

Specification A: On or about April 16, 2006, you were placed under arrest in Prince George's County, Maryland pursuant to an open warrant for driving an uninsured vehicle and other charges related to your vehicle and driver's license. A search incident to the arrest revealed an amount of crack cocaine wrapped in tissue paper in your left front pocket. A field test was positive for cocaine. At that time, you admitted that "[you] w[ere] smoking crack last night in the District and [you] w[ere] just trying to make it home."

Specification B: On or about July 28, 2006 at approximately 1:30 in the morning, on the unit block of L Street, NW, Washington, D.C., you were observed walking behind a bed sheet which had been hung like a make-shift curtain. When members of the Metropolitan Police Department walked behind the sheet, they saw you trying to hide a glass object in the log you were sitting on with another male. The glass object was examined and identified as a pipe commonly used to smoke crack cocaine.

Charge II: **You wrote prescriptions for controlled substances without a current DEA registration in violation of Federal law for which the Board can take the proposed action pursuant to D.C. Official Code § 3-1205.14(a)(25)(2001). This conduct presents an imminent danger to the health and safety of the residents of the District of Columbia and is therefore grounds for summary suspension pursuant to D.C. Official Code §3-1205.15(a)(2001).**

Specification A: You had a Drug Enforcement Administration (DEA) registration that expired on October 31, 2005. After that time, you prescribed controlled substances although federal law prohibits your doing so without a valid DEA registration.

Specification B: Specification A is incorporated herein by reference and made a part hereof; on or about February 22, 2006 you wrote a prescription for percocet, a Schedule II controlled substance.

Specification C: Specification A is incorporated herein by reference and made a part hereof; on or about February 22, 2006 you wrote a prescription for oxycontin, a Schedule II controlled substance.

Specification D: Specification A is incorporated herein by reference and made a part hereof; on or about March 7, 2006 you wrote a prescription for percocet, Schedule II controlled substances.

Specification E: Specification A is incorporated herein by reference and made a part hereof; on or about March 10, 2006 you wrote a prescription for oxycontin, a Schedule II controlled substance.

Specification F: Specification A is incorporated herein by reference and made a part hereof; on or about March 13, 2006 you wrote a prescription for percocet, a Schedule II controlled substance.

Specification G: Specification A is incorporated herein by reference and made a part hereof; on or about March 19, 2006 you wrote a prescription for oxycontin, a Schedule II controlled substance.

Specification H: Specification A is incorporated herein by reference and made a part hereof; on or about April 1, 2006 you wrote a prescription for oxycontin, a Schedule II controlled substance.

Specification I: Specification A is incorporated herein by reference and made a part hereof; on or about April 4, 2006 you wrote a

prescription for oxycontin, a Schedule II controlled substance.

Specification J: Specification A is incorporated herein by reference and made a part hereof; on or about April 18, 2006 you wrote a prescription for percocet, a Schedule II controlled substance.

Specification K: Specification A is incorporated herein by reference and made a part hereof; on or about April 18, 2006 you wrote a prescription for oxycontin, a Schedule II controlled substance.

Specification L: Specification A is incorporated herein by reference and made a part hereof; on or about April 23, 2006 you wrote a prescription for oxycontin, a Schedule II controlled substance.

Specification M: Specification A is incorporated herein by reference and made a part hereof; on or about April 23, 2006 you wrote a prescription for percocet, a Schedule II controlled substance.

Charge III: You prescribed drugs when not authorized to do so for which the Board can take the proposed action pursuant to D.C. Official Code § 3-1205.14(a)(19)(2001). This conduct presents an imminent danger to the health and safety of the residents of the District of Columbia and is therefore grounds for summary suspension pursuant to D.C. Official Code §3-1205.15(a)(2001).

Specification A: Specifications A through M in support of Charge II are incorporated herein by reference and made a part hereof.

Specification B: Specification A, B, C, F, G, I, J, and K in support of Charge II are incorporated by reference herein and made a part hereof. On each of these occasions when you wrote the prescription, you

personally appeared in a pharmacy and wrote the prescription in the name of a putative patient including date of birth, social security number, and insurance information. You waited in the store while the prescription was filled or returned within a number of days, signed the log sheet for accepting the drugs, and left with the drugs. These prescriptions were not written for a legitimate medical purpose.

Charge IV:

You failed to conform to standards of acceptable conduct and prevailing practice within the practice of medicine for which the Board can take the proposed action pursuant to D.C. Official Code § 3-1205.14(a) (26) (2001). This conduct presents an imminent danger to the health and safety of the residents of the District of Columbia and is therefore grounds for summary suspension pursuant to D.C. Official Code §3-1205.15(a) (2001).

Specification A: Specifications A through M in support of Charge II are incorporated herein by reference and made a part hereof.

Specification B: Specification B in support of Charge III is incorporated herein by reference and made a part hereof.

If you wish to appeal this summary suspension of your license, you must file a written request for a hearing within seventy-two (72) hours after service of this notice on you. Should you request a hearing, a hearing will be held within seventy-two (72) hours of receipt of a timely request. The request for a hearing must be submitted to James Granger, Executive Director, Board of Medicine, 825 North Capitol Street, N.E., Ste. 2224, Washington, D.C. 20002. A copy of your request should be delivered to Maureen W. Zaniel, Senior Assistant Attorney General, Civil Enforcement Section, Public Safety Division, Office of the Attorney General for the District of Columbia, Suite 450 North, 441 4th Street, N.W., Washington, D.C. 20001.

You may appear personally at such a hearing and you may be represented by legal counsel. You have the right to produce witnesses and evidence in your behalf and to cross-examine witnesses against you, to examine evidence produced, and to have subpoenas issued in your behalf to require the production of witnesses and evidence.

If you, or any witnesses you intend to call, are deaf or because of a hearing impediment cannot readily understand or communicate the spoken English language, you or your witnesses may apply to the Office of Adjudication and Hearings for the appointment of a qualified interpreter.

A request for a hearing will not stay this summary suspension.

10/25/06

Date

Feseha Woldu.

Feseha Woldu, Ph.D.

Administrator

Department of Health

Health Professional Licensing

Administration

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE**

In Re: :
 :
David T. Hackney, M.D. :
License # MD 18815 :

ORDER OF REVOCATION OF MEDICAL LICENSE

Jurisdiction

This matter comes before the District of Columbia Board of Medicine pursuant to D.C. Official Code § 3-1202.03(a) (2) (2001) otherwise known as the Health Occupations Revision Act (“HORA”). The “HORA” provides for the regulation of the practice of medicine by the D.C. Board of Medicine.

Background

On October 25, 2006, the Administrator for the Health Professional Licensing Administration¹ issued a Notice of Summary Action to Suspend License against Dr. David T. Hackney (the “Respondent”) pursuant to D. C. Official Code § 3-1205.15 (a) based upon various charges and specifications thereto regarding the Respondent’s addiction to and habitual abuse of certain narcotics or controlled substances and the

¹ Other agencies within the Department of Health combined with HPLA in January 2007 and the Administrator is now titled the Senior Deputy, Health Regulation and Licensing Administration, Department of Health.

charge that the Respondent wrote prescriptions for controlled substances without a current DEA registration in violation of Federal law.²

The Notice informed the Respondent that he had the right to request a hearing on this matter by delivering a letter to the Board requesting a hearing, in person or by certified mail, within seventy-two (72) hours after service of the notice. The Notice was served on the Respondent by an Investigator for the Administrator of the Health Professional Licensing Administration. The Respondent did not respond to the Summary Suspension and it has continued in effect from the date of delivery on October 26, 2006.

The Board voted on October 25, 2006 to also issue a Notice of Intent to Take Disciplinary Action (the "Notice") against the Respondent.³ The Notice was signed on January 16, 2007 by the Board Chairperson and mailed that day to the Respondent by certified mail. The certified mailing was signed for on January 20, 2007 at the Respondent's place of residence and no response to that Notice has ever been received by the Board.⁴ However, on February 16, 2007 the Board received a faxed letter addressed to the attention of the Executive Director of the Board of Medicine from the Respondent.⁵

The letter requested "reinstatement of my license to practice medicine in Washington, D.C. or to learn about how I might go about seeking reinstatement of said license....I have acknowledged and plead guilty to health care fraud and obtaining

² The Notice of Summary Action to Suspend License is hereby incorporated by reference. The document charges the Respondent with four (4) charges in violation of the D.C. Health Occupations Revision Act of 1985 as amended, with multiple counts or Specifications under each charge. In total, there are approximately five (5) pages of charges and specifications set forth. The Notice suspends the Respondent's license to practice medicine, effective immediately, upon receipt of the Notice by the Respondent and offers him certain procedural rights, among them the right to a hearing on the suspension. To protect these rights the Respondent must file a written request for a hearing within seventy-two (72) hours after service of the notice on him.

³ District of Columbia Municipal Regulation (DCMR) § 4118.12 specifies that within sixty (60) days after being notified that a summary action has occurred the Board shall determine whether there is sufficient cause to propose a disciplinary action under DCMR § 4102. The Board's proposed request to draft and issue a Notice of Intent to Take Disciplinary Action evidences that intent and compliance with DCMR § 4118.12.

⁴ The PS Form 3811 (the "green card") is incorporated by reference.

⁵ The letter, dated February 15, 2007, is incorporated by reference.

prescription medications by fraud. I admit to having acted inappropriately, and with bad judgment during the months in early 2006, when I was having a difficult time in my personal/family life. I am currently cooperation with a Federal district Attorney, and agents for the D.E.A., F.B.I. and the DC metropolitan police department, in accordance with the pre-sentencing plea agreement.”

Findings of Fact and Conclusions of Law

The Board finds that the Respondent was properly informed of the contemplated action as set forth in the NOI, that the notice was sent to the correct address as reflected in licensure records and as required to be updated by the Respondent, and that the Respondent has failed to respond with a response that specifically addressed Respondent’s right to a hearing. The Board further finds that the requirements of D.C. Code § 3-1205.19 and District of Columbia Regulation (DCMR) §§ 4102.2 and 4103.1 have been met in that the Respondent has been afforded an opportunity for a hearing before the Board, that the notice was sent to the Respondent by certified mail, and that all rights enjoyed by the Respondent were properly included in the notice.

The Board by unanimous vote found that the Respondent’s conduct that gave rise to the current charges in the NOI were the immediate and direct result of his conduct which gave rise to the summary suspension of his medical license on October 25, 2006 and which now constitutes the basis for the charges and specifications against him in the notice served on him January 20, 2007. Finally, the Board finds that after due notice the Respondent failed to request a hearing and the Board was authorized without a hearing to take the action contemplated in the Notice.⁶ Lastly, the Board finds that it has jurisdiction over the Respondent and over the charges as set forth in the Notice.

⁶ DCMR § 4103.1


The Board met on February 28, 2007, considered the response of the Respondent dated February 15, 2007, and after discussions and deliberation approved a motion by unanimous vote that Dr. David T. Hackney's medical license be revoked.⁷

Pursuant to D.C. Code § 3.1205.14 (c) (2), and for the Charges and Specifications set forth in the Notice, the Board of Medicine issues the following Order:

ORDER

Based upon the aforementioned it is hereby **ORDERED** – that the medical license of Dr. David T. Hackney is **REVOKED**.

3/28/07
Date


Frederick C. Finelli, M.D., J.D.
Chairperson
D.C. Board of Medicine

Judicial and Administrative Review
Of Actions of the Board

Pursuant to D.C. Official Code § 3-1205.20 (2001):

Any person aggrieved by a final decision of a board or the Mayor may appeal the decision to the District of Columbia Court of Appeals pursuant to § 2-510.

Pursuant to D.C. Court of Appeals Rule 15(a):

Review of orders and decisions of any agency shall be

⁷ DCMR § 4118.15 states that “an order of a board entered after its determination pursuant to § 4118.13...supersedes an order of the Director to the extent that the order of the Director is inconsistent with the order of the board.” As noted previously the director, sic the Administrator, summarily suspended the license of the Respondent. The Board has now revoked the license of the Respondent. This Order shall supersede the prior determination of the director.

obtained by filing with the clerk of this court a petition for review within thirty days after the notice is given.

This Order of Revocation is disciplinary in nature, is a Final Order, and shall be deemed a public document available to the public upon request.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE**

In Re: :
 :
David T. Hackney, M.D. :
License # MD 18815 :

**CONSENT ORDER TO REINSTATE MEDICAL LICENSE
AND PLACE APPLICANT ON
PROBATION**

Jurisdiction

This matter comes before the District of Columbia Board of Medicine pursuant to D.C. Official Code § 3-1202.03(a) (2) (2001) otherwise known as the Health Occupations Revision Act (“HORA”). The “HORA” provides for the regulation of the practice of medicine by the D.C. Board of Medicine.

Background

On October 25, 2006, the Administrator for the Health Professional Licensing Administration¹ issued a Notice of Summary Action to Suspend License against Dr. David T. Hackney (the “Respondent”) pursuant to D. C. Official Code § 3-1205.15 (a).

The Board voted on October 25, 2006 to issue a Notice of Intent to Take Disciplinary Action (the “Notice”) against the Respondent.² The Notice was signed on

January 16, 2007 by the Board Chairperson and mailed that day to the Respondent by certified mail. The certified mailing was signed for on January 20, 2007 at the Respondent's place of residence and no response to that Notice was ever received by the Board.³ However, on February 16, 2007 the Board received a faxed letter addressed to the attention of the Executive Director of the Board of Medicine from the Respondent.⁴

The letter requested "reinstatement of my license to practice medicine in Washington, D.C. or to learn about how I might go about seeking reinstatement of said license....I have acknowledged and plead guilty to health care fraud and obtaining prescription medications by fraud. I admit to having acted inappropriately, and with bad judgment during the months in early 2006, when I was having a difficult time in my personal/family life. I am currently cooperation with a Federal District Attorney, and agents for the D.E.A., F.B.I. and the DC metropolitan police department, in accordance with the pre-sentencing plea agreement."

The Board met on February 28, 2007, considered the response of Dr. Hackney dated February 15, 2007, and after discussions and deliberation approved a motion by unanimous vote that Dr. David T. Hackney's medical license be revoked.⁵

On October 21, 2008, Dr. Hackney appeared before the Board's subcommittee regarding his license reinstatement request. The subcommittee listened to his presentation and asked questions, and ultimately recommended to the full Board that Dr. Hackney's license be reinstated so long as he presented specific documents related to any

¹ Other agencies within the Department of Health combined with HPLA in January 2007 and the Administrator is now titled the Senior Deputy, Health Regulation and Licensing Administration, Department of Health.

² The NOI set forth five basic charges with multiple Specifications under each Charge. Many of the Specifications, though not all, had to do with prescribing controlled substances after his DEA registration had expired. The NOI is incorporated by reference.

³ The PS Form 3811 (the "green card") is incorporated by reference.

⁴ The letter, dated February 15, 2007, is incorporated by reference.

⁵ DCMR § 4118.15 states that "an order of a board entered after its determination pursuant to § 4118.13...supersedes an order of the Director to the extent that the order of the Director is inconsistent with the order of the board." As noted previously the director, sic the Administrator, summarily suspended the license of the Respondent. The Board has now revoked the license of the Respondent. This Order superseded the prior determination of the director.

criminal convictions and substance abuse issues. Dr. Hackney complied with the Board's request for certain additional information over the next several months.⁶

Findings of Fact and Conclusions of Law

D.C. Official Code §3-1205.21 (2001) provides the authority for the board to reinstate the license of an individual whose license has been suspended or revoked by he board only in accordance with: "(1) The terms and conditions of the order of suspension or revocation; or (2) a final judgment or order in any proceeding for review."

District of Columbia Municipal Regulation § 4011 REINSTATEMENT AFTER REVOCATION provides:

"4011.1 A health professional whose license ... has been revoked...shall be ineligible to apply for reinstatement for a period of one (1) year from the date of the revocation ...unless otherwise provided in the board order of revocation or denial.

4011.2 An applicant for reinstatement under this section shall file an application with the board on the prescribed form and shall pay the required reinstatement fee.

4011.3 In addition to the requirements of § 4011.2, an applicant for reinstatement shall demonstrate fitness to resume practice by submitting evidence satisfactory to the board that the applicant has the moral qualification, competency, and knowledge of District and federal laws necessary to resume practice of the health occupation and that the applicant's resumption of practice will not be detrimental to the public interest or the integrity of the health profession.

4011.4 In making a determination pursuant to § 4011.3, the board shall consider, among other factors, the following:

(a) The nature and circumstances of the conduct, or the mental or physical condition, for which the applicant's license...was revoked;

(b) The applicant's recognition and appreciation of the seriousness of any misconduct;

⁶ The documents included a report from the Medical Society of the District of Columbia, a report from the clinic where Dr. Hackney had been participating in psychological counseling, drug urinalysis since November 16, 2007 (all drug screens were negative), and a court document, dated December 14, 2006, attesting to his conviction for a traffic violation only with all other charges, including a charge concerning a controlled dangerous substance, being nolle prosequi.

- (c) The applicant's conduct, or mental or physical condition, since the revocation, including steps taken by the applicant to remedy prior misconduct and prevent future misconduct, or to remedy the mental or physical condition;
- (d) The applicant's present character; and
- (e) The applicant's present qualifications and competency to practice the health occupation."

The Board addresses the requirements for reinstatement set forth above by making the following Findings of Fact:

- (1) Dr. Hackney made application for reinstatement on June 11, 2008. This was more than one year from the date of revocation. It was also in full compliance with his ORDER OF REVOCATION dated March 28, 2007.⁷
- (2) Dr. Hackney has submitted the required reinstatement fee.
- (3) The Board further finds that Dr. Hackney's recognition of his prior conduct is appropriate and that he has taken concrete and specific steps to ensure that his behavior is not repeated.
- (4) Dr. Hackney underwent a counseling program and drug testing and all reports are that he has had no drug involvement and that he is fit to practice medicine.
- (5) Dr. Hackney has maintained his level of competency in the practice of medicine by his having completed the required continuing education units for the period in which his license was revoked. There is no indication that his present qualifications reflect any diminution from the level of skill and knowledge he possessed prior to the revocation of his license.

⁷ The Order of Revocation is incorporated by reference. It sets forth specific guidelines the completion of which would permit Dr. Hackney to apply to have his license reinstated.

- (6) Dr. Hackney's resumption of practice in the District, should he choose to do so, will not be detrimental to the public interest. As of the date of Dr. Hackney's reinstatement application, he was employed in Maryland.
- (7) Dr. Hackney's reinstatement application meets the legal criteria set forth above.
- (8) However, to ensure that Dr. Hackney is mindful of his obligations to the public and to the medical profession, the Board approves the reinstatement application conditioned upon continued monitoring of Dr. Hackney by his employer and a period of probation during which he will not have the authority to prescribe controlled substances.

The Board of Medicine subcommittee discussed the matter again on April 21, 2009 and recommended that Dr. Hackney's license be reinstated subject to this Consent Order with the terms expressed below. The full Board approved the recommendations on April 29, 2009, and the Consent Order below, with the consent of Dr. Hackney after having the opportunity to consult with counsel, is now issued:

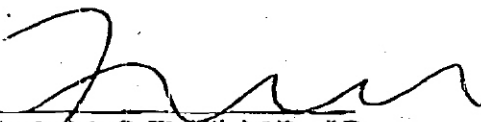
CONSENT ORDER

Based upon the aforementioned it is hereby **ORDERED** – that the medical license of Dr. David T. Hackney is **REINSTATED, CONDITIONED ON THE FOLLOWING:** Dr. Hackney shall be placed on **PROBATION until November 1, 2010⁸**; and further,

⁸ The period of probation coincides with end date of his three (3) years of federal probation pursuant to his sentencing in U.S. District Court for the District of Columbia on October 17, 2007 for 2 counts of health care fraud and obtaining a controlled substance by fraud in violation of 18 U. S. C. Section 1347 and 21 U. S. C. Section 843 (a) (3) and (d).

1. During the period of probation, Dr. Hackney shall have no authority to prescribe controlled substances. Upon the conclusion of his probation, Dr. Hackney may apply to the Pharmaceutical Control Board for a local controlled substances registration number. The Board makes no representation whether a local registration number will be granted by the Pharmaceutical Control Board.
2. Dr. Hackney shall arrange with his employers to provide quarterly written reports to the Board regarding his employment status and execution of his duties. These reports will be sent directly from the employer to the Executive Director for the Board of Medicine and shall only be required during the probation. The first report will be due September 1, 2009.
3. Dr. Hackney will initially report to the Board the location and name of his employer, and whenever there is a change in location or name of his employer.
4. Should any term of this Consent Order be violated, such violation shall constitute a violation of the Consent Order which shall of itself constitute a violation of the laws governing the practice of medicine and for which the board may initiate disciplinary proceedings.

6/27/09
Date


Frederick C. Finelli, M.D., J.D.
Chairperson
D.C. Board of Medicine

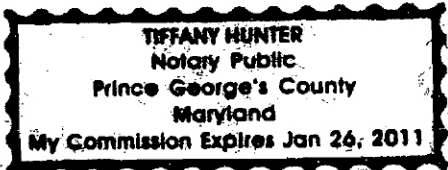
CONSENT OF APPLICANT

By signing this Consent Order, I agree to accept and abide by its terms. I acknowledge its validity and acknowledge that I have agreed to this Order and the period of PROBATION as being in my best interests, and to waive any right I may have pursuant to D.C. Official Code § 3-1205.20 (2001) to appeal this Order to the District of Columbia Court of Appeals or to any other tribunal as a matter of first impression at which I would have had the right to counsel and to appeal any restriction placed upon the reinstatement of my medical license, and to all other substantive and procedural protections provided by law. By signing this Consent Order, I waive all such rights. I choose to sign this Consent Order willingly and without reservation and am fully aware of its meaning and effect. I acknowledge that I have a right to retain counsel in this matter. I also understand that any violation of this Consent Order may serve as a basis for Charges as a violation of this Consent Order during the period of Probation, as well as be violations of law or regulation in their own right.

6/15/09
Date

David Hackney, M.D.
David Hackney, M.D.

Sworn to and subscribed before me this 15th day of June, 2009.



Tiffany Hunter
Notary Public

This Consent Order of Reinstatement is disciplinary in nature, is a Final Order, and shall be deemed a public document available to the public upon request.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE**

In Re: :
 :
David T. Hackney, M.D. :
 :
License No.: MD 18815 :
 :
Licensee :

TERMINATION OF CONSENT ORDER

Jurisdiction

This matter comes before the District of Columbia Board of Medicine (the "Board") pursuant to D.C. Official Code § 3-1201.01 *ff.* (2009), otherwise known as the Health Occupations Revision Act (HORA). The HORA, at D.C. Official Code § 3-1202.03 (2009), authorizes the Board to regulate the practice of Medicine, Acupuncture, Anesthesiologists Assistants, Naturopathic Medicine, Physician Assistants, Polysomnography, and Surgical Assistants in the District of Columbia.

Background

Licensee agreed to a Consent Order to Reinstate Medical License and Place Applicant on Probation, effective June 27, 2009, after having his license to practice medicine in the District of Columbia revoked by Order, dated March 28, 2007. Licensee admitted to the Board via faxed letter addressed to the Executive Director of the Board of Medicine that he acknowledged and pled guilty in a federal court to health care fraud and to obtaining prescription medications by fraud. Terms of the Consent Order permitted Licensee's license to be reinstated in the District of Columbia, but required that Licensee be placed on probation until November 1, 2010, during


which he was to (1) have no authority to prescribe controlled substances; (2) arrange to have quarterly written reports regarding his employment status and execution of his duties submitted to the Board during his probation; and (3) report to the Board the location and name of his employer and whenever there is a change in location or name of his employer.

On June 9, 2011, the Board met and discussed the matter of Licensee's probation. The Board concluded that Licensee abided by all terms of the Consent Order. After a complete and thorough evaluation of the record, the Board voted unanimously to terminate Licensee's Consent Order.

ORDER

Based upon the aforementioned, it is hereby **ORDERED** that the conditions imposed by the District of Columbia Board of Medicine Consent Order to Reinstate Medical License and Place Applicant on Probation, effective June 27, 2009, for David T. Hackney, M.D. are hereby **TERMINATED** and are of no further force or effect.

9.23.12
Date


Janis M. Orlowski, M.D., MACP
Chairperson
District of Columbia
Board of Medicine

This Order of Termination of Consent Order shall be deemed a Public Order and shall be distributed as appropriate.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION
BOARD OF MEDICINE**

IN RE:

DAVID T. HACKNEY, M.D.

License No.: MD 18815

Licensee

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:

CONSENT ORDER

Jurisdiction

This matter comes before the District of Columbia Board of Medicine (the “Board”) pursuant to D.C. Official Code § 3-1201.01 *ff.* (2009), otherwise known as the Health Occupations Revision Act (the “HORA”). The HORA, at D.C. Official Code § 3-1202.03 (2009), authorizes the Board to regulate the practice of Medicine in the District of Columbia.

Background

Licensee is currently licensed to practice medicine in the District of Columbia. Licensee provides psychiatric and neurological medical services. Licensee was brought to the Board’s attention during the course of an investigation into an unrelated matter regarding a physician who was engaging in the prohibited practice of providing pre-signed prescription pads to his assistants in order for them to issue medications to patients without the physician being present to sign the prescriptions. During an investigator’s unannounced visit to the physician’s office, Licensee was found to be seeing patients for the physician and using the physician’s pre-signed pads to continue prescribing medications to them.

After the unannounced visit, Licensee submitted a written letter to the Board, dated May 2, 2012, in which he admitted that the he saw the physician’s patients for medication

management on May 1, 2012. Licensee admitted that “[t]he prescription pad given to me only had [the physician]’s name typed on it, and he had pre-signed several of the slips.... In an error in judgment, I began using the pre-signed prescription slips in renewing the patient’s medications.” Licensee also admitted that “The medication clinic progress notes also had [the physician]’s name typed on them, and a blank space for the physician signature.... I signed my name to the progress notes documenting each section, though [the physician]’s name was typed on them.” Licensee further admitted that “I acknowledge that this deviates from acceptable standards of medical practice.”

The Licensee has not been charged with any violation of the D.C. laws or regulations. Instead, the Board of Medicine and Licensee agree to resolve this matter by entering into a public disciplinary consent order as follows:

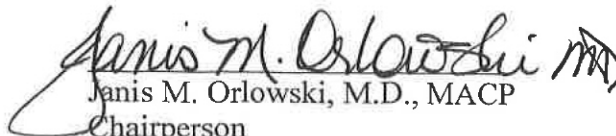
CONSENT ORDER

Based on the aforementioned, it is hereby,

ORDERED that, within 60 days from the date of signing this consent order, Licensee shall submit to the Board proof of having completed **ten (10)** contact hours of continuing medical education (“CME”) credit. The CME credits shall be earned in courses in which the primary focus of each course must be prescription management; and it is further

ORDERED that, if Licensee fails to satisfactorily fulfill the terms of the order, the Board may then issue a notice to take formal disciplinary action against Licensee’s license.

11.8.12
Date



Janis M. Orłowski, M.D., MACP
Chairperson
District of Columbia
Board of Medicine

CONSENT OF LICENSEE

By signing this Consent Order, I agree to accept and abide by its terms. I acknowledge its validity and acknowledge that I have agreed to this Order in lieu of a hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections provided by law. By signing this order, I waive all such rights. I am fully aware that without my consent, no legal action can be taken against me except pursuant to the District of Columbia Administrative Procedures Act D.C. Official Code § 2-501 et. seq. (2001). I also recognize that, by this Consent, I am waiving my right to appeal this Order. I am also waiving my right to appeal any adverse ruling of the Board had this matter gone to a hearing regarding the application. Nothing in this Consent Order shall preclude the Board from taking disciplinary action against Licensee's medical license in the event that Licensee is convicted of insurance fraud, as contemplated by the factual background of this Consent Order. I have had an opportunity to review this document. I choose to sign this order willingly and without reservation and am fully aware of its meaning and effect.

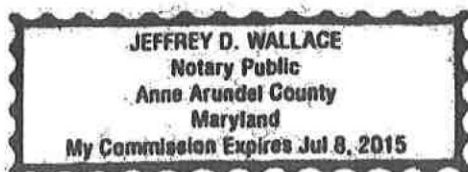
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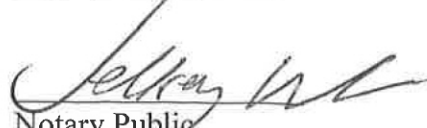
Date



David T. Hackney, M.D., #MD18815

Sworn to and subscribed before me this 31st day of October, 2012.





Notary Public

This Consent Order shall be deemed an administrative matter and shall not be construed as disciplinary in nature or a public document. The District of Columbia Board of Social Work has not charged the Licensee with a violation of District law.