

IN THE MATTER OF) **BEFORE THE ALABAMA BOARD**
) **OF MEDICAL EXAMINERS**
DEBORAH J. HART, M.D.) **Case No. 2019-03**

**ORDER TEMPORARILY SUSPENDING
ALABAMA CONTROLLED SUBSTANCES CERTIFICATE and ALABAMA PAIN
MANAGEMENT REGISTRATION**

Pursuant to the authority of Ala. Code § 20-2-55, the Alabama Board of Medical Examiners (“Board”) hereby finds that there is an imminent danger to the public health and safety, and it is the ORDER of the Board that the Alabama Controlled Substances Certificate (ACSC) of DEBORAH J. HART, M.D., ACSC.13847, be, and the same is hereby, immediately suspended. Dr. HART is hereby ORDERED and DIRECTED to surrender ACSC.13847 and all controlled substances of which she has possession to BOB STEELMAN, a duly authorized agent of the Board.


Dr. HART is hereby ORDERED to cease and desist from ordering, prescribing, distributing, administering, and/or dispensing controlled substances until such time as a hearing shall be held by the Board and a decision rendered thereon.

FURTHER, pursuant to the authority of Ala. Code §§ 20-2-55 and 34-24-607(b), and Alabama Board of Medical Examiners Rule 540-X-19-.06(4), the Board hereby finds that there is an imminent danger to the public health, safety, and welfare, and it is the ORDER of the Board that the Pain Management Registration of DEBORAH J. HART, M.D., identified as PM.757, be, and the same is hereby, immediately suspended. Dr. HART is hereby ORDERED and DIRECTED to surrender Pain Management Registration PM.757, to BOB STEELMAN, a duly authorized agent of the Board.

Dr. HART is hereby ORDERED to cease and desist from practicing pain management at Deborah J. Hart, M.D., located at 7420 Hitt Rd., Suite B, Mobile, Alabama 36695, until such time as a hearing shall be held by the Board and a decision rendered thereon.

This Order shall issue simultaneously with an Order to Show Cause setting forth the allegations and scheduling a hearing.

Ordered this the 11th day of April, 2019



Howard J. Falgout, M.D.
Chairman, Alabama Board of Medical Examiners

RETURN OF SERVICE

I, the undersigned, being over the age of 19 years and not a party in this matter, hereby certify that I have served the foregoing Order Temporarily Suspending Alabama Controlled Substances Certificate upon _____, this the ____ day of April, 2019.

Process Server

SWORN TO AND SUBSCRIBED before me this ____ day of April, 2019.

Notary Public
My Commission Expires:

IN THE MATTER OF) **BEFORE THE ALABAMA BOARD**
) **OF MEDICAL EXAMINERS**
DEBORAH J. HART, M.D.) **Case No. 2019-03**

ORDER TO SHOW CAUSE

TO: Deborah J. Hart, M.D.
7420 Hitt Rd, Suite B
Mobile, AL 36609

This Order to Show Cause is directed to DEBORAH J. HART, M.D., pursuant to the authority of Ala. Code § 20-2-53. A hearing will be conducted at 1:00 p.m., on Wednesday, July 17, 2019, at the office of the Alabama State Board of Medical Examiners (“the Board”), 848 Washington Avenue, Montgomery, Alabama. DEBORAH J. HART, M.D., is ORDERED and DIRECTED to appear before the Board at the time and place stated above and to show cause, if there be any, why her Alabama Controlled Substances Certificate and Pain Management Registration should not be revoked. As grounds for revocation, the Board states the following:

1. On January 1, 2019, the Board issued to Dr. HART an Alabama Controlled Substances Certificate, identified by license number ACSC.13847.
2. On January 1, 2017, the Board issued to Dr. HART a Pain Management Registration identified by registration number PM.757. This registration permitted Dr. HART to practice pain management at Deborah J. Hart, M.D., located at 7420 Hitt Rd., Suite B, Mobile, Alabama 36695. Dr. HART identified herself as the medical director and sole practitioner at that location.
3. An investigation has shown probable cause to believe that Dr. HART has committed the following violations of Ala. Code § 20-2-54(a)(5):
 - a. Excessively dispensed controlled substances for one or more of her patients;

- b. Dispensed controlled substances for no legitimate medical purpose;
 - c. Dispensed controlled substances in amounts not reasonably related to the proper medical management of one or more of her patients' illnesses or conditions;
 - d. Violated the Requirements for the Use of Controlled Substances for the Treatment of Pain set out in Alabama Board of Medical Examiners' Rules 540-X-4-.08 and 540-X-19-.09; and
 - e. Violated the Risk and Abuse Mitigation Strategies by Prescribing Physicians as set out in Alabama Board of Medical Examiners' Rule 540-X-4-.09.
4. The investigation has also shown probable cause to believe that an imminent danger to the public health and safety exists if Dr. HART's Alabama Controlled Substances Certificate, number ACSC.13847, is not immediately suspended pursuant to Ala. Code § 20-5-55.
5. Further, the investigation has also shown probable cause to believe that an imminent danger to the public health and safety exists if Dr. HART's Pain Management Registration, identified as PM.757, is not immediately suspended pursuant to Ala. Code §§ 20-2-55 and 34-24-607(b), and Alabama Board of Medical Examiners Rule 540-X-19-.06(4).
6. In support of these allegations, the Board states:
- a. Dr. HART is a psychiatrist and pain management physician who practices at Deborah J. Hart, M.D., located at 7420 Hitt Rd., Mobile, Alabama 36695. Dr. HART is the medical director and sole practitioner at that location. This practice has been issued Pain Management Registration PM.757.

- b. The Board began investigating Dr. HART's prescribing after receiving an anonymous complaint regarding Dr. HART's prescribing habits. In furtherance of its investigation, the Board subpoenaed and reviewed 12 patient charts. These records have also been sent for review by an independent expert.
- c. After its review, the Board found that Dr. HART excessively dispensed controlled substances to the majority of the reviewed patients. Some of the issues identified by the Board include, but are not limited to: (1) Dr. HART's average morphine milligram equivalent ("MME") for the reviewed patients was 318; (2) the average across all pain patients was 113 MME per day; and (3) three of the twelve patients reviewed were prescribed the "holy trinity," which is a combination of an opiate, benzodiazepine, and carisoprodol.
- d. Further, eight (8) out of twelve (12) patients were on both opioids and benzodiazepines, in violation of Ala. Admin. R. 540-X-4-.09(5).
- e. Additionally, Dr. HART failed to adequately document the medical necessity for her prescriptions, prescribed controlled substances to patients without objective data to support her diagnoses, and failed to respond to abnormal or inconsistent urine drug screen results in her patients. There were no pill counts noted in the charts. Accordingly, the Board found probable cause to believe that an imminent danger to the public health and

safety exists if Dr. HART's ACSC and Pain Management Registration are not immediately suspended.

7. Pursuant to Ala. Code §§ 20-2-54 and 34-24-609, and Alabama Board of Medical Examiners Rules 540-X-5-.03 and 540-X-19-.08, the Board seeks to revoke the Alabama Controlled Substances Certificate and Pain Management Registration of Dr. HART and/or take any other action which the Board deems appropriate based upon the evidence presented for consideration.
8. Dr. HART is entitled to be present at the hearing, to call witnesses, to present evidence in her behalf, to examine documents offered into evidence and to examine any witnesses called to testify. Dr. HART is entitled to be represented by counsel at her own expense.
9. The hearing shall be considered a contested case under the Alabama Administrative Procedures Act, and the hearing shall be conducted in accordance with Ala. Code § 41-22-1, *et. seq.*, and Chapter 6 of the Rules and Regulations of the Board of Medical Examiners.
10. The Honorable William R. Gordon is hereby appointed as Hearing Officer.

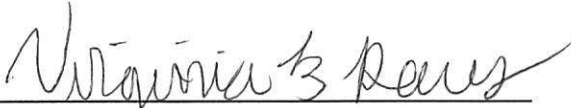
The Board is presently continuing the investigation of Dr. HART and said investigation may result in additional charges being prepared and filed as an amendment to this Order.

The Board requests that administrative costs be assessed against Dr. HART pursuant to Ala. Code § 34-24-380 and Board Rule 540-X-5-.03.

This Order to Show Cause is entered by direction of the Alabama Board of Medical Examiners this 15th day of April, 2019.



Sarah H. Moore
Executive Director
Alabama Board of Medical Examiners



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RETURN OF SERVICE

I, the undersigned, being over the age of 19 years and not a party in this matter, hereby certify that I have served the foregoing Order to Show Cause upon _____, this the ____ day of April, 2019.

Process Server

SWORN TO AND SUBSCRIBED before me this ____ day of April, 2019.

Notary Public
My Commission Expires: