

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

In re:

ANDREW W. LOFTUS, M.D.

License No.: MD33074

Respondent

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CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the “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 regulate the practice of medicine and to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1205.14; *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

The Respondent has been licensed in the District of Columbia to practice medicine since July 25, 2001.

On May 28, 2015, the Virginia Medical Board issued an order of summary suspension of Andrew W. Loftus, M.D.'s ("Respondent") medical license, concluding that he was a substantial danger to the public health or safety. On June 22, 2015, the D.C. Department of Health summarily suspended Respondent's D.C. medical license. On September 24, 2015, the Maryland State Board of Physicians and Respondent entered into a Consent Agreement in which Respondent's license to practice medicine in Maryland was suspended until such time that his license was reinstated by the Virginia Board.

On October 22, 2015, the Virginia Board and Respondent entered into a Consent Order which continued Respondent's suspension for an indefinite time, but stayed the suspension so long as he complied with the terms and conditions imposed. On April 25, 2016, the Virginia Board issued a letter further staying the suspension and closing the matter, although the Respondent was still required to comply with certain terms and conditions including continuing treatment. On May 18, 2016, the Maryland Board issued an Order Staying Suspension based on the Virginia Board's April 25, 2016 letter. On January 4, 2018, the Maryland Board reinstated Respondent's Maryland medical license with certain terms and conditions.

Respondent's license for the District of Columbia expired on December 31, 2016 while under suspension. The Respondent is requesting that the D.C. Board lift the suspension of his D.C. medical license and have it reinstated. The Board reviewed his reinstatement application during the January 31, 2018 board meeting, after which it voted to invite him for an interview. He subsequently appeared before the Board at its February 28, 2018 meeting. Following the meeting, the Board voted to request a re-entry plan outlining how he intended to return to practice, including

a supervised clinical monitoring component and a fitness to practice evaluation. Respondent has complied with both requirements. Upon review of Respondent's submissions, the Board agreed to reinstate Respondent's license subject to this Consent Order.

Conclusions of Law

The Board is authorized to sanction Respondent under the HORA for his actions, which are related to the practice of medicine. The HORA provides, in pertinent part:

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 provided in subsection (c) of this section against any applicant for a license, registration, or certification, an applicant to establish or operate a school of nursing or nursing program, or a person permitted by this subchapter to practice a health occupation regulated by the board in the District who:

* * *

(3) is disciplined by a licensing or disciplinary authority or peer review body or convicted or disciplined by a court of any jurisdiction for conduct that would be grounds for disciplinary action under this section; D.C. Official Code § 3-1205.14(a) (3) and

(5) is professionally or mentally incompetent or physically incapable;
D.C. Official Code § 3-1205.14(a) (5).

The Virginia Board suspended Respondent's license due to his issues with substance abuse which impaired his ability to practice. As a result Maryland also suspended Respondent's license. Therefore Respondent has had disciplinary action taken against him by the proper licensing authority of two other states, which authorizes the Board to impose disciplinary or corrective measure on him pursuant to D.C. Official Code § 3-1205.14 (2016 Repl.).

ORDER

ACCORDINGLY, based upon the foregoing, it is by the District of Columbia Board of Medicine hereby,

ORDERED that the Respondent's license to practice medicine in the District of Columbia is reinstated and its suspension is lifted, subject to the terms herein, upon full execution of this Consent Order; and

ORDERED, that the Respondent shall be placed on **PROBATION** for a period of no less than one year, with the terms of probation as follows:

1. Respondent shall remain enrolled in the Medical Society of the District of Columbia's Physician Health Program (MSDC-PHP) for treatment in a Board-monitored Rehabilitation Agreement for the length recommended by the MSDC. For the entire duration of the treatment period, Respondent shall fully, timely, and satisfactorily cooperate and comply with all MSDC recommendations and requirements, including but not limited to, the terms and conditions of any Rehabilitation Agreement(s) and Rehabilitation Plan(s) entered into with the MSDC, self-help fellowship meetings, and in-patient substance abuse treatment if recommended by the MSDC; and
2. Respondent shall sign any written release/consent forms, and update them, as required by the Board or MSDC. Specifically, the Respondent shall sign any written release/consent form required by the Board to authorize the MSDC to make verbal and written disclosures to the Board, including disclosure of any and all MSDC records and files and confidential drug and alcohol abuse information about the Respondent. The Respondent shall also sign any written release/consent forms required by the MSDC to authorize the MSDC to exchange with (i.e., disclose to and receive from) outside entities (including all of Respondent's current therapists and treatment providers) verbal and written information about him, including confidential drug and alcohol information; and
3. Respondent shall abstain from the use of alcohol, narcotics, illegal drugs and other mood-altering substances. Respondent may take controlled substances, but only if

prescribed by a licensed health care provider for a legitimate medical purpose and only as prescribed. Prior to accepting any prescription for any medication from a licensed health care provider, Respondent shall provide the licensed health care provider with a copy of this Consent Order. Within forty-eight (48) hours of being prescribed any controlled substance, the Respondent shall notify the Board of the controlled substance prescribed, the prescriber, the medical conditions for which the controlled substance was prescribed, the pharmacy at which the prescription was or will be filled, and the amount and dosage prescribed; and

4. Respondent shall comply with the HORA (D.C. Official Code § 3-1201.01, *et seq.* (2016 Repl.)) and all laws and regulations governing the practice of medicine in the District of Columbia; and
5. Respondent shall follow his re-entry plan, attached to this Order and incorporated by reference herein; and
6. Respondent shall notify the Board immediately upon obtaining employment of the name of his employer and the name of his clinical supervisor; and
7. Respondent's clinical practice shall be monitored by his clinical supervisor with the supervisor providing a report on Respondent's performance to the Board every three (3) months for a period of one year. The report shall be mailed to Lisa Robinson, Health Licensing Specialist, D.C. Board of Medicine, 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002; and
8. If the Respondent obtains employment anywhere else, such that the Respondent holds more than one clinical position, the Respondent notify the Board immediately, and have his clinical practice monitored by a clinical supervisor with the supervisor providing a report to the Board every three months for a period of one year; and it is

ORDERED that if the Respondent violates any term or condition of this Order or is convicted of or pleads guilty or *nolo contendere* to a criminal offense other than a minor traffic violation, a notice of intent to take disciplinary action against the Respondent's license may be issued and an administrative proceeding may be convened to impose sanctions authorized under D.C. Official Code § 3-1205.14(c) (2016 Repl.), including a reprimand, suspension, probation, a revocation of Respondent's District of Columbia medical license, and a fine; and it is

ORDERED that after a minimum of one year of participation in the treatment program with MSDC with no issues reported, and the receipt of positive reports from the clinical supervisor about the Respondent's performance at the conclusion of the supervision period, the Respondent may submit a written petition to the Board requesting termination of probation. The terms of the Order will remain in effect until an order terminating it has been issued by the Board; and it is

ORDERED, that the Respondent shall maintain a course of conduct in his practice of medicine commensurate with the requirements of all laws and regulations of the District of Columbia regarding the practice of medicine. The Respondent shall comply with all laws, regulations, rules and policies of the District Columbia Board of Medicine; and it is

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

Date

5/30/18

By: Andrea Anderson, M.D., FAAFP
Chair




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.

5/16/2018
Date



Andrew W. Loftus, M.D.
License No.: MD33074

Sworn to and subscribed before me this 16 day of May, 2018.



Notary Public

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

