

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

In the Matter of

DONALD HOOPER, M.D.
(Certificate No. 07553R)

Respondent

NO. 99-I-014

CONSENT ORDER

The above entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information indicating that Donald Hooper, M.D. ("Dr. Hooper"), a physician licensed to practice medicine in the State of Louisiana and at all times pertinent to the matter set forth in this Consent Order engaged in the practice of medicine in and around Baton Rouge, Louisiana, suffers from and has received treatment for substance abuse.

Investigation of the captioned matter was assigned to the Medical Consultant/Director of Investigations ("DOI" or "Investigating Officer") for the Board.

ALLEGATIONS OF FACT

While an anesthesiologist, Dr. Hooper served as medical director of a large medical clinic in Baton Rouge for a number of years up until the time of the events set forth hereinafter.

Dr. Hooper was arrested at his home on February 12, 1999. The arrest apparently arose from a hang-up 911 call to the Baton Rouge Police Department. Officers were dispatched to his home. Upon arrival by the police, Dr. Hooper signed a voluntary consent search form. A search of his home by law enforcement followed that date. Among the items seized were pornographic photographs and items, a box of narcotics paraphernalia, a handgun box, and a box of 9mm ammunition. Seven (7)

crack cocaine rocks wrapped in clear plastic and in an envelope were found. Dr. Hooper was arrested for possession of cocaine(Schedule II controlled dangerous substance), operating a house of prostitution, accessory after the fact, letting premises for obscenity, and solicitation for prostitution.

On March 15, 1999, Dr. Hooper admitted himself for treatment at Talbott's Recovery Center (Talbott) in Atlanta, Georgia. His chief complaint upon admission was cocaine addiction. Admission impression was cocaine dependence and nativistic personality features.

According to medical records from Talbott, Dr. Hooper's use of cocaine escalated during late 1998 and early 1999. He had been using cocaine for approximately three (3) years. He also consumed alcohol (one to two glasses of wine) with dinner three to four times per week.

On June 10, 1999, a felony Bill of Information was filed in the 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, No. 6-99-235. The offense with which Dr. Hooper was charged was possession of cocaine, as principal in violation of La.R.S. §40:967 C and §14:24 for, on February 12, 1999, knowingly and intentionally possessing a controlled dangerous substance classified under La.R.S. §40:964 at Schedule II A(4), cocaine.

The DOI's review and analysis of the matter confirms to his satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Hooper charging him with violations of the Louisiana Medical Practice Act (the "Act") pursuant to La.Rev.Stat.

§37:1285(A)(5),¹ (13),² (15)³ and (25)⁴. Nevertheless, the DOI has determined that this Consent Order be presented to the Board to dismiss the investigation concerning Dr. Hooper.

As evidenced by his subscription hereto, Dr. Hooper acknowledges the substantial accuracy of the foregoing factual information and further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, or such other action against the physician's license to practice medicine in the State of Louisiana as the Board might deem appropriate, pursuant to La.R.S. §37:1285A(5), (13), (15) and (25).

Recognizing his right to have notice of any allegation or charges asserted against him, to administrative adjudication of such allegations or charges pursuant to La.R.S. §49:955-958, 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 subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. Hooper nonetheless hereby waives his right to notice of charges, formal adjudication and, written decision and pursuant to La.R.S. §49:955(D), consents to entry of the Order set forth hereinafter.

By his subscription hereto, Dr. Hooper acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La.R.S. §49:951,

¹ Habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence.

² Unprofessional conduct.

³ Immoral conduct in exercising the privileges provided for by license or permit issued under this Part.

⁴ Inability to practice medicine with reasonable skill or safety to patients because of mental illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; and/or, excessive use of abuse of drugs, including alcohol.

et seq., or any other right that may be afforded to him by 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 relating to the matters set forth herein. By his subscription hereto, Dr. Hooper 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 disclose fully and discuss with the Board the nature and results of his investigation of this matter; Dr. Hooper waives any objection to such disclosure under La.R.S. §49:960. Dr. Hooper 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 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. Dr. Hooper further acknowledges and agrees that notwithstanding this Consent Order or any sanctions or probationary conditions contained herein, that the Board reserves any and all rights to proceed with an Administrative Complaint relative to the disposition of the criminal felony charges specified on page 2 of this Consent Order, if such disposition is a felony conviction(s) by guilty plea, plea of nolo contendere, or final judgment as such conviction(s) would provide additional grounds for an Administrative Complaint under La.R.S. 37:1285.

This matter is now before the Board on the recommendation of the Investigating Officer that Dr. Hooper's license to practice medicine in Louisiana be placed on probation, subject to specific appropriate terms, conditions and restrictions. Based on such recommendation, and upon its review of the available information respecting the physician's recent treatment, the Board is persuaded that the condition from which Dr. Hooper suffers may be susceptible to effective medical treatment,

resulting in the maintenance or restoration of the physician's capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. Hooper strictly observes and complies with appropriate restrictions on and conditions to maintenance of his medical license. Based upon the information provided and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to protect the health, safety, and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, pursuant to the La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

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

IT IS ORDERED that the license of Donald Hooper, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 07553R, be, and the same is hereby, effective as of the date hereof, placed **ON PROBATION**, for a period of five (5) years; *provided however*, that Dr. Hooper's continuing exercise of rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following minimum conditions and restrictions:

(a) Inpatient Treatment; Notice of Discharge; Records and Reports. Dr. Hooper shall remain in Talbott's (the "Treatment Program") and successfully complete the treatment which has been recommended for him until discharge therefrom by and with the consent of his treating physicians at the Treatment Program. Within five (5) days of his discharge from such Treatment Program, Dr. Hooper shall give written notice of such discharge to the Board, and within ten (10) days of discharge he shall

authorize and cause his Treatment Program and his treating physicians at such program to provide the Board with a complete copy of Dr. Hooper's medical records at such program, together with a written report by his treating physicians as to his discharge diagnosis and prognosis and the prescriptions or recommendations for continuing outpatient and/or aftercare treatment, therapy and monitoring.

(b) Continuing Aftercare; Reports to Board. Dr. Hooper shall continue in, abide by and comply in all respects with the outpatient treatment program prescribed in any PHP substance abuse treatment contract executed by Dr. Hooper or recommended by his treating physician(s) and/or health care provider to the extent that they continue to follow him. Dr. Hooper shall authorize and cause such physician(s) to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports on Dr. Hooper's then current treatment diagnosis, course of treatment, prognosis, maintenance of abstinence from alcohol and mood-altering chemicals and substances, fitness and ability to practice medicine with reasonable skill and safety to patients, and compliance with the terms, conditions and restrictions of any PHP contract signed by Dr. Hooper and of this Order.

(c) Personal Appearance Before Impaired Physicians Committee. In connection with this Consent Order, Dr. Hooper shall personally appear before the Physicians Health Committee of the Board to permit the Committee and the Board to consider his current and after-care treatment, his compliance with the terms of this Order and to advise the Committee and the Board of his intentions with respect to the practice of medicine.

(d) Participation in Physicians Health Program. Within ten (10) days of the date hereof, if he has not done so already, Dr. Hooper shall enter into and execute a new PHP substance abuse contract, the term of which contract will be at least the duration of the term of the probationary period. He shall thereafter comply in all respects with the terms and provisions of any PHP Substance Abuse or other Contract signed by him as well as the Aftercare Criteria referenced therein. Within five (5) days of his execution of such PHP substance abuse contract, Dr. Hooper shall cause a copy thereof to be delivered to the Board, and he shall advise the Board in writing of the names and addresses of his treating and monitoring physicians pursuant to such contract.

(e) Maintenance of Complete Abstinence. Dr. Hooper shall, for the duration of his life, maintain complete and total abstinence from the use of alcohol, all DEA controlled drugs, Stadol, Soma, Dalgan, Nubain, Butalbital, Ultram and any other mood-altering substances, except as may be provided by a treating physician other than himself for a *bona fide* medical condition. Dr. Hooper shall personally inform and provide written verification concerning the prescription to his treating and monitoring physicians, both orally and in writing, within two (2) days of the prescription or administration of any mood-altering substance received by him from another physician for treatment of a *bona fide* medical condition.

(f) Continuing Medical Education. Dr. Hooper shall obtain not less than 50 credit hours per year for each of the five (5) years during the term of probationary licensure 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 July 1 of each year during the term of probation ordered hereby, Dr. Hooper 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.

(g) 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. Hooper shall provide the Board with an executed affidavit 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 and shall personally appear 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.

(h) Fees and Costs of Treatment; Testing and Reports. Any and all fees, costs or expenses incurred by Dr. Hooper in connection with his continuing substance abuse, psychiatric, and/or other treatment, including the drug screens ordered herein, as well as the reporting requirements contained in this Order, shall be borne by Dr. Hooper.

(i) Absence from State. Should Dr. Hooper 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. Hooper 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. Hooper shall not receive credit toward the probationary period for the time during which he was absent from the state of Louisiana.

(j) Cooperation with Board's Probation and Compliance Officer. Dr. Hooper 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.

(k) Board Access to Treatment Records and Reports. Dr. Hooper shall, and does by his subscription hereto, authorize and cause 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 complete copies of all medical records and reports relating to Dr. Hooper's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Hooper 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 authorization requested by the Board to obtain such records.

(l) Drug Screens/Suspension of License. In addition to the requirements stipulated in any PHP substance abuse contract signed by Dr. Hooper, Dr. Hooper shall submit periodic, unannounced blood, urine, saliva and/or hair collection for the presence of controlled or other mood-altering substances when requested by a PHP physician or his or her designee. Dr. Hooper 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.

(m) Sanction. By his subscription hereto, Dr. Hooper acknowledges that his receipt of written notification from the Board that it has received reliable information which indicates his failure to maintain complete and total abstinence from the use of alcohol any other mood-altering substance shall, without 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 pending the issuance of a decision by the Board following administrative adjudication of such charges.

(n) Additional Probationary Terms. In addition to such other terms and conditions as are placed upon any license to practice medicine by this Order, Dr. Hooper 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 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 and restrictions of this Order by Dr. Hooper as set forth hereinabove shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the suspension and/or revocation and cancellation or for the denial of the renewal of the medical license of Donald Hooper, M.D., or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

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

New Orleans, Louisiana, this 18th day of August, 1999.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: Mary Lou Applewhite, M.D.
MARY LOU APPLEWHITE, M.D.
Its: President

I, **Donald Hooper, M.D.**, hereby acknowledge, approve, accept and consent to the entry of the above and foregoing Order this 27 day of August, 1999.

Donald Hooper M.D.
Donald Hooper, M.D.

WITNESSES:

Delores A. Watts
Signature

Typed Name: DELORES A. WATTS
5448 YORKTOWNE DRIVE
Address: ATLANTA, GA

Mark L. Kiefer
Signature

Typed Name: Mark L. Kiefer
5448 Yorktowne Drive
Address: Atlanta, Ga.

Sworn to and subscribed before me at
Atlanta, Georgia, Louisiana,
this 27th day of August, 1999,
in the presence of the two-stated witnesses.

Aue Purvis
NOTARY PUBLIC

Notary Public, Cobb County, Georgia
My Commission Expires September 8, 2001