

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 CAMP STREET, NEW ORLEANS, LA 70130
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:
In The Matter Of
:
JAY CARROL PENNINGTON, M.D.
(Certificate No. 02580R)
:
----- X

No. 95-I-075

**NOTICE OF
SUMMARY SUSPENSION
OF MEDICAL LICENSE**

TO: JAY C. PENNINGTON, M.D.
Greenwell Springs Hospital
Post Office Box 51
Greenwell Springs, Louisiana 70739-0051

PLEASE TAKE NOTICE that the accompanying Order of Summary Suspension of Medical License has been issued by the Louisiana State Board of Medical Examiners pursuant to La. Rev. Stat. § 37:1285(A) and La. Rev. Stat. § 49:961(C). Unless otherwise ordered therein, the Order is effective immediately.

New Orleans, Louisiana, this 24th day of January, 1996.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: 
Delmar Rorison
Executive Director

Certified Mail
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In The Matter Of	:	No. 96-A-009
JAY CARROL PENNINGTON, M.D.	:	CONSENT ORDER FOR
(Certificate No. 02580R),	:	REINSTATEMENT OF
<i>Respondent.</i>	:	MEDICAL LICENSE
	:	ON PROBATION

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By order issued January 24, 1996, pursuant to La. Rev. Stat. § 49:961(C), the Louisiana State Board of Medical Examiners (the "Board") summarily suspended the medical license of Jay Carroll Pennington, M.D.,¹ a 57-year-old physician practicing psychiatry in Greenwell Spring, Louisiana, pending hearing and decision on an Administrative Complaint charging him with habitual and recurring abuse of alcohol and inability to practice medicine with reasonable skill and safety to patients, La. Rev. Stat. § 37:1285(A)(5), (25).² The summary suspension was based on apparently reliable information indicating, and the Administrative Complaint alleged, that Dr. Pennington then suffered from acute, active alcoholism, in relapse, which warranted inpatient residential treatment.³

Following summary suspension of his license, Dr. Pennington was admitted to and underwent inpatient/residential treatment for alcohol dependency on January 9, 1996 at the Palmetto Addiction Recovery Center ("PARC"), Rayville, Louisiana, under the care of Douglas W. Cook, M.D. On March 6, 1996 he was discharged to continued outpatient treatment under the direction of Martha E. Brown, M.D.⁴ And on March 20, 1996, Dr. Pennington appeared before the Physicians Health Committee of the Board to review medical records and reports relating to his recently concluded treatment for alcoholism, including a report by Dr. Cook advising that, in view of Dr. Pennington's progress during treatment, the physician "should continue to do well" and could safely "resume the practice of psychiatry "if, under the monitorship and direction of Dr. Brown he follows her recommendations for an ongoing aftercare program.

This matter is now before the Board on the recommendation of the Physicians Health Committee of the Board that Dr. Pennington's license to practice medicine in Louisiana be reinstated on probation, subject to specified appropriate terms, conditions and restrictions. Based on such recommendation, and upon its re-

¹Order for Summary Suspension of Medical License, In the Matter of Jay Carroll Pennington, M.D., No. 95-I-075 (La. State Bd. Med. Exam, Jan. 24, 1996).

²Administrative Complaint, In the Matter of Jay Carroll Pennington, M.D., No. 96-A-009 (La. State Bd. Med. Exam, filed Feb. 22, 1996).

³Such information more particularly indicated that since his conviction in May 1990 of driving while intoxicated, the physician had been actively consuming alcohol in excess on a regular basis, that as of December 1995 he was in a state of active alcohol dependence, and that, pursuant to evaluation at the Palmetto Addiction Recovery Center, Rayville, Louisiana, in January 1996, Dr. Pennington had been diagnosed as suffering from alcoholism, then in relapse, for which a full residential treatment program was indicated, but that Dr. Pennington had left treatment against medical advice and had returned to the active practice of medicine.

⁴Director, Division of Addictive Diseases, Department of Psychiatry, Louisiana State University School of Medicine.

view of the available information respecting the physician's recent treatment, the Board is persuaded that the condition from which Dr. Pennington suffers is and has been susceptible to effective medical treatment, resulting in the maintenance or restoration of the physician's capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. Pennington strictly observes and complies with appropriate restrictions on and conditions to maintenance of his medical licensure.

As evidenced by his subscription hereto, Dr. Pennington acknowledges the substantial accuracy of the foregoing information and of the allegations of the Administrative Complaint filed herein and that such information and allegations would provide the Board sufficient legal cause for the suspension or revocation of the physician's license to practice medicine in the state of Louisiana. Recognizing his right to administrative adjudication of such charges pursuant to La. Rev. Stat. §§ 49:955-958, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Pennington nonetheless hereby waives his right to formal adjudication and, pursuant to La. Rev. Stat. § 49:955(D), consents to entry of the Order set forth herein after.

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 Jay Carroll Pennington, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by certificate no. 02580R, be, and the same is hereby, effective as of the date hereof, **REINSTATED, ON PROBATION**, for a period of five (5) years from the date hereof; *provided, however*, that such reinstatement of licensure and Dr. Pennington's continuing exercise of rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following probationary terms, conditions and restrictions:

(a) Continuing Aftercare; Reports to Board. Dr. Pennington shall continue in, abide by and comply in all respects with the outpatient treatment program prescribed or recommended by Martha E. Brown, M.D., and his counselor, Mark Coleman, at the Louisiana State University School of Medicine, New Orleans. Dr. Pennington shall authorize and cause Dr. Brown to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports on Dr. Pennington's then-current treatment diagnosis, course of treatment, prognosis, his maintenance of abstinence from alcohol and mood-altering chemicals, his fitness and ability to practice medicine with reasonable skill and safety to patients, and his compliance with the terms, conditions and restrictions of the PHP Contract and of this Order.

(b) Participation in Physicians Health Program. If he has not already done so, within 10 days of the entry of this Order, Dr. Pennington shall enter into and execute a Substance Abuse Treatment Contract with the Physicians' Health Program of the Louisiana State Medical Society (the PHP Contract") and within five days of the execution of such PHP Contract shall deliver a copy thereof to the Board. Dr. Pennington shall authorize and cause his treating and monitoring physicians, as designated in the PHP Contract, to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports on Dr. Pennington's compliance with the terms, conditions and restrictions of the PHP Contract and of this Order.

(c) Maintenance of Complete Abstinence. Dr. Pennington shall, for the duration of his life, maintain complete and total abstinence from the use of alcohol and any mood-altering substance except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition.

(d) Continuing Medical Education. Dr. Pennington shall obtain not less than 50 credit hours per year for each of the five years during the term of probationary licensure through attendance at and par-

ticipation in continuing medical education programs (CME) 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 of each year during the term of probation ordered hereby, Dr. Pennington shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding 12 months.

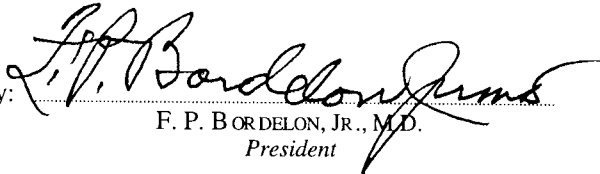
(e) **Personal Appearances Before Impaired Physicians Committee.** Dr. Pennington shall personally appear before the Physicians Health Committee of the Board, or its designee, at its meeting next preceding the expiration of the probationary term ordered hereunder.

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

IT IS FURTHER ORDERED that this Order is and shall be deemed to be and treated as a public record in all respects.

New Orleans, Louisiana, this 22 day of March, 1996.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

By: 
F. P. BORDELON, JR., M.D.
President

ACKNOWLEDGMENT
AND CONSENT

I, JAY C. PENNINGTON, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this _____ day of March, 1996.


JAY C. PENNINGTON, M.D.

Witness:

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LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
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Ext _____

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In The Matter Of :
:
JAY CARROL PENNINGTON, M.D. :
(Certificate No. 02580R) :
:
-----X

No. 96-A-009
**ORDER TERMINATING
PROBATION AND
REINSTATING MEDICAL
LICENSE**

By Consent Order entered on March 22, 1996, the license of Jay Carrol Pennington, M.D., was placed on probation for a period of five (5) years, subject to his strict compliance with and satisfaction of various terms and conditions respecting the ongoing monitoring and treatment of his alcohol dependency.¹

This matter is now before the Board upon the request of Dr. Pennington for reinstatement of his license to practice medicine. In connection with his request, Dr. Pennington made a personal appearance before the Physicians Health Committee of the Board during its January 2001 meeting, evidenced compliance with each of the terms and conditions of probation previously imposed and assured the Board that he would continue to remain abstinent from the use of alcohol. Based on the records and information received and reviewed and on the recommendation of its Physicians Health Committee, the Board concluded that the public interest would be properly served and protected by the rescission of the probationary terms previously imposed upon Dr. Pennington's medical license.

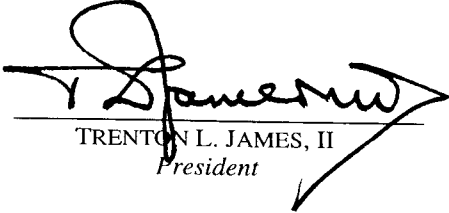
Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and the Consent Order previously entered herein:

IT IS ORDERED that the Consent Order previously entered herein, and all of its terms and conditions, is hereby vacated and the license of Jay Carrol Pennington, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 02580R, be, and the same is hereby, effective as of the date hereof, **REINSTATED WITHOUT RESTRICTION**.

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

New Orleans, Louisiana, this 22nd day of March, 2001.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

BY: 
TRENTON L. JAMES, II
President

¹Consent Order for Reinstatement of Medical License on Probation, In the Matter of Jay Carrol Pennington, M.D., No. 96-A-009 (La. State Bd. Med. Exam., Mar. 22, 1996).