BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: CRAIG STEVEN HAYEK, M.D.
License Number: 0101-056480
Case Number: 174003

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Medicine ("Board") and Craig Steven Hayek, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Hayek's license to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Craig Steven Hayek, M.D., was issued License Number 0101-056480 to practice medicine and surgery on August 13, 1997, which is scheduled to expire on April 30, 2018.

2. Dr. Hayek is in violation of Virginia Code § 54.1-2915(A)(2), (4) and (14) in that he is unfit and unable to practice medicine with reasonable skill and safety to patients and the public due to substance abuse and/or mental illness as evidenced by the following:

   a. As noted in the Board's Order entered April 28, 2003, Dr. Hayek has a history of alcoholism and substance abuse dating back to the early 2000s and was hospitalized in 2002 for substance abuse treatment. After discharge from inpatient treatment, he was monitored by the Virginia Health Practitioners' Intervention Program (HIP/IP) from approximately 2002 until 2007, when he successfully completed his contract.

   b. Dr. Hayek was continually prescribed oxycodone from January 2012 through March 2016 for treatment of pain from back injuries sustained in a motorcycle accident in or about late 2013 or early
2014. Additionally, Dr. Hayek stated to the Board that he has had chronic neck pain from injuries sustained while serving in the U.S. Navy. On March 30, 2016, he was discharged by his treating physician after a drug screen (administered to monitor compliance with his medication regimen) tested positive for cocaine.

c. In May 2016, Dr. Hayek left his employment with an urgent care center after he admitted to the supervising physician that he had snorted/inhaled Adderall while at work. Dr. Hayek denied that he had snorted Adderall. He stated that he inhaled his prescribed Adderall because swallowing the pills upset his stomach.

d. Dr. Hayek originally was prescribed clonazepam by his psychiatrist in 2011-2012 to treat his anxiety and tic disorder. By his own admission, between June 22, 2015 and March 21, 2016, Dr. Hayek obtained prescriptions for clonazepam (approximately 810 dosage units) from a practitioner with whom he had no bona-fide practitioner patient relationship. When asked about these prescriptions on July 18, 2016, Dr. Hayek described the prescribing physician as a retired, elderly former colleague and stated that he went to the physician’s house to pick up the prescriptions.

e. See Confidential Exhibit A.

f. Dr. Hayek entered the Virginia Health Practitioners’ Monitoring Program (“HPMP”) on or about July 13, 2016, and was referred to complete Intensive Outpatient Treatment. Despite having executed a contract with HPMP requiring him to abstain from drinking alcohol, on November 21, 2016, Dr. Hayek’s urine screen was positive for alcohol metabolites. A follow-up test result on November 29, 2016 was dilute and a December 1, 2016 test was also positive for the presence of alcohol.

g. As a result of the November 2016 screen results, HPMP required that Dr. Hayek submit to a four-day multidisciplinary assessment. Instead, Dr. Hayek voluntarily entered a 28-day residential treatment program, which he successfully completed on January 16, 2017.
3. Dr. Hayek violated Virginia Code §§ 54.1-2915(A)(3), (13), (16) and (17); 54.1-3303(A); and 54.1-3408 and 18 VAC 85-20-26(C) of the Regulations Governing the Practice of Medicine in his care and treatment of Patients A-E, chronic pain patients, whom he treated at his home (for his company, Physicians Services, LLC) from approximately August 2010 to July 2016 in that he:

   a. Consistently failed to obtain a complete patient history, including a psychiatric and substance abuse history; failed to request or obtain treatment records from prior treating physicians; and prescribed oxycodone for Patients A and B; and oxycodone and Adderall for Patients C-E based on their reports of medications they had been prescribed in the past and the patients’ reports of their medical conditions and/or diagnoses;

   b. Prescribed narcotics to Patients A-E without documenting the reasons for selecting the types or doses of medications he prescribed, and failed to recommend or prescribe treatment modalities other than the prescription of opioids for chronic pain;

   c. Failed to develop a comprehensive treatment plan and/or periodically review and monitor the efficacy of narcotic therapy for Patients A-E, and failed to make appropriate patient referrals to, and/or consult with or coordinate his care with other physicians; and

   d. Although he executed a “Pain Management Agreement” with Patients A-E, Dr. Hayek failed to monitor and manage the patients’ usage of narcotic medications in that he did not conduct urine drug screens, pill counts, or take any action to determine whether his patients were actually taking their medications as prescribed.

CONSENT

Craig Steven Hayek, M.D., by affixing his signature to this Consent Order, agrees to the following:
1. I have been advised to seek advice of counsel prior to signing this document and am represented by Michael L. Goodman, Esq.;

2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 et seq.;

3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;

4. I waive my right to an informal conference;

5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. The license of Craig Steven Hayek, M.D., to practice medicine is SUSPENDED.

2. The suspension is STAYED and shall remain stayed contingent upon Dr. Hayek's continued compliance with all terms and conditions of the HPMP for the period specified by the HPMP.

3. Failure to comply with the terms and conditions of the stay of suspension shall be reason for summarily rescinding the stay of suspension of the license of Dr. Hayek and the license shall be recorded as suspended.
4. Dr. Hayek shall bear any costs associated with compliance with the terms and conditions of this Order.

Any violation of this Order or any statute or regulation governing the practice of medicine shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Dr. Hayek’s health records or health services.

FOR THE BOARD

[Signature]

[Title]

[Date]

ENTERED: 3/1/2017
SEEN AND AGREED TO:

Craig Steven Hayek, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Chesapeake TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this 24th day of February 2017

Notary Public

My commission expires: 8-31-20

Registration No.: 245037

Kelly Gerald Taylor
Commonwealth of Virginia
Notary Public
Commission No. 245037
My Commission Expires 8/31/2020