restrictions set forth therein, this 27th day of ~~September~~, 1983.

October

J. H. Blalock, Jr., M.D.
J. H. BLALOCK, JR., M.D.

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 27th DAY

OF October, 1983.

Ann D. Gex
NOTARY PUBLIC

EXHIBIT A

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS
STATE OF GEORGIA

IN THE MATTER OF: *

J. H. BLALOCK, JR., M.D. *

License No. 12675 *

Respondent. *

AG FILE NO.	BD-82-18-3-488
OFFICE OF THE JOINT SECRETARY	
STATE EXAMINING BOARDS	
DOCKET NO.	83-43
DATE	February 24, 1983
ENTERED BY	B. X. [Signature]

CONSENT ORDER

By agreement of the Composite State Board of Medical Examiners and J. H. Blalock, Jr., M.D., Respondent, the following disposition of this matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, codified as O.C.G.A. § 50-13-13(a)(4), formerly Ga. Code Ann. § 3A-114(4) (Ga. Laws 1964, pp. 338, 348, as amended).

FINDINGS OF FACT

1.

The Respondent is licensed to practice medicine in the State of Georgia, and was so licensed at all times relative to the matters stated herein.

2.

The Respondent prescribed methaqualone (a/k/a Quaalude), dextroamphetamine (a/k/a Dexedrine), methamphetamine (a/k/a Desoxyn), Schedule II controlled substances, and secobarbital (a/k/a Seconal) a Schedule III controlled substance within the meaning of the Georgia Controlled Substances Act, O.C.G.A. Ch. 16, T. 13, formerly Ga. Code Ch. 79A-8, which prescribing was not in conformance with the minimal standards of acceptable and prevailing medical practice.

3.

The Respondent obtained dextroamphetamine (a/k/a Dexedrine), a Schedule II controlled substance, for his own use by prescribing said drug to a member of his office staff.

4.

The Respondent has voluntarily appeared before a committee of the Board at an investigative hearing to discuss the above-referenced violations.

5.

The Respondent waives any further findings of fact with respect to the above matter. However, the Respondent shall be allowed to submit a statement in explanation and mitigation of the matters stated herein for consideration by the Board prior to its review of this Consent Order.

CONCLUSIONS OF LAW

The Respondent's conduct constitutes sufficient grounds for the imposition of sanctions upon his license to practice medicine in the State of Georgia under O.C.G.A. Ch. 34, T. 43, as amended, formerly Ga. Code Ch. 84-9. The Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of this case, hereby orders, and the Respondent hereby agrees, that the following sanctions shall be imposed upon his license to practice medicine in the State of Georgia:

1.

The disciplinary sanction imposed by this Consent Order shall be a revocation, but the enforcement of such revocation shall be suspended, and the Respondent shall be placed on probation under the terms and conditions outlined below. It is the intent of the Board that this sanction shall not affect the rights and privileges of the Respondent to practice medicine except as outlined herein.

2.

Commencing on the effective date of this Consent Order, the Respondent's license shall be placed on probation for a period

of five (5) years years, with the following terms and conditions of probation:

(a) For a period of three (3) years from the effective date of this Consent Order, the Respondent shall not prescribe or dispense, in the course of his office practice, any drug included in Schedule II or Schedule II-N of the Georgia Controlled Substances Act, as now or hereafter amended. It is hereby understood that the Respondent may write orders for such Schedule II and II-N controlled substances on hospital patient charts, in connection with the Respondent's hospital practice, and may leave prescriptions for Schedule II and II-N controlled substances at the hospital, upon discharge of a patient when such drugs are ordered or prescribed in accordance with State and Federal laws. If, at the end of such three-year period, the Board's evaluation of the Respondent's prescribing practices relative to controlled substances reveals no irregularities, the Respondent's privileges with respect to the writing of Schedule II and II-N controlled substances shall be restored. The Respondent's prescribing practices with respect to controlled substances shall continue to be closely monitored throughout the probationary period.

(b) The Respondent shall permit the inspection of his office and hospital records during the period of probation by a representative of the Composite State Board of Medical Examiners at any reasonable time designated by the Composite State Board of Medical Examiners or its representative. The Respondent shall have the

right to be present during such inspection of records, and the rights of privacy and confidentiality of patients shall be maintained. The Respondent shall also make himself available, upon reasonable notice, for personal interviews with the Medical Coordinator of the Board.

(c) In the event the Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of Georgia will not apply to the reduction of the Respondent's probationary period. The Respondent shall advise the Board of any change in his residence and/or office address.

(d) If the Respondent shall fail to abide by all State and Federal laws relating to drugs and regulating the practice of medicine, the Rules and Regulations of the Composite State Board of Medical Examiners, or the terms of this Consent Order and probation, or if it should appear from monitoring reports submitted to the Board that the Respondent is unable to practice medicine with reasonable skill and safety to patients, the Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration. Summary suspension of the Respondent's license, pending any such proceeding, may be ordered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), formerly Ga. Code Ann. § 3A-119(c)(1), or any other statute authorizing such emergency action.

(e) The Composite State Board of Medical Examiners shall review and evaluate the practice of the Respondent at the end of the probationary period. It is hereby understood that after this evaluation, the Board shall have the right to restore all rights and privileges incident to the license of the Respondent, but may also extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

3.

In addition to and in conjunction with any other sanction contained herein, this Consent Order shall serve as a public reprimand to the Respondent for his conduct.

4.

Approval of this Consent Order by the Composite State Board of Medical Examiners shall in no way be construed as condoning the Respondent's conduct, and shall not be construed as a waiver of any of the lawful rights possessed by the Board. This Consent Order shall not become effective until approved by the Composite State Board of Medical Examiners.

Effective, this 9th day of February, 1983.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

BY:

George M. Chastain
GEORGE M. CHASTAIN
President

(BOARD SEAL)

ATTEST:

Shirley O. Cowart
SHIRLEY O. COWART, Acting
Joint Secretary
State Examining Boards

Consented to:


J. H. Blalock Jr.
J. H. BLALOCK JR., M.D.
Respondent

STIPULATION AND WAIVER

I, J. H. BLALOCK, JR., M.D., have read this Consent Order. I understand that I have the right to a hearing in this matter, and I freely, knowingly and voluntarily waive such right by entering into this Consent Order. I understand that this Consent Order will not become effective until approved by the Composite State Board of Medical Examiners. I further understand and agree that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. I further understand that this Consent Order, once approved, shall constitute a public record. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding. I consent to the terms and sanctions herein.


J. H. BLALOCK, JR., M.D.
Respondent

Sworn to and subscribed
before me, this 7 day
of February, 1983.


Notary Public
My commission expires: 7-24-84