

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

**IN RE: STANLEY ELMER HEATWOLE, M.D.
License No.: 0101-018611**

CONSENT ORDER

By Order entered October 3, 2014, the Virginia Board of Medicine ("Board") summarily suspended the license of Stanley Elmer Heatwole, M.D., to practice medicine and surgery in the Commonwealth of Virginia. Simultaneously, by letter dated October 3, 2014, the Board noticed Dr. Heatwole for a formal administrative hearing to inquire into allegations that he may have violated certain laws governing the practice of medicine and surgery in the Commonwealth of Virginia. By letter dated October 8, 2014, the Board granted Dr. Heatwole a continuance of this matter to a later date.

In lieu of proceeding to this formal administrative hearing, the Board and Dr. Heatwole, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Heatwole to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings of fact and conclusions of law in this matter:

1. Dr. Heatwole was issued license number 0101-018611 by the Board to practice medicine in the Commonwealth of Virginia on June 23, 1967. Said license was summarily suspended by the Board on October 3, 2014.
2. Dr. Heatwole violated 54.1-2915.A(3), (12), (13), (18), and (19) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 85-20-100 of the Board of Medicine General Regulations, in that, by his own admission, while serving as a staff physician in the emergency department of a Virginia hospital, he engaged in a personal and sexual relationship with Patient A, from June 2008

until 2013 concurrent with and by virtue of the practitioner-patient relationship, and with Patient B, from August 2013 until 2014 concurrent with and by virtue of the practitioner-patient relationship.

3. Dr. Heatwole violated Sections 54.1-2915.A(3), (13), (17); 54.1-3303; and 54.1-3408 of the Code in his care and treatment of Patient A on multiple occasions from June 2008 until June 2014, while he practiced as an emergency department physician. Specifically, Patient A's emergency department record notes she was seen at least 30 occasions by various physicians between January 2008 - June 2014, information Dr. Heatwole should have known. Despite signs of drug seeking behavior and positive urine drug screens for cocaine, opiates, barbiturates, benzodiazepines, and amphetamines (in varying combinations) on August 5, 2009, November 11, 2009 (when Dr. Heatwole was the treating physician), and June 3, 2014 (when Dr. Heatwole was the treating physician), he continued to dispense/prescribe narcotics to her.

4. Dr. Heatwole violated Sections 54.1-2915.A(3), (13), (17); 54.1-3303; and 54.1-3408 of the Code in that, from June 1, 2009 through February 10, 2012, prescription records show that Dr. Heatwole prescribed narcotic controlled substances, specifically oxycodone/APAP or hydrocodone/APAP, on nine occasions when there is no record of Patient A being treated in the Emergency Department, which was Dr. Heatwole's sole private practice location.

5. Dr. Heatwole violated Sections 54.1-2915.A(3), (13), (17); 54.1-3303.A.; and 54.1-3408 of the Code in his treatment of Patient B on numerous occasions from June 2008 until November 2013, while he practiced as an emergency department physician. Specifically:

a. Patient B's emergency department record noted she was seen on at least 74 occasions by various physicians between January 2008 - November 2013, information Dr. Heatwole should have known. Despite notations in her treatment records that Patient B left the hospital angrily/abruptly on May 9, 2010 when she did not receive the IV Dilaudid that she requested to treat her pain, that she was informed by another ED physician on July 27, 2012, that she would no longer receive narcotics from the ED, and that, on August 18, 2012, she sought medication for tooth pain when her prescription records showed she had been dispensed Percocet #40 within 3 days prior to that ED visit, Dr. Heatwole dispensed/prescribed narcotics for Patient B at 17 consecutive ED visits between March 3, 2013 and November 28, 2013.

b. Hospital records show that Dr. Heatwole treated Patient B on 35 occasions in the ED for complaints of flank/abdominal pain and tooth pain, and despite the fact that her pain did not resolve, Dr. Heatwole ordered minimal diagnostic testing and generally failed to refer the patient to other practitioners for treatment, but rather continued to regularly prescribe her narcotics, to include Dilaudid, Percocet, Vicodin, and morphine.

6. Dr. Heatwole violated Sections 54.1-2915.A (3), (13), (17); 54.1-3303; and 54.1-3408 of the Code in that on August 25, and 29, 2013, prescription records show that, on two occasions, he prescribed clonazepam outside the scope of his professional practice, when there is no record of

Patient B being treated in the emergency department, his sole private practice location.

7. Dr. Heatwole violated Sections 54.1-2915.A (3) and (13) of the Code in that he failed to address illegal and/or drug seeking behavior exhibited by Patient B. Specifically, on or about February 10, 2014, while attending a medical conference accompanied by Patient B, he learned from law enforcement that Patient B attempted to utter two forged prescriptions at two different pharmacies in Covington, Virginia. Although Patient B admitted to Dr. Heatwole that she stole the prescription pad from his car and forged the prescriptions and Dr. Heatwole identified the photo of Patient B for the investigating officer, Dr. Heatwole told the investigating officer that Patient B was a "personal friend" and that he would "take care of it himself."

Despite knowing that Patient B had forged prescriptions in February 2014 using his prescription pad, Dr. Heatwole did not take sufficient action to ensure that the pad was otherwise secure. On or about March 7, 2014, Patient B again forged two prescriptions, which she attempted to fill at a pharmacy in Salem, Virginia. When she was arrested, law enforcement found another forged prescription from Dr. Heatwole's prescription pad in her purse and also learned that a forged prescription had been filled by Patient B on or about February 6, 2014.

Although from September 10, 2011 to November 28, 2013, Patient B's emergency department record noted, on 29 occasions when Dr. Heatwole was the treating physician, that Patient B had a "hx of narcotic abuse," Dr. Heatwole stated to a Department of Health Professions' investigator on July 7, 2014 that after Patient B's arrest he was shocked to learn that she had a current substance abuse problem.

8. Dr. Heatwole provided the Board with evidence that he attended and completed a three day, in-person, continuing medical education course, "PBI Professional Boundaries Course" offered by the University of California, Irvine School of Medicine, from November 14-16, 2014, for a total of 24 AMA PRA category 1 credits.

9. Dr. Heatwole provided the Board with evidence that he attended and completed a three day, in person, continuing medical education course, "Prescribing Controlled Drugs," at Vanderbilt University from December 3-5, 2014, for a total of 22.75 AMA PRA category 1 credits.

CONSENT

I, Stanley Elmer Heatwole, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document and am represented by Michael Goodman, Esquire, and Eileen M. Talamante, Esquire;

2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;

3. I have the following rights, among others:

a. the right to an informal conference before the Board;

b. the right to appear in person or by counsel, or other qualified representative before the Board; and

c. I waive all rights to an informal conference;

4. I neither admit nor deny the truth of the above Findings of Fact contained herein and

agree not to contest the Findings of Fact, Conclusions of Law or any sanction in any future judicial or administrative proceedings where the Board is a party; and

5. I consent to the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, in lieu of further administrative proceedings in this matter and with the consent of the licensee, it is hereby ORDERED that the license of Stanley Elmer Heatwole, M.D., to practice medicine and surgery in the Commonwealth of Virginia be, and hereby is, INDEFINITELY SUSPENDED for not less than two (2) years from October 3, 2014, the date of entry of the Board's Order of Summary Suspension in this matter.

Upon entry of this Order the license of Stanley Elmer Heatwole, M.D., will be recorded as SUSPENDED and no longer current.

Further, within five (5) days of entry of this Consent Order, Dr. Heatwole shall return his current license to the Board Office.

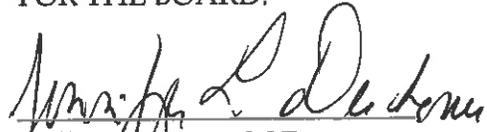
Should Dr. Heatwole seek reinstatement of his license, he shall be noticed to appear before the Board, in accordance with the Administrative Process Act. As petitioner, Dr. Heatwole shall have the burden of proving his fitness to practice medicine and surgery in the Commonwealth of Virginia in a safe and competent manner.

Violation of this Consent Order shall constitute grounds for the revocation of Dr. Heatwole's

license. In the event Dr. Heatwole violates this Consent Order, an administrative hearing may be convened to determine whether such action is warranted.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

For


William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

1/23/2015
ENTERED

SEEN AND AGREED TO:

Stanley Elmer Heatwole M.D.
Stanley Elmer Heatwole, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Richmond, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 22nd day of January, ~~2014~~²⁰¹⁵, by Stanley Elmer Heatwole, M.D.

Ann C. McSweeney
Notary Public

Registration Number: 7585864

My commission expires: 12/31/2018

