

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



830 Union Street, Suite 100
Telephone: (504) 524-6763
New Orleans, LA 70112-1499

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In The Matter Of	:	No. 88-A-022
William Bernard Mahoney, Jr., M.D.	:	
(Certificate No. 018648)	:	
Respondent.	:	

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CONSENT ORDER

The above-entitled and numbered proceeding has been docketed for investigation by the Louisiana State Board of Medical Examiners (Board) by Elmo J. Laborde, M.D., Investigating Officer, alleging that William Bernard Mahoney, Jr., M.D., currently suffers from, and for some time has suffered from chronic and episodically acute chemical dependency. Dr. Mahoney, accordingly, could be charged with "[h]abitual or recurring abuse of drugs," and "[i]nability to practice medicine . . . with reasonable skill or safety to patients . . .," providing lawful cause under the Louisiana Medical Practice Act for the suspension or revocation of the physician's license to practice medicine in the state of Louisiana. LA. Rev. Stat. § 37:1285 (5), (25).

On the basis of information provided to the Board with Dr. Mahoney's knowledge and consent, the Board is persuaded that the condition from which Respondent suffers may be susceptible to effective medical treatment, resulting in restoration of Dr. Mahoney's capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. Mahoney strictly observes and complies with reasonable and appropriate restrictions on and conditions to maintenance of his medical licensure. Further, it is acknowledged that Dr. Mahoney has submitted himself for treatment in the Mississippi State Medical Association Impaired Professionals Program. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer respecting this matter, 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.

Dr. Mahoney, recognizing his right to have the allegations and charges asserted adjudicated pursuant to La. Rev. Stat. § 49:955-58,

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and to a final decision rendered upon written findings of fact and conclusions of law, nonetheless hereby waives his right to formal adjudication of this matter and, pursuant to La. Rev. Stat. § 49:955D, consents to entry of the order set forth hereinafter. By his subscription hereto, Dr. Mahoney also hereby authorizes the Investigating Officer designated by the Board with respect hereto 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 his investigation.

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. § 49:955D;

IT IS ORDERED the license of William Bernard Mahoney, Jr., M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by certificate no. 012247, be, and the same is hereby, effective as of the date hereof, SUSPENDED; and

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

(a) Inpatient Treatment. Dr. Mahoney complete inpatient evaluation and treatment for substance abuse and such other conditions or diseases which he may be diagnosed to suffer, with the Mississippi State Medical Association Impaired Professionals Program (Treatment Facility). Dr. Mahoney shall continue under inpatient treatment at the Treatment Facility until he is discharged therefrom by his treating physician.

(b) Outpatient Treatment and Aftercare. Prior to or upon discharge from inpatient treatment, Dr. Mahoney shall enter into and execute a treatment contract with the Treatment Facility, providing for such continuing outpatient treatment and aftercare monitoring as may be prescribed or recommended for Dr. Mahoney by the Treatment Facility. Dr. Mahoney shall be responsible for providing the Board with a copy of such treatment contract within 10 days of his discharge from the Treatment Facility.

(c) Board Access to Inpatient Treatment Records and Reports. Dr. Mahoney shall authorize the Treatment Facility to which he is admitted for inpatient treatment, any physician under whose care he may come at such institution, and any physician who may thereafter evaluate, diagnose or treat him to provide the Board with copies of all medical records relating to Dr. Mahoney's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto.

(d) Notice of Discharge. Dr. Mahoney shall within three days of his discharge from the inpatient treatment program ordered hereinabove, give the Board written notice thereof, and shall cause the institution at which he receives such treatment and his treating physician to provide the Board, not later than 10 days following his discharge with a complete copy of Dr. Mahoney's medical record, together with his treating physician's discharge diagnosis and prognosis and his prescription or recommendations for continuing outpatient and/or aftercare treatment, therapy and monitoring.

(e) Suspension of Practice/Reinstatement. Dr. Mahoney shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves on Dr. Mahoney a written order reinstating his license to practice medicine. As an express condition of the issuance of such Order, in addition to such other conditions as are set forth hereinabove, Dr. Mahoney shall have been discharged from the Treatment Facility and the Board shall have received the opinion of two physicians acceptable to the Board that Dr. Mahoney is then capable of practicing medicine with reasonable skill and safety to patients, based upon their personal examination, evaluation and diagnosis of Dr. Mahoney; and

IT IS FURTHER ORDERED that upon Dr. Mahoney's compliance with and complete and continuing satisfaction of the terms, conditions and restrictions 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 three years from the date of his discharge from inpatient treatment; provided, however, that such reinstatement of licensure, and Dr. Mahoney's continuing exercise of rights and privileges thereunder, shall be conditioned upon his acceptance and strict compliance with the following terms, conditions and restrictions:

(a) Periodic Outpatient/Aftercare Reports. Following his discharge from inpatient treatment, Dr. Mahoney shall continue under treatment, consistently with the prescription and recommendations of his treating physician at the Treatment Facility under the care of a physician acceptable to the Board as Dr. Mahoney's primary treating physician, and Dr. Mahoney shall authorize and cause such physician to submit to the Board, not less frequently than quarterly until such requirement is waived by the Board in writing, written reports on Dr. Mahoney's then-current treatment program, diagnosis, prognosis, and his compliance with the terms and conditions of this Order and any aftercare agreement he may execute hereafter.

(b) Aftercare Treatment Contract. Following his discharge from inpatient treatment, Dr. Mahoney shall enter into and execute a Treatment Contract with an Impaired Physicians Committee of the Louisiana State Medical Society,

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providing for his aftercare monitoring and treatment under the care of a specified treating physician acceptable to the Board and under the supervision of a monitoring physician designated by such Committee, and further providing for Dr. Mahoney's regular attendance at Alcoholics Anonymous and/or Caduceus Club meetings.

(c) Continuing Medical Education. Dr. Mahoney shall obtain not less than 50 credit hours per year for each of the three years following entry of this Order through attendance at and participation in continuing medical education (CME) programs 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 each of the three successive anniversary dates of his discharge from inpatient treatment hereunder, Dr. Mahoney shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding 12 months. The third such certification shall include additional certification evidencing Dr. Mahoney's completion of all requirements for the Physician's Recognition Award.

(d) Personal Appearance Before Board. Dr. Mahoney shall personally appear before the Board at its regular meeting during December 1991 to permit the Board to consider his compliance with the terms of this Order, his then-current prognosis and diagnosis with respect to substance abuse treatment, and his performance in the practice of medicine during the probationary period ordered herein, whereupon the Board may determine to extend such probationary period, amend or supplement the terms, conditions and restrictions hereof, or to permit the probationary period to expire in accordance with this Order. Dr. Mahoney shall, accordingly, contact the office of the Board prior to November 1, 1991, to determine the date and time that such personal appearance shall be scheduled;

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms, conditions or restrictions of this Order by Dr. Mahoney, or Dr. Mahoney's failure to maintain complete and total abstinence from the use of drugs and/or alcohol, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the final revocation and cancellation of Dr. Mahoney's license to practice medicine in the state of Louisiana.


New Orleans, Louisiana, this 8 day of December, 1988.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

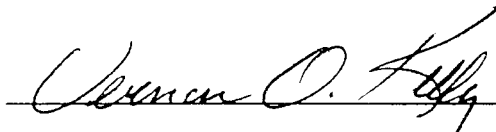
By: Ike Muslow
Ike Muslow, M.D., President

ACKNOWLEDGEMENT
AND CONSENT

I, WILLIAM BERNARD MAHONEY, JR., M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 7th day of November, 1988.

 M.D.
William Bernard Mahoney, Jr., M.D.

Witness:


MY COMMISSION EXPIRES JULY 29, 1989