

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

IN RE:

JOHN M. HAYES, M.D.

License No.: MD10233

Respondent

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CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the “Board” or “D.C. Board”) pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, *et seq.* (2016 Repl.). The HORA authorizes the Board to regulate the practice of medicine in the District of Columbia. The Board has broad jurisdiction to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1201.03; *Mannan v. District of Columbia Board of Medicine*, 558 A.2d 329, 333 (D.C. 1989). The Council of the District of Columbia, in amending the HORA, “intended to strengthen enforcement of its licensing laws.” *Davidson v. District of Columbia Board of Medicine*, 562 A.2d 109, 113 (D.C. 1989). And the HORA “was designed to ‘address modern advances and community needs *with the paramount consideration of protecting the public interest.*’” *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085, 1088 (D.C. 1991) (*quoting* Report of the D.C. Council on Consumer and Regulatory Affairs on Bill 6-317, at 7 (November 26, 1985)) (emphasis added by court).

Background

Respondent has been licensed to practice medicine in the District of Columbia since August 8, 1977. He has a specialty in obstetrics-gynecology.

Respondent is also licensed in Maryland. On April 27, 2020, the Maryland Board of Physicians (“Maryland Board”) imposed a reprimand and certain restrictions on his practice. *See* Attachment A, *Consent Order*, (“2020 Maryland Order”), attached to and incorporated herein.

The 2020 Maryland Order was entered into following an investigation by the Maryland Board about Respondent’s opioid prescribing practices. The investigation revealed that Respondent “failed to meet the standard of quality medical care” for all ten (10) patients whose medical records were peer reviewed. Among other issues, the reviewers found that:

1. In eight (8) of the patients, the physical examinations “did not support the use of chronic, high-dose opiate therapy ranging from approximately 160 – 300” morphine milligram equivalence (“MME”), especially when considering that opioid doses greater than 90 MME per day require careful justification per the CDC;
2. In six (6) of the patients, “imaging studies, when obtained, often showed minor changes that did not correspond to the patients’ reportedly severe pain levels or justify the use of high-dose opioids;” and
3. For four (4) of the patients, Respondent “continued to prescribe and refill opioids in the presence of noncompliant behavior with no documented attempts to withdraw or taper the patients off opioids.”

Id., pp. 4-5.

The Maryland Board found that as a matter of law, the Respondent had “failed to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical care performed in an office or other location . . . in violation of Health Occ. § 14-404(a)(22), and that the Respondent failed to keep adequate medical records as determined by an appropriate peer review, in violation of Health Occ. § 14-404(a)(40).” *Id.* p. 6.

The Board considered the 2020 Maryland Order at its meeting on October 17, 2021. At that meeting, the Board voted to take disciplinary action against Respondent's District of Columbia medical license in response to the 2020 Maryland Order. Respondent and the Board now agree to enter into this Consent Order.

Conclusions of Law

The D.C. Board is authorized, pursuant to D.C. Official Code § 3-1205.14(a)(3), to take reciprocal action when a respondent has been disciplined by a licensing authority of another jurisdiction for conduct that would be grounds for Board action. In pertinent part, D.C. Official Code § 3-1205.14(a)(3) states:

Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a quorum of its appointed members may take one or more of the disciplinary actions...against any person permitted by this subchapter to practice a health occupation regulated by the board in the District who **is disciplined by a licensing or disciplinary authority...of any jurisdiction for conduct that would be grounds for disciplinary action under this section.** (emphasis added)

Under the D.C. Official Code, a physician licensed in the District must conform to standards of acceptable conduct and prevailing practice within a health profession or be subject to disciplinary action. *See* D.C. Official Code §§ 3-1205.14(a)(26). Respondent's conduct in Maryland did not conform to the standards of acceptable conduct in the practice of medicine such as to constitute a violation of D.C. Official Code §3-1205.14(a)(26) had that conduct occurred in the District of Columbia.

Accordingly, Respondent's conduct has provided the Board with a basis in law and fact to take action against Respondent under the authority of D.C. Official Code §§ 3-1205.14(a)(3), and (26).

ORDER

Based on the forgoing, it is by the District of Columbia Board of Medicine hereby,
ORDERED, that Respondent's license to practice medicine in the District of Columbia
is **REPRIMANDED**; and it is further

ORDERED, that Respondent is permanently prohibited from prescribing and dispensing
all opioid and benzodiazepine controlled substances pursuant to D.C. Official Code § 48-901.02,
et seq., and 22B DCMR Chapter 13; and it is further

ORDERED that Respondent is permanently prohibited from recommending patients for
the medical use of cannabis under the District's Medical Marijuana Program (D.C. Official Code
§ 7-1671.04 and 22C DCMR Chapter 1); and it is further

ORDERED that Respondent shall comply with all laws, rules, and regulations of the
District of Columbia, while within its jurisdiction;

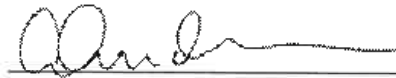
ORDERED, that if Respondent fails to satisfactorily fulfill the terms of this Consent
Order the Board may issue a notice of intent to take additional formal disciplinary action against
Respondent's license; and it is further

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

08.15.2022

Date




By: Andrea Anderson, MD, FAAFP
Chairperson

AGREEMENT OF RESPONDENT

By signing this public consent order, I agree to accept and abide by its terms. I acknowledge its validity and acknowledge that I have agreed to the terms set forth in this agreement. I fully acknowledge that by signing this consent order, I am waiving my right to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my right to appeal any adverse ruling by the Board that might have followed any such hearing. By signing this settlement agreement, I waive all such rights.

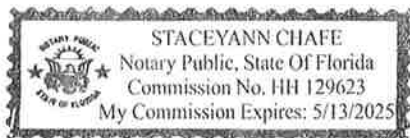
I have had the opportunity to review this document and to seek the advice of my own legal counsel. I choose to sign this consent order willingly and without reservation and am fully aware of its meaning and effect.

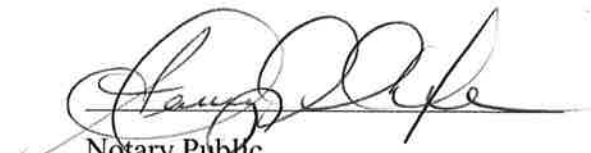
6/23/22
Date



John Hayes, M.D.
License No.: MD10233

Sworn to and subscribed before me this 23rd day of JUNE, 2022.





Notary Public

This Consent Order shall be deemed a public document and shall be distributed as appropriate.