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Writer's Direct Dial:

(504) _____

NO. 94-I-078

CONSENT ORDER

In 1977, Dr. Ward was diagnosed with an obsessive-compulsive disorder and dysthymia. In addition, over the years he has been diagnosed with anxiety and depression. By final order issued on April 26, 1994, the Board of Medicine of the State of Florida (“Florida Board”) denied Dr. Ward’s application for licensure in that state.¹ The Florida Board’s action was predicated upon its finding that Dr. Ward suffered from psychiatric conditions, and that he had made certain omissions in connection with his then current and prior applications for licensure in that state. Predicated upon the Florida Board’s action, during the year 1996 the Wisconsin Board of Medical Examiners

¹ Marcus Edward Ward vs. Board of Medicine, No. 93-1671 (St. of Fla. Dept. of Bus. and Prof. Reg., Bd. of Med., Apr. 26, 1994).

("Wisconsin Board") commenced an investigation of Dr. Ward's license to practice medicine in that state. Rather than engage in administrative proceedings with the Wisconsin Board, Dr. Ward voluntarily surrendered his license to practice medicine in Wisconsin.

The historical information contained in the Board's files reveal that Dr. Ward was first licensed to practice medicine in Louisiana in 1980. He has been practicing medicine in and around New Orleans, Louisiana continuously since 1988. Although Dr. Ward failed to inform the Board of his medical history and treatment in connection with his initial application for licensure in this state, he has advised the Board of the action taken by the Florida and Wisconsin Boards, continued to receive psychiatric therapy and monitoring of his conditions, and both he and his treating physicians have provided the Board with reports relative to his status. Indeed, all of Dr. Ward's treating physicians, as well as an independent psychiatric consultant who evaluated Dr. Ward at the Investigating Officer's request, reported that his prognosis is good, that his psychiatric conditions are well controlled on his medication regimen and that, in their opinions, such conditions do not interfere with Dr. Ward's ability to practice medicine with reasonable skill and safety to patients.

As evidenced by his subscription hereto, Dr. Ward acknowledges and admits that he suffers from psychiatric conditions which if not appropriately treated and monitored may compromise his ability to practice medicine with reasonable skill and safety to patients, that his application for licensure has been denied by the Florida Board, and that he has surrendered his license to practice medicine in Wisconsin. Dr. Ward further acknowledges that by virtue of such facts and admissions, legal cause exists for such action against his license to practice medicine in the state of Louisiana as the Board may deem appropriate, pursuant to The Louisiana Medical Practice Act (the "Act").²

The Board is persuaded, however, that the conditions from which Dr. Ward suffers have been and are susceptible to effective medical treatment, resulting in the maintenance of Dr. Ward's capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. Ward strictly observes and complies with appropriate

²La. Rev. Stat. §37:1285A(25) and (29).

conditions pertaining to the maintenance of his medical license. 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, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to notice and administrative adjudication of the charges against him, pursuant to La. Rev. Stat. §§49:955-958, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Ward, 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. Dr. Ward, moreover, acknowledges that by his subscription hereto that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:961 *et. set.*, or to which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or forum relating to the matters referred to herein or to his consent hereto. By his execution of this Consent Order, Dr. Ward also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or his legal counsel assisting him in connection with this matter 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, and he waives any objection to such disclosure under La. Rev. Stat. §49:960. Dr. Ward expressly acknowledges that the disclosure of 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 a Complaint, should the Board decline to approve this Consent Order.

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 the license of Marcus E. Ward, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 016137,

be, and the same is hereby, effective as of the Board's acceptance hereof, placed on **INDEFINITE PROBATION**; *provided, however*, that Dr. Ward's continuing exercise of the rights and privileges thereunder shall be subject to the general terms and conditions of probation heretofore adopted by the Board and to his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) **Continuing Psychiatric Treatment; Reports to Board.** Dr. Ward shall continue to undergo such psychiatric treatment consistent with the prescription and recommendations of his treating psychiatrists. Should Dr. Ward desire to obtain treatment from physicians other than those who have heretofore provided his therapy, he shall advise the Board in writing and obtain the Board's approval for same. Moreover, Dr. Ward shall authorize and shall be responsible for causing such treating psychiatrists to submit to the Board, not less frequently than semiannually throughout the probationary period, written and/or oral reports on Dr. Ward's then-current treatment regimen, diagnosis, prognosis, and his compliance with the terms and conditions of this Order.

(2) **Board Access to Treatment Records and Reports.** Dr. Ward shall, and does by his subscription hereto, authorize any physician or any institution at which he undergoes treatment for any psychiatric 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 photocopies of all medical reports relating to Dr. Ward's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Ward expressly waives any privilege which may otherwise be afforded the disclosure of such records, pursuant to state or federal law.

(3) **Continuing Medical Education.** Dr. Ward shall obtain not less than fifty (50) credit hours per year for each of the three (3) years following the Board's approval of this Order 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, which award he shall receive within three (3) years from the effective date of this Order. On or before January 1, 1999-2001, Dr. Ward 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.

(4) **Fees and Costs of Supervision/Treatment/ Reports.** Any and all fees, costs or expenses incurred by Dr. Ward in connection with his continuing psychiatric treatment or the reporting requirements contained in this Order, shall be borne by Dr. Ward.

(5) **Certification of Compliance with Probationary Terms.** On or before January 1 of each year during the term of his indefinite probation, Dr. Ward shall provide the Board with a notarized oath certifying that he has complied with each of the terms imposed upon him by this Order.

(6) **Cooperation with Probation/Compliance Officer.** Dr. Ward 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 officer, with whom he shall cooperate on any matter or inquiry relating to his compliance with the terms and conditions of this Order.

(7) **Absence from State/Stay of Probation.** Should Dr. Ward, at any time during the term of this Order, be absent from the state of Louisiana, relocate to and/or take up residence in another state or country for thirty (30) days or more, he shall so advise the probation officer in writing. In such instance, Dr. Ward shall not be excused from fulfilling the continuing treatment, reporting, CME and other requirements and conditions ordered herein.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Ward, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Ward's license to practice medicine in the state of Louisiana, or for such other disciplinary action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

In The Matter of:

Marcus E. Ward, M. D.

Consent Order

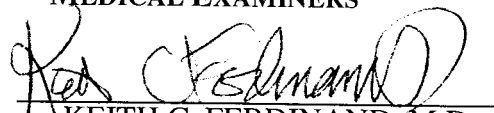
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IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 18 day of February, 1998.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

BY:



KEITH C. FERDINAND, M.D.
PRESIDENT

**ACKNOWLEDGMENT
AND CONSENT**

I, MARCUS E. WARD, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Consent Order with the Louisiana State Board of Medical Examiners, this 28th day of January, 1998.

Marcus E. Ward
MARCUS E. WARD, M.D.

WITNESSES:

Inez Glapion
Signature
Inez Glapion
Typed Name
813 S. Carrollton Ave.
Address

Anna M. Viegas
Signature
Anna M. Viegas
Typed Name
813 S. Carrollton Ave.
Address

Sworn to and subscribed before me at New Orleans, Louisiana, this 28th day of January, 1998, in the presence of the two stated witnesses.

[Signature]
Notary Public