

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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**BEFORE THE
LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

IN THE MATTER OF:

JOHNNY M. HARDGES, M.D.
*(Credential No. MD.017036),
Respondent*

No. 2019-I-263

CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information relating to Johnny M. Hardges, M.D. ("Dr. Hardges"), a physician licensed to practice medicine in the State of Louisiana as evidenced by Credential No. MD.017036. At all times material to the facts and matters alleged herein, Dr. Hardges has been engaged in a general practice in and around Chalmette, Louisiana.

The Board initiated an investigation upon the receipt of apparently reliable information indicating that Dr. Hardges' clinical privileges with United Healthcare had been indefinitely revoked over "concerns with inappropriate treatment rendered to multiple patients (polypharmacy) demonstrating a pattern of care identified to be a serious departure from the standard of care with a high likelihood of potential serious adverse outcome." This report raised concerns that Dr. Hardges was potentially violating the Board's rules or other relevant provisions of Louisiana law regarding prescribing controlled dangerous substances ("CDS").

Investigation of the captioned matter was assigned to Lawrence H. Cresswell, III, D.O., JD, Director of Investigations for the Board. The investigation revealed that Dr. Hardges was issuing various prescriptions for CDS to his patients to treat chronic pain in violation of the Board's rules. Specifically, the investigation indicated that Dr. Hardges failed to properly document patient visits, prescribed CDS without documenting physical examinations, and prescribed CDS without clear diagnosis and treatment plans, all in violation of the Board's rules. *See* La. Admin. Code tit. 46, pt. XLV §§ 6915-6923. The investigation further indicated that Dr. Hardges failed to comply with Louisiana law regarding mandatory access and review of the Louisiana Prescription Monitoring Program (the "PMP"). *See* La. R.S. 40:978; La. Admin. Code tit. 46, pt. XLV §§ 6931-6937.

Dr. Hardges credibly acknowledged his negligent failure to comply with the Board's rules regarding treatment of chronic pain, including proper use of the PMP.¹ Moreover, Dr. Hardges accepted responsibility for these violations, cooperated with the Board's investigation, and enacted changes to his medical practice to achieve compliance with the Board's rules and the Investigating Officer's recommendations. Most importantly, Dr. Hardges significantly and continuously decreased his prescription of opiates and other controlled substances. Dr. Hardges also confirmed his willingness to attend a continuing medical education course on proper prescribing and medical record keeping and take all additional steps necessary to bring his general practice into compliance with all Board rules, including those rules regarding treatment of chronic pain and PMP participation.

As evidenced by his subscription hereto, Dr. Hardges acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing would establish sufficient cause to take action with respect to his license pursuant to the Louisiana Medical Practice Act pursuant to La. R.S. 37:1285A(6);² (14);³ and (30);⁴ and for violations of the Board's rules regarding physician responsibility for providing effective and safe pain control for patients with noncancer-related chronic or intractable pain.⁵

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Hardges 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 decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. R.S. 49:955–965, Dr. Hardges, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. R.S. 49:955(D) consents to entry of the Order set forth hereinafter. Dr. Hardges 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 *et seq.*, or which may be afforded to him by any other law to contest or appeal his agreement to or the force and effect of the Board's investigation or this Order in any court or

¹ The Board had previously counseled Dr. Hardges on October 19, 2016 and August 30, 2017 on its rules regarding prescribing CDS, including PMP participation, to inform him of the need to correct or amend his prescribing practices to comply with the relevant provisions. *See* La. R.S. 40:978(F)(2) (“If a health profession licensing board becomes aware of a prescriber’s first failure to comply with this Subsection, as verified by the data of the prescription monitoring program, the board shall notify the prescriber of the relevant statutory requirements and inform the prescriber of the need to correct or amend his prescribing practices to comply with the provisions of this Subsection.”). The present disciplinary action, therefore, is not based on an initial violation.

² The Board may take action against a medical license for “[p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner[.]” La. R.S. 37:1285(A)(6).

³ The Board may take action against a medical license for “[m]edical incompetency, including but not limited to, incompetency manifested by continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state.” La. R.S. 37:1285(A)(14); *see also* La. Admin. Code. tit. 46, pt. XLV, § 6923 (providing that any violation or failure to comply with Board’s rules on providing effective and safe pain control for patients with noncancer-related chronic or intractable pain shall be deemed a violation of both La. R.S. 37:1285(A)(6) and (14)).

⁴ The Board may take action against a medical license for violating “any rules and regulations of the board[.]” La. R.S. 37:1285(A)(30).

⁵ *See* La. Admin. Code tit. 46, pt. XLV §§ 6915–6923.

other forum. By his subscription hereto, Dr. Hardges also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this 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 disclosures under La. R.S. 49:960. Dr. Hardges expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order.

Based upon the information provided, and upon the recommendation of the Investigating Officer, the Board hereby concludes that, consistent with its mandate under La. R.S. 37:1261, the interests of public health, safety, and welfare 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 Johnny M. Hardges, M.D., is hereby **OFFICIALLY REPRIMANDED** for the conduct described above.

IT IS FURTHER ORDERED that Dr. Hardges' license to practice medicine in the State of Louisiana as evidenced by credential No. MD. 017036 is hereby placed **ON PROBATION** for a period of one (1) year (the "probationary period") from the effective date of this order, conditioned upon and subject to Dr. Hardges' acceptance of and strict compliance with the following terms, conditions, and restrictions:

- (1) **Practice Monitoring.** Within thirty (30) days of the effective date of this Order, Dr. Hardges shall enter into a contract or arrangement with a Practice Monitor, who has been pre-approved in writing by the Board or its designee, to review Dr. Hardges' medical practice during the probationary period. The Practice Monitor shall work in conjunction with the Board or its designee to develop parameters for monitoring Dr. Hardges' practice, including a review of Dr. Hardges' patient records and charts. The Practice Monitor shall review no less than twelve (12) medical records quarterly and provide quarterly written reports to the Board or its designee attesting to whether Dr. Hardges' medical practice falls within established standards of care. Any and all fees, costs or expenses incurred by Dr. Hardges in connection with this monitoring requirement shall be borne by Dr. Hardges.
- (2) **Continuing Medical Education.** Within one hundred and eighty (180) days of the effective date of this Order, Dr. Hardges shall provide confirmation that he has registered for, attended, and successfully completed (a) a continuing medical education course on proper prescribing of controlled substances for pain management, and (b) a course on medical record keeping that are acceptable to and have been approved by the Board or its designee in writing prior to registering for and completing such course.

- (3) Payment of Fine.** Within one hundred and eighty (180) days of the effective date of this Consent Order, Dr. Hardges will pay to the Board a fine in the amount of Two Thousand and no/100 Dollars (\$2,000.00).
- (4) Notification of Order and Authorization.** Dr. Hardges shall provide a copy of this Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state, and upon request of the Board's probation officer Dr. Hardges shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records pertaining to Dr. Hardges from any hospital, institution or other health care entity where Dr. Hardges has or has had privileges.
- (5) Cooperation with Board's Probation and Compliance Officer.** Dr. Hardges 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 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 and conditions of this Order.
- (6) Absence from the State/Practice/Effect on Probation.** Should Dr. Hardges at any time be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a physician, for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probation ordered herein and all terms, conditions and restrictions thereof shall be deemed interrupted and extended and shall not commence again until Dr. Hardges notifies the Board in writing that he has resumed the practice of medicine in Louisiana.
- (7) Probation Monitoring Fee.** For each year of the probation, Dr. Hardges shall pay the Board an annual probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. Any annual payments shall be due on or before the anniversary date of the previous fee payment.
- (8) Effect of Violation/Sanction.** By his subscription hereto, Dr. Hardges acknowledges that his receipt of written notification that the Board has received reliable information indicating his failure to comply with the requirements set forth by this Order in any respect shall, without the 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. R.S. 49:951, *et seq.*, or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate suspension of his license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceeding by issuance of a final decision following administrative adjudication of such charges.

(9) Certification of Compliance with Probationary Terms. At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Hardges shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Hardges' compliance with the requirements of this provision.

(10) Effective Date. This Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

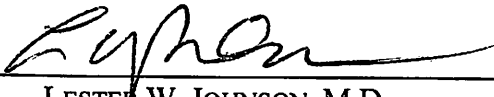
IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms set forth by this Order by Dr. Hardges shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Hardges' license to practice medicine in the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

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

New Orleans, Louisiana, this 25th day of April, 2022.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By:



LESTER W. JOHNSON, M.D.
President

**ACKNOWLEDGMENT
AND CONSENT**

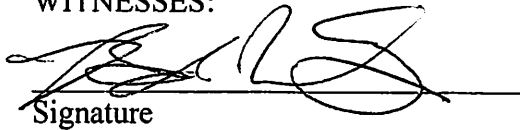
STATE OF LOUISIANA

PARISH OF St Bernard

I, JOHNNY M. HARDGES, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 18 day of March, 2022.


JOHNNY M. HARDGES, M.D.

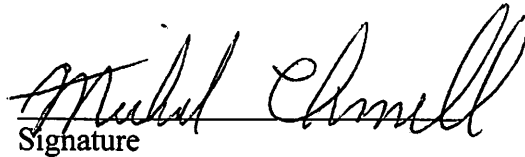
WITNESSES:


Signature

Brandi Wwertz
Typed Name

3737 Paris Rd
Street Address

Chalmette LA 70043
City/State/Zip Code

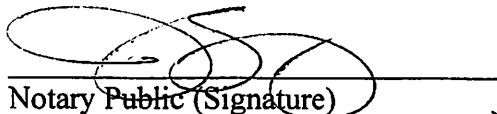

Signature

Michael Chiarelli
Typed Name

3737 Paris Road
Street Address

Chalmette LA 70043
City/State/Zip Code

Sworn to and subscribed before me this 18 day of March, 2022, in the presence of the two stated witnesses.


Notary Public (Signature)

Name: Jennifer Kleyke
Notary/Bar No.: 92082
Commission expires: life

