

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter of:

PATRICK F. MOLLIGAN, M.D.
(Certificate No. 019104)

No. 95-I-057-X

CONSENT ORDER

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board") following receipt of information from the Texas State Board of Medical Examiners with respect to Patrick F. Molligan, M.D. ("Dr. Molligan"), a physician who at all pertinent times has been licensed to practice medicine in the state of Louisiana. Such information reveals, more particularly, that a hearing on Dr. Molligan's application for licensure by reciprocity with the state of Texas was held before the Reciprocity Committee of the Texas State Board of Medical Examiners ("Texas Board") on March 25, 1993. After considering the information presented, the Reciprocity Committee determined that Dr. Molligan's application for a Texas medical license should be granted under specified terms and conditions of probation. With Dr. Molligan's consent and approval, such conditions were approved by the Texas Board and incorporated into an Order ("Texas Order") which became effective on April 30, 1993. Pursuant to the Texas Order, Dr. Molligan's license to practice medicine in the state of Texas was placed on probation for a period of two (2) years, predicated upon his compliance with enumerated terms and conditions.¹ On May 17, 1994, Dr. Molligan's petition for modification of that portion of the

¹Order, *In the Matter of the Application of Patrick F. Molligan, M.D.*, pending before the Tx. St. Bd. Med. Exam. (Apr. 30, 1993). Pursuant to such Order, Dr. Molligan was required to take and successfully pass the Medical Jurisprudence Examination. In addition, during his first two (2) years of probationary licensure status, he was required to: (a) participate in the activities of the Lubbock-Crosby-Garza County Medical Society Committee on Physician Health and Rehabilitation, including participation in weekly meetings, and ensure that quarterly written reports were provided to the Texas Board as to his attendance and participation; (b) participate in Alcoholics Anonymous or any substantially similar program approved by the Texas Board on a regular basis, not less than once per week; (c) submit himself to appropriate examinations, including alcohol or drug screening, at the request of the Texas Board; and (d) appear before the Texas Board or a designated committee thereof two (2) times annually. Order, *In the Matter of the Application of Patrick F. Molligan, M.D.*, pending before the Tx. St. Bd. Med. Exam. (Apr. 30, 1993).

Texas Order which dealt with the frequency of his participation in the Lubbock-Crosby-Garza County Medical Society Committee on Physician Health and Rehabilitation was granted by the Texas Board, but it continued in effect the remaining terms and conditions of his probation.²

Investigation of the captioned matter has been assigned to John B. Bobear, M.D., the Medical Consultant/Director of Investigations for the Board. Dr. Molligan has related to the Investigating Officer his explanation of the events in question and he has also informed the Investigating Officer that he responded to his renewal applications in accordance with his understanding of the Texas Board's action. However, Dr. Bobear'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. Molligan, charging Respondent with violation of the Louisiana Medical Practice Act (the "Act") pursuant to La. Rev. Stat. §37:1285A(3), as a result of the physician's failure to inform the Board of the conditions imposed upon his Texas license on his 1994-1995 Louisiana renewal applications.

As evidenced by his subscription hereto, but without admitting any violation of the Act, intentional or otherwise, Dr. Molligan, nevertheless, acknowledges that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, revocation or such other action as the Board might deem appropriate against his license to practice medicine in the state of Louisiana, pursuant to La. Rev. Stat. §37:1285A(3).

Recognizing his right to have notice of any allegation or charge asserted against him, to administrative adjudication of such allegation or charge, pursuant to La. Rev. Stat. §§49:955-58, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. Molligan, 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. Molligan acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, *et seq.*, or to which otherwise 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. Dr. Molligan, furthermore, 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

²Order, *In the Matter of the License of Patrick F. Molligan, M.D.*, pending before the Tx. St. Bd. Med. Exam., No. J-3556 (June 22, 1994).

nature and results of the investigation, and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Molligan expressly acknowledges that the disclosure of the 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.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to 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. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Dr. Molligan shall not practice medicine in any form in the state of Louisiana until the passage of at least two (2) years from the effective date of the Order; *provided, however*, that Dr. Molligan's license to practice medicine and his continuing exercise of the rights and privileges thereunder, shall be conditioned upon his acceptance of and strict compliance with the following terms and conditions:

- a) **Satisfaction of Terms and Conditions Imposed on His License by the Texas Board.** Dr. Molligan shall, if he has not heretofore done so, successfully complete each of the terms imposed upon his Texas medical license by the Texas Order and/or any subsequent Order which may be issued by the Texas Board, all of which are incorporated herein by reference. Dr. Molligan shall, and does by his subscription hereto, authorize the Texas Board to provide the Board with written and verbal reports relative to the status of his license and his compliance with the terms and conditions imposed by such Order.
- b) **Notice of Relocation to Louisiana and Personal Appearance Before Board.** Following the satisfaction of those terms set forth in paragraphs (a) and (b) above, in the event that Dr. Molligan should decide to relocate to Louisiana for the purpose of practicing medicine, he shall contact the Board at least sixty (60) days in advance of his return to Louisiana to arrange an appearance before the Board at its next regularly scheduled meeting. At such meeting, Dr. Molligan shall demonstrate his compliance with each and all of the terms imposed upon him by this Consent Order, and he shall discuss with the Board his intended plans for the practice of medicine in this state.

- c) **Additional Terms.** In addition to such other terms and conditions as are placed upon his Louisiana license by this Order, Dr. Molligan hereby consents to, agrees with and acquiesces in the imposition of any additional terms and/or conditions relating to the monitoring and/or treatment of his chemical dependency, as well as the length or nature thereof, which in the sole discretion of the Board it may deem necessary or appropriate to impose upon his Louisiana license should he decide to relocate to the state of Louisiana for the purpose of engaging in the practice of medicine at any time following the two (2) year period referred to hereinabove, during which he agrees not to practice medicine in this state; *provided*, however, that such additional terms and/or conditions shall not be deemed to include any period of suspension or probation of his license.
- d) **Verification by Probation/Compliance Officer.** Dr. Molligan shall immediately notify the Board's Probation/Compliance Officer of any change in his personal and professional addresses and telephone numbers and shall direct all matters, requests or inquiries relating to this Order to his attention. Moreover, Dr. Molligan shall immediately advise the probation officer of any disciplinary action against his license by any other state licensing board.

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

New Orleans, Louisiana, this 29th day of JANUARY, 1997.

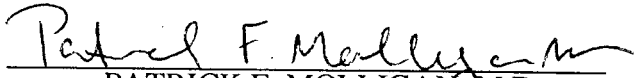
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BY:

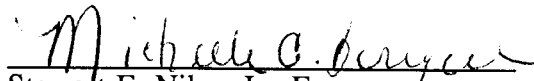

KEITH C. FERDINAND, M.D.
President

ACKNOWLEDGMENT AND CONSENT

I, PATRICK F. MOLLIGAN, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 24 day of January, 1997.


PATRICK F. MOLLIGAN, M.D.

APPROVED AS TO FORM:


Stewart E. Niles, Jr., Esq.
Michelle A. Bourque, Esq.
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