

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Kenneth Jay Headen, M.D.,) CONSENT ORDER
)
Applicant.)

This matter is before the North Carolina Medical Board ("Board") on the application of Kenneth Jay Headen, M.D. ("Dr. Headen") for reinstatement of a license to practice medicine in the state of North Carolina. Dr. Headen makes the following admissions, and the Board makes the following findings and conclusions:

STATUTORY AUTHORITY

The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted to it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Headen has applied for reinstatement of a license to practice medicine in North Carolina.

Dr. Headen has not practiced medicine since June 2021.

Dr. Headen has a disciplinary history with the Board, primarily related to substandard care in prescribing controlled

substances and other medications to patients he treated in his role as a psychiatrist.

In March 2009, Dr. Headen entered into a Consent Order with the Board ("2009 Consent Order"), the details of which are contained therein, whereby his medical license was suspended for two years, all but forty-five (45) days of which was stayed. In addition, Dr. Headen was prohibited from prescribing Schedule II and III controlled substances and buprenorphine for any purpose. Dr. Headen was allowed to prescribe Schedule IIN and IIIN narcotics.

In June 2017, Dr. Headen and the Board entered into a second Consent Order ("2017 Consent Order"), the details of which are contained therein, whereby Dr. Headen's medical license was indefinitely suspended. The indefinite suspension was stayed upon numerous conditions.

The 2017 Consent Order restricted Dr. Headen's supervision of advanced practice providers ("APPs"). Specifically, he was restricted to supervising APPs at only two facilities.

As a condition of the 2017 Consent Order, the Board performed a follow-up chart review of Dr. Headen's patient charts. Four patients suffered from serious mental health or psychiatric problems. Each received care from Dr. Headen that departed from standards of acceptable and prevailing medical practice.

The chart review showed that Dr. Headen continued to make poor diagnostic decision-making because of inadequate documented medical justification. The chart review also revealed substandard care that was the same or similar to the substandard care detailed in the 2009 and 2017 Consent Orders.

In 2020, Dr. Headen voluntarily surrendered his Drug Enforcement Administration privileges.

In 2021, after a hearing, the Board issued Findings of Fact, Conclusions of Law, and Order of Discipline in which Dr. Headen's license was indefinitely suspended. The Board's action was based on Dr. Headen's departure from, or failure to conform to, the standards of acceptable and prevailing medical practice in his care of the aforementioned four patients.

CONCLUSIONS OF LAW

Dr. Headen acknowledges that he has not actively practiced medicine for the two-year period immediately preceding the filing of his application for reinstatement of his medical license from the Board within the meaning of N.C. Gen. Stat. § 90-14(a)(11a).

Dr. Headen acknowledges that his conduct, as described above, constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and grounds exist under this section

of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Headen's license to practice medicine or to deny any application he might make in the future.

Dr. Headen acknowledges that his prior disciplinary history, as described above, constitutes having a license revoked, suspended, restricted, or acted against by the licensing authority of any jurisdiction, within the meaning of N.C. Gen. Stat. § 90-14(a)(13) and grounds exist under this section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Headen's license to practice medicine or to deny any application he might make in the future.

PROCEDURAL STIPULATIONS

Dr. Headen acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case.

Dr. Headen knowingly waives his right to any hearing and to any judicial review or appeal in this case.

Dr. Headen, with the advice of legal counsel, acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

Dr. Headen desires to resolve this matter without the need for more formal proceedings.

The Board has determined that it is in the public interest to resolve this case as set forth below.

ORDER

NOW, THEREFORE, with Dr. Headen's consent, it is ORDERED that:

1. The Board shall reinstate Dr. Headen's license to practice medicine upon the following conditions:

- a. Effective the date of this Consent Order, and until and unless the Board decides otherwise, Dr. Headen is PROHIBITED from prescribing any controlled substances for any purpose.
- b. Dr. Headen may petition the Board to modify this Consent Order to prescribe controlled substances after his DEA privileges have been restored. The Board is under no obligation to approve any such future petition.
- c. Prior to resuming practice, Dr. Headen shall submit a Reentry Plan to the Board's Office of Medical Director ("OMD") for approval by contacting the Board's Monitoring Coordinator at North Carolina Medical Board, P.O. Box 20007, Raleigh, NC 27619-0007 or boardmonitoring@ncmedboard.org.

- d. Prior to resuming practice, Dr. Headen must first obtain practice site approval from the Board's OMD by contacting the Board's Monitoring Coordinator.
- e. Prior to resuming practice, Dr. Headen must submit a proposed onsite physician mentor and monitor to the Board's Monitoring Coordinator for approval by the Board's OMD. One physician may perform both the role of mentor and monitor.
- f. Once approved by the Board's OMD, the onsite mentor/monitor shall provide quarterly reports to the Board's Monitoring Coordinator relating to Dr. Headen's clinical competence and progress in clinical practice. This condition shall last indefinitely until such time as this condition is no longer deemed necessary by OMD.
- g. Dr. Headen shall limit his practice to adult psychiatry (18 years of age and older).
- h. Dr. Headen shall sign a monitoring contract with the North Carolina Professionals Health Program.
- i. Dr. Headen shall not practice medicine as a solo provider, nor shall he practice medicine at a behavioral health entity or practice where he is the only physician onsite.

j. Dr. Headen shall not serve as the supervising physician for any advanced practice provider.

2. Dr. Headen shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.

3. Dr. Headen shall meet with the Board or members of the Board for an investigative interview at such times as requested by the Board.

4. Upon request, Dr. Headen shall provide the Board with any information the Board deems necessary to verify compliance with the terms and conditions of this Consent Order.

5. If Dr. Headen fails to comply with any of the terms and conditions of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, or revoke his license to practice medicine and to deny any application he might make in the future or then have pending for a license to practice medicine.

6. This Consent Order shall take effect immediately upon its execution by both Dr. Headen and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

7. Should Dr. Headen request relief from this Consent Order, the Board is under no obligation to grant the request and

will consider all relevant facts, including Dr. Headen's disciplinary history with the Board. Any request for relief shall be submitted to the Board's Monitoring Coordinator.

8. Dr. Headen hereby waives any requirement under any law or rule that this Consent Order be served on him.

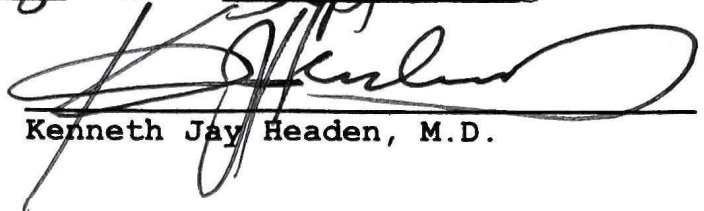
9. Upon execution by Dr. Headen and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required and permitted by law including, but not limited to, the Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 11th day of September, 2024.

NORTH CAROLINA MEDICAL BOARD

By: 
Christine M. Khandelwal, D.O., MHPE
President

Consented to this the 8th day of September 2024.

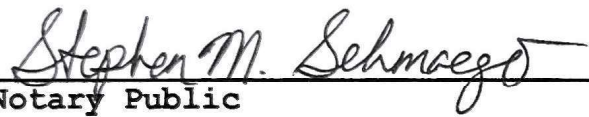

Kenneth Jay Headen, M.D.

State of North Carolina

County of Crailford

I, Stephen M. Schmoeger, do hereby certify that Kenneth Jay Headen, M.D. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 8th day of September, 2024.


Notary Public

(Official Seal)

My Commission Expires: 10/18/2026

STEPHEN M. SCHMOEGER
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires 10/18/2026