

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE STATE BOARD OF MEDICAL EXAMINERS FOR SOUTH CAROLINA**

IN THE MATTER OF:

JOE DOUGLASS HENDRIX, SR., M.D.,
License No. MMD.21365,

OIE # 2010-160

Respondent.

FINAL ORDER
(Public)

This matter came before the State Board of Medical Examiners for South Carolina (Board), with a quorum present, on August 4, 2015, to consider the February 17, 2015, report (Panel Report) of the Medical Disciplinary Commission regarding the above-named respondent (Respondent). Patrick Hanks, Chief Disciplinary Counsel, represented the State. Respondent did not appear at the Panel hearing but did appear at the Board hearing, and was not represented by counsel. At the Final Order hearing Respondent waived his right to counsel on the record.

The Formal Complaint charges that Respondent violated S.C. Code Ann. §§ 40-47-41(C), 40-47-110(B)(3), (12), (17), and (24); 40-47-113; 40-1-110 (e), (f), (k), and (l); and S.C Code of Regulations §81-60(A) and (C).

The Panel found Respondent violated those code sections, that there were no mitigating circumstances and that Respondent's failure to meaningfully respond to the Board or LLR regarding the investigation of the matter and the failure to appear before the Panel were aggravating circumstances.

The Board received the transcript of the Panel Hearing, including exhibits presented at the Panel Hearing, in addition to the Panel's Recommendation. After a careful review of those materials and the testimony of mitigating circumstances, the Board voted to sanction Respondent as set forth in this Final Order.

Panel Witnesses and Exhibits

Sonya Yeargin, South Carolina Department of Labor, Licensing and Regulation (LLR) Office of Disciplinary Counsel Assistant. She testified as to her role in providing proper service of documents on the Respondent.

Adam Roberson, Senior Diversion Investigator for the South Carolina branch office of the Drug Enforcement Agency (DEA). He was the lead investigator for DEA in the case against Respondent.

William Gregg Hinson, LLR investigator. He was the lead investigator in the complaint filed against the Respondent.

STATE'S EXHIBITS

State's Exhibit 1: Formal Complaint mailed November 4, 2011

State's Exhibit 2: Notice of Hearing signed December 22, 2014

State's Exhibit 3: Certificate of Service signed December 22, 2014

State's Exhibit 4: Signed surrender of Respondent's DEA registration

State's Exhibit 5: Photo of sign in the window of Respondent's Neeses Highway Office

State's Exhibit 6: Respondent's on-line renewal application to the Board of Medical Examiners showing Neeses Highway as his practice location

State's Exhibit 7: Patient Records regarding prescribing habits for Respondent

FINDINGS OF FACT

Based on a preponderance of the evidence the Panel makes the following findings of fact:

1. At all times relevant to this matter, the Respondent was duly licensed and registered to practice medicine in South Carolina under license number MMD.21365. Respondent's license to practice medicine was first issued on October 20, 1999. Respondent's license lapsed on June 30, 2011.

2. Respondent was not present in the hearing room for the panel hearing, nor was he witnessed in the building. Respondent did not sign in as a guest at the hearing location nor did Respondent provide any response on the panel hearing date.

3. At all times relevant to this matter, the Respondent's address on file with the Board was 423 Neeses Highway, Orangeburg, South Carolina.

4. On or about June 2, 2010, Respondent changed his office location to 136 N. Fork Road, North, South Carolina. Respondent did not have a valid DEA issued license to prescribe controlled substances from October 31, 2008 through July 14, 2009.

5. Respondent's South Carolina DHEC license to prescribe controlled substances expired September 30, 2009 and has not been renewed. Respondent has not had a valid DHEC license to dispense/prescribe controlled substances from October 1, 2009 to the date of the panel hearing.

6. Respondent prescribed controlled substances, including Adderall, during the period October 31, 2008 through June 20, 2010 without having a valid DHEC and/or DEA license.

7. Respondent offered to issue and did issue prescriptions for controlled substances when he was not authorized to prescribe controlled substances by DHEC or registered with DEA or otherwise exempt from such registration in violation of the Federal Controlled Substances Act. Respondent admitted to Investigators that he posted the sign that is State's Exhibit Five and that he did send prescriptions in exchange for \$50.00.

8. On June 21, 2010, Respondent surrendered his DEA registration.

9. Respondent, during the period of time in question, did not conduct appropriate physical examinations and referrals of his patients but instead prescribed narcotics and other controlled substances to his patients based solely upon the patients' complaints of pain, all without establishing a proper physician-patient relationship.

10. Respondent did not prepare or maintain an adequate patient record of care provided and improperly managed the medical records of his patients, including failing to maintain timely, legible, accurate, and complete medical records. Respondent admitted that he did not see patients before prescribing narcotics, including but not limited to Lortab.

11. Respondent admitted to Investigators that he prescribed narcotics at the request of patients and without first conducting a physical exam.

12. Respondent admitted to Investigators that he prescribed Suboxone without proper authorization.

13. Respondent's office locations in both Orangeburg and North were kept in deplorable condition, did not always have power, and were operated by generator on some occasions.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this matter, the Board adopts the Panel's following conclusions of law:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §§ 40-47-110, 40-1-110, 40-47-120, has the authority to cancel, fine, suspend, revoke, issue a public reprimand or private reprimand, or restrict, including probation or other reasonable action, such as requiring additional education or training or limitation on practice, the authorization to practice of a person who has engaged in misconduct. Additionally, the Board may require the licensee to pay a fine of up to twenty-five thousand dollars.

2. Respondent has violated section 40-47-41(C) in that he failed to notify the Board in writing with fifteen business days of any change of office address, or office telephone number;

3. Respondent has violated section 40-47-110(B)(3) in that he has violated a federal, state, or local law involving alcohol or drugs or committed an act involving a crime of moral turpitude;

4. Respondent has violated sections 40-1-110(f) and 40-47-110(B)(9) in that he has committed or engaged in a dishonorable, unethical, or unprofessional act or conduct that is likely either to deceive, defraud, or harm the public;

5. Respondent has violated sections 40-1-110(e) and 40-47-110(B)(11) in that he has obtained fees or assisted in obtaining fees under dishonorable, false, or fraudulent circumstances;

6. Respondent has violated section 40-47-110(B)(12) in that he has intentionally violated or attempted to violate, directly or indirectly, or is assisting in or abetting the violation of or conspiring to violate the medical practice laws;

7. Respondent has violated sections 40-1-110(k) and 40-47-110(B)(14) in that he has violated a provision of the Medical Practice Act or a regulation or order of the Board;

8. Respondent has violated sections 40-1-110(l) and 40-47-110(B)(13) in that he has violated the code of medical ethics adopted by the Board or has been found by the Board to lack the ethical or professional competence to practice;

9. Respondent has violated section 40-47-110(B)(17) in that he has failed to prepare or maintain an adequate patient record of care provided;

10. Respondent has violated section 40-47-110(B)(24) in that he has improperly managed medical records, including failing to maintain timely, legible, accurate, and complete medical records;

11. Respondent has violated section 40-47-113 and Reg. 81-28 in that he has initially prescribed drugs to an individual without first establishing a proper physician-patient relationship;

12. Respondent has violated Reg. 81-60(A) in that he has failed to provide competent medical service with compassion and respect for human dignity; and

13. Respondent has violated Reg. 81-60(C) in that he has failed to respect the law.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The Board accepts the Panel report and recommendations.
2. Respondent has violated the Medical Practice Act.
3. Respondent's license to practice medicine is permanently revoked.

AND IT IS SO ORDERED.

**STATE BOARD OF MEDICAL EXAMINERS
FOR SOUTH CAROLINA**

BY: Stephen R. Gardner M.D.
Stephen R. Gardner, M.D.
President of the Board

September 2, 2015.