

G-8518

IN THE MATTER OF	§	BEFORE THE
	§	
THE LICENSE OF	§	TEXAS STATE BOARD
	§	
ROBERT A. WOODWARD, M.D.	§	OF MEDICAL EXAMINERS

ORDER

On this the 29 day of January, 1999, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session the matter of the license of Robert A. Woodward, M.D. ("Respondent"). On January 7, 1999, Respondent appeared, without counsel, before representatives of the Board to report on and address issues related to Respondent's compliance with the terms and conditions of an Order entered on January 29, 1993, pertaining to Respondent's Texas medical license G-8518 and to request termination of the January 29, 1993 Order.

The Board was represented at Respondent's appearance by Vernon L. Ryan, II, M.D., a member of the Board, and Kevin R. Smith, M.D., a member of District Review Committee #1. Upon recommendation of the Board's representatives, the Board makes the following findings of fact and enters this Order as set forth herein:

FINDINGS OF FACT

A. On January 29, 1993, the Board entered an Order that suspended Respondent's Texas medical license, stayed the suspension, and placed Respondent on probation under certain terms and conditions for five (5) years based on the following findings of fact.

1. Robert A. Woodward, M.D. holds Texas license number G-8518.
2. The Board has jurisdiction over the subject matter herein and notice has been given in all respects as required by law and the rules of the Board.

3. Pursuant to a certified copy of an Order dated December 3, 1992, Respondent was disciplined by the Louisiana State Board of Medical Examiners as follows:
  - a. Respondent was placed on probation for a period of five (5) years under the following terms and conditions:
    - (1) Dr. Woodward shall continue under treatment, consistent with the prescription and recommendations of his treating physicians at the Hazelden Foundation, Center City Minnesota and under his Treatment Contract with the Impaired Physicians Committee of the Shreveport Medical Society. Dr. Woodward shall authorize and cause his treating and monitoring physicians to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports on Dr. Woodward's then-current treatment program diagnosis, prognosis, and his compliance with the terms, conditions and restrictions of this Order and any aftercare agreement he may execute hereafter.
    - (2) Dr. Woodward shall personally appear before the Board or its Impaired Physicians Program Committee, as the Board may designate, at its meeting preceding the expiration of the probationary term ordered hereunder.
    - (3) Dr. Woodward shall not, during his lifetime, except as hereinafter provided, prescribe, dispense or administer any controlled substance, as defined, enumerated or included in Federal or State statutes or regulations, 21 C.F.R. Section 1308.11-15, La. Rev. Stat. Section 40:964, or any substance which may hereafter be designated a controlled substance by amendment or supplementation of the cited regulations and statute. This prohibition shall survive the term of probation ordered herein and remain in effect so long as Dr. Woodward shall hold any form of license or permit to practice medicine in the state of Louisiana. Notwithstanding the forgoing prohibition, however, Dr. Woodward may prescribe controlled substances to and for the patients of a hospital where he may be employed to provide emergency medical services, under and pursuant to the controlled substances registration of such hospital and in accordance with the hospital's prescribed procedures and policies with

- respect to such prescriptions and use of its controlled substances registration.
- (4) Dr. Woodward shall, for the duration of his life, maintain complete and total abstinence from the use of any mood-altering substance except as may be prescribed by a treating physician other than himself for a bona fide medical condition.
  - (5) Dr. Woodward shall obtain not less than 50 credit hours per year for five years 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, and he shall obtain such award within three years from the date hereof. On or before December 1 of each year during the term of probation ordered hereby, Dr. Woodward shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding 12 months.

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

4. The Louisiana Board based its disciplinary action on the following:
  - a. From mid April to late August, 1992, Respondent wrote and issued multiple prescriptions for controlled substances (Lortab, Fiorinal, and Vicodin) in the name of his spouse though such prescriptions were filled by him personally, intended for his personal use, and in fact, self-administered by Respondent, which represented a recurrence of prior substance abuse.
  - b. From March 2 through July 2, 1989, Respondent received chemical dependency treatment at COPAC, inc., and the Jackson Recovery Center in Jackson, Mississippi.
  - c. Respondent's license to practice medicine in Louisiana was suspended by the Louisiana State Board of Medical Examiners on October 22, 1992, pending

completion of inpatient treatment for chemical dependency with outpatient continuing thereafter, and compliance with the terms and conditions set out in the Order.

- d. As of December 2, 1992, Respondent had evidenced compliance with the October 1992 Louisiana Board Order.
5. Sections 3.08(21) and 4.01(a) of the Medical Practice Act of Texas, Tex. Rev. Civ. State. Ann., ART. 4495b (Vernon Supp. 1990) (“the Act”) provide, in combination, that a licensee of the Board may be subject to disciplinary action by this Board if his or her license to practice medicine in another state is the subject of suspension, revocation, or restriction by that state based upon acts by the licensee similar to acts described elsewhere in Section 3.08 of the Medical Practice Act of Texas.
6. Section 4.04(b) of the Act states, in pertinent part, that the Board may make a disposition of any complaint or matter relating to the Act, or of any contested case by stipulation, agreed settlement or consent order.
7. The acts by the Respondent which were the basis for Louisiana’s action are similar to the following acts described in Section 3.08 of the Medical Practice Act:
  - a. Section 3.08(3) intemperate use of alcohol or drugs that, in the opinion of the board, could endanger the lives of patients;
  - b. Section 3.08(4) unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public; and
  - c. Section 3.08(4)(D) writing false or fictitious prescriptions for dangerous drugs as defined by Chapter 483, Health and Safety Code, controlled substances scheduled in Chapter 481, Health and Safety Code or of controlled substances scheduled in the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C.A. Section 801 et seq. (Public Law 91-513).

B. Respondent’s Louisiana medical was reinstated into active and unrestricted status on January 1, 1998.

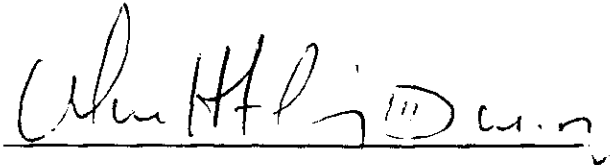
C. Based on available information, Respondent's record of rehabilitation, upon the full reinstatement of his Louisiana medical license, and his history of compliance with the terms and conditions of the January 29, 1993 Order, the Board representatives recommend that the Order be terminated.

ORDER

Based on available information, the above Findings of Fact, and the recommendation of the Board representatives, the Board ORDERS that the January 29, 1993 Order is hereby TERMINATED.

THIS IS A PUBLIC RECORD.

Signed and entered on this the 29 day of January, 1999.

A handwritten signature in black ink, appearing to read "William H. Fleming, III, M.D.", written over a horizontal line.

William H. Fleming, III, M.D.

President, Texas State Board of  
Medical Examiners