

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

**IN RE: DUC MINH NGO, M.D.
License No.: 0101-051129**

CONSENT ORDER

The Virginia Board of Medicine ("Board") and Duc Minh Ngo, M.D., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Ngo to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

1. Duc Minh Ngo, M.D., was issued license number 0101-051129 by the Board to practice medicine and surgery in the Commonwealth of Virginia on July 1, 1994. Said license is currently active and will expire on April 30, 2014, unless renewed or otherwise restricted.
2. Dr. Ngo violated Sections 54.1-2915.A(3), (13), and (16) and Sections 54.1-3303 and 54.1-3408 of the Code of Virginia (1950), as amended ("Code"), in his treatment of Patients A, B, C, and D, as follows:
 - a. On January 10, 2013, Patient A, a 19 year-old male, presented at an initial visit complaining of anxiety and inability to concentrate. Dr. Ngo stated that Patient A brought with him prescription bottles for Adderall (C-II) and Xanax (C-IV), for which the patient requested renewals from Dr. Ngo. Absent confirmation of the patient's information and absent an adequate evaluation, Dr. Ngo prescribed 90 dosage units of Xanax 1 mg, with follow up in one month. At the patient's second visit on February 4, 2013, without conducting diagnostic testing or obtaining prior medical records, Dr. Ngo

prescribed Adderall (C-II) for the patient. At the patient's third visit on February 28, 2013, despite recording that the patient was "asymptomatic" Dr. Ngo renewed the prescriptions for Xanax and Adderall, and recommended that the patient seek treatment and further medication management from a psychiatrist. At the patient's final visit on June 6, 2013, although the patient had failed to seek the recommended psychiatric treatment, Dr. Ngo renewed the patient's prescriptions for Xanax and Adderall, and notified the patient that he was no longer treating anxiety and ADD.

b. Dr. Ngo prescribed clonazepam (C-IV) for Patient B, a 33-year old male, at the patient's first visit on January 15, 2013, based solely upon the patient's request and the patient's self-report that his previous physician had been prescribing clonazepam 1 mg. twice per day. Dr. Ngo noted that the patient was "currently, asymptomatic" but nevertheless prescribed 120 dosage units of clonazepam without performing a physical examination, taking a complete patient history, requesting records from previous providers, or verifying the patient's prescription history. At the patient's second visit on January 31, 2013, Dr. Ngo responded to the patient's complaint of gum pain by diagnosing gingivitis and "TMJ syndrome," and by prescribing 40 dosage units of Vicodin 5/500 (hydrocodone/acetaminophen, C-III), in addition to 60 dosage units of Voltaren (C-VI). Dr. Ngo also renewed the patient's prescription for 60 dosage units of clonazepam. Dr. Ngo recorded his recommendation that the patient seek treatment and further medication management from a psychiatrist. At the patient's third visit on February 28, 2013, the patient self-reported a history of ADD (not noted at previous encounters), and requested a prescription for Adderall. Dr. Ngo, without requesting

records from previous providers, verifying the patient's prescription history, or conducting an appropriate evaluation, prescribed 90 dosage units of Adderall 30 mg, to be taken three times per day. Although informed by the patient that he could not afford to see a psychiatrist, Dr. Ngo continued to renew the patient's prescriptions for clonazepam and Adderall, and, absent clinical justification, added a prescription for 60 dosage units of Xanax 2 mg (C-IV), to be taken twice daily. Subsequently, prescriptions for clonazepam, Adderall, and Xanax were renewed by Dr. Ngo in conjunction with an office visit on March 26, 2013 as well as at the patient's final office visit on June 4, 2013, at which time Dr. Ngo informed the patient that he was no longer treating anxiety and ADD.

c. Dr. Ngo saw Patient C, a 29-year old male, only once, on March 8, 2013, when the patient presented complaining of a cough, nasal congestion, and muscle pain, for which Dr. Ngo prescribed azithromycin (C-VI) and Bromfed DM (C-VI). In addition, however, the patient requested prescriptions for Xanax and Adderall, both of which the patient claimed had been prescribed in the past by another physician. Based solely upon the patient's self-report, and without performing a physical examination, taking a complete patient history, requesting records from previous providers, or verifying the patient's prescription history, Dr. Ngo prescribed 60 dosage units of Xanax 2mg, and 60 dosage units of Adderall 30 mg, each to be taken twice daily.

d. Dr. Ngo saw Patient D, a 30-year old male, on two occasions. At the first office visit on February 6, 2013, the patient presented with a cough and nasal congestion, for which Dr. Ngo prescribed azithromycin (C-VI) and Cheratussin AC (C-V). In addition,

however, the patient requested Xanax and Adderall, both of which the patient claimed had been prescribed in the past by another physician. Based solely upon the patient's self-report, and without performing a physical examination, taking a complete patient history, requesting records from previous providers, or verifying the patient's prescription history, Dr. Ngo prescribed 60 dosage units of Xanax 2mg, and 60 dosage units of Adderall 30 mg, each to be taken twice daily, and renewed both prescriptions at the patient's second and final visit on March 1, 2013, despite noting that the patient was "asymptomatic."

e. Dr. Ngo stated that he was unaware of the existence of the Virginia Prescription Monitoring Program or how to utilize it.

f. Dr. Ngo confirmed that he stopped treating ADD patients effective June, 2013.

CONSENT

I, Duc Minh Ngo, 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;

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; and

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

4. I waive all rights to an informal conference;

5. I admit 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

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

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the license is subject to the following TERMS and CONDITIONS:

1. Within six (6) months from entry of this Order, Dr. Ngo shall submit evidence satisfactory to the Board verifying that he has completed twenty (20) hours of Board-approved continuing medical education ("CME") in the subject of proper prescribing of controlled substances. Such CME, shall be approved in advance of registration by the Executive Director of the Board, and shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses). Any CME hours obtained in compliance with this term shall not be used toward compliance with the Board's continuing education requirements for license renewal.

2. Upon receipt of evidence that Dr. Ngo has complied with the requirements of this Order, the Committee authorizes the Executive Director to close this matter, or refer it to a special conference committee for review.

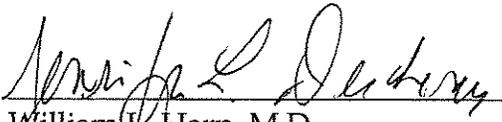
Dr. Ngo shall maintain a course of conduct in his practice of medicine commensurate

with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Violation of this Order may constitute grounds for suspension or revocation of Dr. Ngo's license. In the event that Dr. Ngo violates this Order, an administrative proceeding may be convened to determine whether such action is warranted.

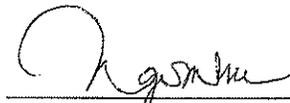
Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

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

ENTERED: 3/17/2014

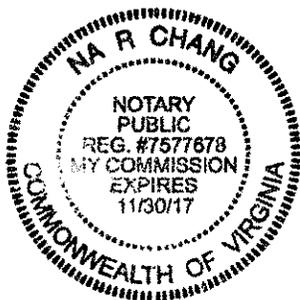
SEEN AND AGREED TO:

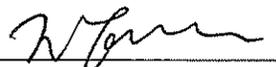


Duc Minh Ngo, M.D.

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

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 12 day of March, 2014, by Duc Minh Ngo, M.D.





Notary Public

Registration Number: 7577678

My commission expires: 11/30/17