IN THE MATTER OF:

ROBERT EARL DAWSON, M.D.
(Certificate No. 09127R),
Respondent

No. 11-I-147

CONSENT ORDER

The Director of Investigation ("DOI") of the Louisiana State Board of Medical Examiners (the "Board") initiated an investigation of Robert Earl Dawson, M.D. ("Dr. Dawson"), a physician licensed in the state of Louisiana pursuant to Certificate Number 09127R, in February 2011 upon receipt of apparently reliable information indicating that Dr. Dawson, on several occasions in January and February 2011, had exhibited concerning behavior that was perceived to evidence a potential underlying psychiatric or medical condition. The investigation revealed that Dr. Dawson (1) had been misusing controlled substances by self-prescribing these medications without proper assessment, diagnosis, or treatment monitoring; (2) was suffering from a psychiatric condition that affected his ability to practice medicine; and (3) had failed to disclose to the Board his impairment. This information and related charges were detailed in an Administrative Complaint that was filed in March 2011.

Based upon preliminary information that suggested that Dr. Dawson was suffering from a psychiatric condition that could have impaired his ability to safely practice medicine, on May 13, 2011, Dr. Dawson entered into a contract with the Physician’s Health Program (“PHP”), and on May 15, 2011, Dr. Dawson agreed not to practice medicine until the Board agreed that he could return to practice. Because the Board could not confirm Dr. Dawson’s full compliance with the investigation, on June 16, 2011, the Board issued an Order for Summary Suspension of Dr. Dawson’s medical license. Dr. Dawson has complied with all treatment recommendations made by the PHP, and in the opinion of his evaluating and treating physicians, he has been deemed stable and able to withstand the emotional strain of returning to work.

As evidenced by his subscription hereto, Dr. Dawson, without admitting any liability or violation of federal or state law or regulation, and for purposes of this Consent Order only, acknowledges that such information provided the DOI with a reasonable basis to initiate formal administrative proceedings against his license pursuant to the Louisiana Medical Practice Act,
La. Rev. Stat. §37:1285A(6), (25), and (31), constituting cause for such action against the physician’s license to practice medicine in the state of Louisiana as the Board deemed appropriate.

Recognizing his right to have an administrative adjudication of such charges, at which time Dr. Dawson 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. Rev. Stat. §§49:955-965, Dr. Dawson, 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 hereinafter. Dr. Dawson also acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, ct seq., or to which he otherwise may be afforded by any law to contest his agreement to or the authority of the Board’s investigation or this document in any court or other forum. By his subscription hereto, Dr. Dawson also hereby authorizes the DOI to present this Consent 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. Rev. Stat. §49:960. Dr. Dawson expressly acknowledges that the disclosure of such information to the Board by the DOI shall be without prejudice to the DOI’s authority to proceed with the adjudication of the Administrative Complaint against him or to the Board’s capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

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 Robert E. Dawson, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 09127R, is hereby **REINSTATED** under **PROBATION** for three (3) years; **provided, however,** that Dr. Dawson’s license to practice medicine and his continuing exercise of the rights and privileges granted to

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1 Pursuant to La. R.S. §37:1285A(6), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of “[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.”

2 Pursuant to La. R.S. §37:1285A(25), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of “[i]nability to practice medicine with reasonable skill or safety to patients because of mental illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; and/or, excessive use or abuse of drugs, including alcohol”).

3 Pursuant to La. R.S. §37:1285A(31), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of “[f]ailure by a physician to self-report in writing to the board any personal action which constitutes a violation of this Part within thirty days of the occurrence. A report shall not be required if the violation relates to a physician’s ability to practice medicine with reasonable skill and safety by reason of substance abuse or psychiatric condition, provided such physician has, since the occurrence, executed a treatment contract with the Louisiana State Medical Society’s Physicians Health Program, its successor program, or such other program as may be designated by the board, and is in full compliance with the terms and conditions of such contract.”
him thereby, shall be restricted as set forth herein and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) **Continuing Treatment, Participation in the PHP/Reports to Board.** Dr. Dawson shall enter into and execute a monitoring agreement with the PHP for as long as he holds a license or permit to practice medicine in the State of Louisiana. Dr. Dawson shall continue in, abide by, and strictly adhere to all recommendations for ongoing treatment and monitoring of his condition, which have or may be contained in his PHP monitoring agreement, or any subsequent agreement which may be recommended by the PHP, as well as those recommended by his treating physicians and those prescribed by any other health care provider involved in his care to the extent that they continue to follow him. Dr. Dawson shall, in addition, authorize and cause his treating and monitoring physicians and/or the PHP to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports and/or verbal reports, should the Board desire the latter, on his then-current treatment diagnosis, prognosis, course of treatment, maintenance of abstinence from controlled and mood-altering substances, his fitness and ability to practice medicine with reasonable skill and safety to patients, and his compliance with the terms, conditions and restrictions of this Order and his PHP monitoring agreement.

(2) **Drug Screens.** For as long as Dr. Dawson maintains any form of license or permit to practice medicine in the State of Louisiana, he shall submit to periodic, unannounced blood, urine, saliva and/or hair collection for testing for the presence of alcohol and/or controlled and other mood-altering substances by the PHP or its designee. Unless and until this condition is modified or rescinded by the Board, he shall authorize and cause such physician or testing facility and/or the PHP to report the results of such drug screens to the Board not less frequently than quarterly throughout the probationary period.

(3) **Board Access to Treatment Records and Reports.** Dr. Dawson shall, and does by his subscription hereto, authorize any physician or any institution at which he undergoes treatment for mental health or alcohol or other chemical abuse or dependency from which he may suffer or be diagnosed, as well as any physician under whose care he may come at such an institution who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with copies of all medical reports relating to Dr. Dawson’s history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Dawson expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and shall immediately execute any authorization or release that may be necessary to permit the Board access to such records.

(4) **Continuing Medical Education.** Dr. Dawson shall obtain not less than fifty (50) credit hours per year for each of the three (3) years of his probationary period through attendance at and participation in continuing medical education ("CME") programs accredited by the American Medical Association. On or before the
anniversary date of the effective date of this Consent Order, for each of the next three (3) years, Dr. Dawson shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

(5) **Board Approval of Practice.** Following the effective date of this Order and for the duration of the probationary period, Dr. Dawson shall provide the Board with information including a complete and accurate description, and such further information as the Board may request, concerning any practice setting in which he intends to practice. Dr. Dawson shall not engage in the practice of medicine in any practice setting in advance of the Board’s specific written approval of such practice setting.

(6) **Practice Monitoring.** Prior to resuming his clinical practice, Dr. Dawson shall enter into a contract or arrangement with another physician (the “Practice Monitor”), who has been pre-approved in writing by the Board or its designee. The Practice Monitor shall be a physician who is in good standing with the Board and currently Board Certified in Internal Medicine. For the duration of the probationary period, the Practice Monitor shall review no less than twelve (12) medical records quarterly, and provide quarterly written reports to the Board attesting to whether Dr. Dawson’s care of his patients is within established clinical boundaries and standards of care. Dr. Dawson may petition the Board for relief from this provision, which the Board, after receiving four (4) quarterly reports attesting to the quality of his practice, may grant or deny in its sole discretion. Any and all fees, costs or expenses incurred by Dr. Dawson in connection with this monitoring requirement shall be borne by Dr. Dawson. Dr. Dawson shall not practice in any setting until and unless the Board has approved his Practice Monitor.

(7) **Limitations on Prescribing.** Except as authorized herein, Dr. Dawson shall not, during the probationary period, prescribe (i) any substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308.11-,15 or La. Rev. Stat. §40:964, as a Schedule II, III, or IV controlled substance; or (ii) any substance which may hereafter be designated as one of the foregoing controlled substances by amendment or supplementation of such regulations and statute. The prohibitions contained in this paragraph shall not prohibit Dr. Dawson from ordering any controlled substance for administration to inpatients (i.e., patients who are admitted to a hospital or who are treated in the emergency department and who are administered controlled substances on-site at the hospital) of and at a hospital where he may be employed or exercise staff or clinical privileges in accordance with his or such hospital’s controlled substance license and registration and with such hospital’s prescribed policies and procedures governing the administration of controlled substances.

(8) **Treatment of Self, Family Members Prohibited.** Respondent shall not, for the remainder of his career, undertake to treat, dispense, prescribe or administer any medications, controlled or non-controlled substances to any member of his immediate
family or a significant other. In addition, Respondent shall arrange for other physicians to attend to his own health care needs.

(9) Attendance at Approved Seminar/Professionalism and Medical Ethics. Within the first year of the probationary period, Dr. Dawson shall provide written confirmation that he has attended and successfully completed a course of study, acceptable to and pre-approved in writing by the Board, in the area of professionalism and medical ethics.

(10) Absence from State/Practice/Effect on Probation. Should Dr. Dawson at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing medicine for a period of thirty (30) days or more, or should he fail to renew his license to practice medicine in this state, he shall advise the Board in writing. In such instance, the probationary period ordered herein and all terms, conditions and restrictions thereof, shall be deemed interrupted and extended and shall not commence to run until Dr. Dawson notifies the Board in writing that he has returned to, relocated or taken up residency in, resumed the practice of medicine in the state of Louisiana, or renewed his Louisiana license. In such instance, Dr. Dawson shall not receive credit toward completion of the probationary period for the time during which he was absent from the state of Louisiana or while he was not engaged in or licensed to practice medicine in this state.

(11) Cooperation with the Board's Probation and Compliance Officer. Dr. Dawson 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.

(12) Notification. For the duration of the probationary period, Dr. Dawson shall provide a complete copy of this 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.

(13) Probation Monitoring Fee. For each year of the probationary term, Dr. Dawson shall pay the Board a 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. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(14) Cost of Proceedings. Prior to reinstatement of an unrestricted license, Dr. Dawson shall reimburse the Board up to $3,000.00 for the cost of this proceeding.
(15) Effect of Violation/Sanction. By his subscription hereto, Dr. Dawson acknowledges that his receipt of written notification that the Board has received apparently reliable information which indicates 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. Rev. Stat. §§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 as a physician in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges.

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

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Dawson shall be deemed adequate and sufficient cause, upon proof of such violation or failure at a hearing, for the revocation and cancellation of Dr. Dawson’s license to practice medicine in the state of Louisiana, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285. Dr. Dawson’s right to judicial review of any such Board disciplinary action is reserved.

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

New Orleans, Louisiana, this ___ day of April, 2012.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: [Signature]

TRENT L. JAMES, II, M.D.
Presiding Officer

Acknowledgement and Consent on Following Page
STATE OF Louisiana
PARISH/COUNTY OF Orleans

ACKNOWLEDGMENT
AND CONSENT

I, ROBERT E. DAWSON, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 30th day of April, 2012.

ROBERT E. DAWSON, M.D.

WITNESSES:

signature
Printed Name
Address
City/State/Zip Code

Signature
Printed Name
Address
City/State/Zip Code

Sworn to and subscribed before me this 30th day of April, 2012, in the presence of the two stated witnesses.

Notary Public (Signature)
Print name SUsAN E. HENNING
Bar/Notary No.: 06793