

BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

In The Matter of:	:	
	:	
JOHN JOSEPH MACMAHON, M.D.	:	NO. 93-I-003-X
(Certificate No. 04657R)	:	
	:	
Respondent	:	CONSENT ORDER

The Louisiana State Board of Medical Examiners (Board) has developed apparently reliable information indicating that John Joseph MacMahon, M.D., (Dr. MacMahon), a physician licensed to practice medicine in the state of Louisiana, suffers from recurrent substance abuse and dependency, first brought to this Board's attention by Dr. MacMahon in 1986, when applying for renewal of his Louisiana medical license for the calendar year 1987.¹,

Following a period of sobriety, Dr. MacMahon suffered a relapse into active substance abuse and voluntarily re-entered the alcohol and substance abuse unit (Silkwood) at Parkland Hospital, Baton Rouge, Louisiana for in-patient treatment between March 19, 1992 and April 16, 1992. This was acknowledged by Dr. MacMahon in his Application for Renewal of Medical Licensure for the calendar year 1993. Dr. MacMahon further acknowledged spending four (4) months in extended care from April 16, 1992 to August 8, 1992 at the COPAC treatment facility, Brandon, Mississippi, under the direction and care of Doyle P. Smith, M.D. Dr. MacMahon has executed a continuing care advocacy contract ("treatment contract")

¹ In compliance with the application process, Dr. MacMahon acknowledged that he had been a patient in the alcohol and substance abuse unit (Silkwood) at Doctors Memorial Hospital, Baton Rouge, Louisiana between November 10, 1983 and December 12, 1983. This was followed by a period of three months in the outpatient chemical dependency program at Rapides General Hospital, Alexandria, Louisiana, between December, 1983 and March, 1984. Between 1984 and 1985, Dr. MacMahon attended the Alexandria Substance Abuse Clinic in Alexandria, Louisiana.

with COPAC, providing for continued aftercare treatment and monitoring under the care of Hugh A. King, M.D. Upon discharge from COPAC, Dr. Smith recommended that Dr. MacMahon return to the active practice of medicine, in his chosen field of psychiatry. Dr. MacMahon has also executed a substance abuse treatment contract with the Impaired Physicians Program of the Louisiana State Medical Society naming Dr. Hugh King as his treating/monitoring physician. Dr. King reports that Dr. MacMahon remains in compliance with the terms of both contracts and all aftercare recommendations.

As evidenced by his subscription hereto, Dr. MacMahon acknowledges that he has suffered from recurrent substance abuse. Such acknowledgement and the reported information would provide the Investigating Officer herein, John B. Bobear with probable cause to initiate formal administrative proceedings against Dr. MacMahon, charging him with "[H]abitual or recurring abuse of drugs, including alcohol," and potentially, "[I]nability to practice medicine . . . with reasonable skill and safety to patients because of . . . excessive use or abuse of drugs, including alcohol," constituting cause for suspension or revocation of the physician's license to practice medicine in the state of Louisiana, pursuant to the Louisiana Medical Practice Act, LSA-R.S. 37:1285A(5)(25).

On the basis of apparently reliable information, however, the Board is persuaded that the condition from which Dr. MacMahon 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. MacMahon strictly observes and complies with appropriate restrictions and conditions to maintenance of his medical licensure. 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, LSA-R.S. 37:1261, will be effectively served by entry of the order set forth hereinafter, by consent.

Recognizing his right to have notice of the allegations and charges asserted against him, to administrative adjudication of such charges pursuant to LSA-R.S. 49:955-58, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. MacMahon, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to LSA-R.S. 49:955D, consents to entry of the order set forth hereinafter. By his subscription hereto, Dr. MacMahon also hereby authorizes the Investigating Officer designated by the Board, and/or his legal counsel 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 the investigation, without prejudice to any subsequent proceedings which may transpire in the event that this Consent Order is not accepted in its present form.

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

IT IS ORDERED that the license of John Joseph MacMahon, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 04657R, be, and the same is hereby, effective as of of the date hereof, **SUSPENDED**, for a period of three (3) years; and

IT IS FURTHER ORDERED that the foregoing order of suspension is itself **STAYED AND SUSPENDED** and the physician's license placed on **PROBATION**, effective as of the date hereof, for a duration of three (3) years, subject to Dr. MacMahon's acceptance of and strict compliance with the following terms, conditions and restrictions:

- a) ***After-care Treatment*** Dr. MacMahon shall continue to comply with such after-care treatment and monitoring as may be prescribed or recommended by Dr. Hugh King or any other health care provider to whom he may be referred for continuing after-care monitoring or treatment, including full compliance with the terms of his treatment contracts;
- b) ***Board Access to Treatment Records and Reports:*** Dr. MacMahon shall, and does by his subscription hereto, authorize Dr. Hugh B. King, Jr., M.D. and any health care provider under whose care he may subsequently come for continued or ongoing evaluation or treatment for chemical dependency, to provide the Board with copies of all medical reports relating to Dr. MacMahon's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with records and reports relative thereto. Dr. MacMahon shall cause Dr. Hugh King to submit reports to the Board's Probation and Compliance Officer, not less frequently than quarterly throughout the term of probation, concerning his then-current treatment, compliance, diagnosis and prognosis;
- c) ***Personal Appearance Before the Board's Impaired Physician's Committee:*** Dr. MacMahon shall personally appear before the Impaired Physician's Committee of Board at its meeting preceding the expiration of the probationary term ordered herein;
- d) ***Maintenance of Complete Abstinence:*** Dr. MacMahon shall, for the duration of his life, maintain complete and total abstinence from the use of alcohol or any mood-altering substance, except as may be prescribed by a treating physician other than himself, for a bonafide medical condition. In the event that any physical condition of Dr. MacMahon does require prescription, administration or dispensation of any controlled substance for treatment of a bonafide medical condition, Dr. MacMahon shall cause this then-current primary treating physician to know of such instance within thirty (30) days of its occurrence;
- e) ***Continuing Medical Education:*** Dr. MacMahon shall obtain not less than fifty (50) credit hours per year for three years 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 October 1, 1994, 1995 and 1996, Dr. MacMahon shall cause to be submitted to the Board's probation and compliance officer, written certification of the CME programs and credits completed by him during the preceding twelve (12) months; and

- f) *Verification of Compliance/Probation Officer:* Dr. MacMahon shall permit the Board's probation and compliance officer, or other authorized representation, access to his office and to his records, reports, CME credits, treatment contract and such other documents, items or matters required herein, throughout the probationary period.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the restrictions set forth in this Order by Dr. MacMahon shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the final revocation and cancellation of Dr. MacMahon's license to practice medicine in the state of Louisiana.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 28 day of October, 1993.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: 

BERNARD L. KAPLAN, M.D.
PRESIDENT

ACKNOWLEDGMENT AND CONSENT

I, JOHN JOSEPH MACMAHON, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 30th day of September, 1993.


JOHN JOSEPH MACMAHON, M.D.