

**GEORGIA COMPOSITE
MEDICAL BOARD**

BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD

AUG 09 2013

STATE OF GEORGIA

DOCKET NUMBER

IN THE MATTER OF:)

CLARENCE J. WASHINGTON, III, M.D.,)

License No.24879,)

Respondent.)

DOCKET NO. 20130046

PUBLIC CONSENT ORDER

By agreement of the Georgia Composite Medical Board (the "Board") and Clarence J. Washington, III, M.D. ["Respondent"], the following disposition of this matter is entered pursuant to the provisions of O.C.G.A. § 50-13-13, as amended.

FINDINGS OF FACT

1.

Respondent currently holds a license to practice medicine in the State of Georgia and was licensed at all times relevant to the facts stated herein. Respondent, who practices in the area of obstetrics and gynecology, has held a license to practice medicine in North Carolina, license no.3229, and in Michigan, license no.024879. Respondent's Michigan license is no longer active.

2.

On or around April 6, 1983, Respondent was licensed to practice medicine in Georgia. Since that time, Respondent has had consent orders in the state of North Carolina. In or about the year 1999, Respondent was convicted of willfully failing to file an income tax return for the years of 1994 and 1995. Respondent was sentenced to twenty months imprisonment. On or about August, 1999, Respondent entered into a Consent Order in North Carolina regarding this

conviction. His license was suspended. Eventually, Respondent's North Carolina license was reinstated.

3.

On or about December 21, 2010, Respondent entered into a Consent Order with the North Carolina Medical Board, In re: Clarence Joseph Washington, M.D., that placed restrictions on Respondent's North Carolina medical license based on findings that Respondent's medical care, treatment, and record keeping involving two (2) patients in 2009 and 2005 constituted a departure from the standards of acceptable and prevailing medical practice, which is grounds for disciplinary action in North Carolina.

4.

The restrictions imposed by the North Carolina Medical Board included a suspension of Respondent's medical license which suspension was immediately stayed on specific terms and conditions. The terms and conditions included, but were not limited to: Respondent's agreeing to undertake a remediation plan if he intends to perform any second trimester D&E procedures, which plan includes a period of direct supervision; requiring Respondent to enter into a written agreement with a physician(s) delineating who will provide back-up and/or hospital coverage for Respondent's patients who may require emergency or hospital care; and required Respondent to attend a continuing medical education course on medical record keeping within six (6) months.

5.

On or about March 13, 2012, Respondent entered into another Consent Order with the North Carolina Medical Board that placed restrictions on Respondent's North Carolina medical license based on findings that Respondent's medical care, treatment, and supervision in his role of Medical Director of HRC Medical of North Carolina ("HRC") constituted a departure from

the standards of acceptable and prevailing medical practice, which is grounds for disciplinary action in North Carolina. The Board imposed terms and conditions including a suspension for twelve (12) months, but the suspension was stayed except for ninety (90) days of actual suspension between May 1, 2012 and July 30, 2012.

6.

Respondent admits the above findings of fact and waives any further findings of fact with respect to the above-styled matter.

CONCLUSIONS OF LAW

The Respondent's conduct constitutes sufficient grounds for the Board to exercise its disciplinary authority and to impose sanctions on the Respondent licensee under O.C.G.A. Ch. 34, T. 43, as amended, O.C.G.A. § 43-1-19(a), and the Rules of the Georgia Composite Medical Board. Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Board having considered the particular facts and circumstances of this case, it is hereby ordered, and the Respondent hereby agrees, to the following terms:

1.

The Respondent agrees that he shall not practice medicine in the State of Georgia without the express, written permission of the Board. If the Respondent practices medicine in Georgia, his license shall be subject to further disciplinary action, including revocation, after notice and hearing. Prior to practicing medicine in Georgia, Respondent shall demonstrate to the Board that his North Carolina medical license is unrestricted.

2.

Prior to practicing medicine in this state, Respondent shall petition the Board in writing for permission to practice medicine in the State of Georgia. Respondent shall attach to any petition to practice in this state evidence relating to the status of his medical license in North Carolina. The Board shall not consider any petition to permit Respondent to practice medicine in Georgia unless said evidence is provided. The Board may also consider having Respondent appear before the Board or one of its committees. Upon receipt of the petition and information, the Board shall have the discretion, following the meeting if one is requested by the Board, to permit Respondent to resume the practice of medicine in Georgia and place upon Respondent's license any conditions that the Board may deem appropriate, or to deny the petition without a hearing; provided, however, that Respondent will be entitled to an appearance before the Board as in a non-contested case. The Board reserves the right to place any terms and conditions on the Respondent's license to practice medicine in the State of Georgia that the Board deems necessary to protect the public safety or to require Respondent to undergo a competency evaluation in connection with his petition. Should the board deny Respondent's petition, Respondent may petition to have said suspension lifted every six (6) months thereafter from the time Respondent receives a written notice from the Board that his petition has been denied.

3.

Respondent shall submit a fine in the amount of one thousand dollars (\$1,000.00) to be paid in full by cashier's check or money order payable to the Georgia Composite Medical Board within thirty (30) days of the effective date of this Consent Order. Failure to pay the entire amount of the fine by the 30th day shall be considered a violation of this Order and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation thereof.

4.

This Consent Order and dissemination thereof shall be considered a public reprimand of Respondent by the Board.

5.

Approval of this Consent Order by the Composite State Board of Medical Examiners shall not be construed as a waiver of any of the lawful rights possessed by the Board. This Consent Order shall not become effective until approved and docketed by the Board.

6.

Respondent understands that pursuant to O.C.G.A. Title 43, Chapter 34A, the contents of this Order, and the North Carolina Consent Order, shall be placed on Respondent's Physician Profile. Furthermore, by executing this Consent Order, Respondent hereby agrees to permit the Board to update his Physician's Profile reflecting this Consent Order.

7.

Respondent shall abide by all State and Federal laws regulating his practice as a physician or relating to drugs, the Rules and Regulations of the Georgia Composite Medical Board and the terms of the Consent Order. If Respondent shall fail to abide by such laws, rules or terms, or should Respondent violate the criminal laws of the state, Respondent's license shall be subject to further discipline, including revocation, upon substantiation thereof after notice and hearing, and if revoked the Board in its discretion may determine that the license should be permanently revoked and not subject to reinstatement. Respondent further agrees that any violation of the Consent Order shall be deemed to be sufficient to authorize the Board to order summary suspension of Respondent's license, pending further proceedings, pursuant to the provisions of the Georgia Administrative Procedures Act, O.C.G.A. §50-13-18(c)(1), or any

other statute authorizing emergency action, but Respondent understands that Respondent shall be entitled to an expedited hearing to substantiate such violation(s), if the Board exercises such right.

8.

Respondent acknowledges that he has read this Consent Order and understands its contents. Respondent understands that he has the right to a hearing in this matter and freely, knowingly and voluntarily waives that right by entering into this Consent Order. Respondent understands and agrees that a representative of the Department of Law may be present during the Board's consideration of this Consent Order and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent further understands that this Consent Order will not become effective until approved and docketed by the Georgia Composite Medical Board. Respondent understands that this Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Board. However, if this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Respondent hereby consents to the terms and sanctions contained herein.

Approved, this 9th day of August, 2012.

GEORGIA COMPOSITE MEDICAL BOARD

(BOARD SEAL)

BY:

Richard Weil, MD
RICHARD WEIL, M.D.
Chairperson

(signatures continue on following page)

ATTEST: *Lasharn Hughes*
LASHARN HUGHES
Executive Director

CONSENTED TO: *Clarence J. Washington, III*
CLARENCE J. WASHINGTON, III, M.D.
Respondent

CONSENTED TO: *Melvin Goldstein*
MELVIN GOLDSTEIN
Attorney for Respondent

AS TO RESPONDENT
Sworn to and subscribed
before me this 15 day
of July, 2013.

Carol S. Goldstein
NOTARY PUBLIC
My commission expires:

