

# Expert Review

9/6/16

Dr. Hawk is a physician who has carried a diagnosis of Bipolar I disorder for (at minimum) twenty years. He was most recently admitted to the UAMS inpatient psychiatric facility for a severe manic episode in the context of poor medication adherence (His VPA level was noted to be only 17) and in the absence of any outpatient psychiatric care for approximately 18 months.

Prior to his admission, his clinic nurse drafted a testimonial indicating that Dr. Hawk had been exhibiting erratic behavior of late, including but not limited to:

- Penning illegible prescriptions.
- Writing the wrong patient's name on prescriptions.
- Closing clinic early.
- Attempting to ride a bicycle 30 plus miles (in July heat) to the point of exhaustion, and likely delirium given that it was noted he was unable to recognize his nurse or clinic staff.
- Inappropriate dress (worth noting only as this is a common feature of mania).

Dr. Hawk was brought to the ED at Mercy Hospital in Rogers where he was felt to be a danger to self and/or others and he was subsequently and appropriately transferred to Little Rock for (voluntary) acute inpatient psychiatric care. UAMS staff gathered collateral information from Dr. Hawk's wife and she reported similarly troubling behavior including:

- "Abusing" the family pets.
- She related "One night he woke up and placed his hand over (her) nose and mouth and began suffocating her."
- She corroborated that his nurse has been "fixing" his prescriptions and that "he is writing medication in error, wrong dose wrong medications" (sic).
- Threatening to kill their son's dog and stating that he wanted to "look in its eyes as it dies."
- Dr. Hawk's wife also notes that he was "allowing patients that had been fired from his treatment for failing drug screens to come back and was writing prescriptions for whatever they wanted."
- Paying patient's bills.
- She noted that he had become hyper-religious over the last month.
- Mrs. Hawk reported that he "had a marriage fail in California as a result of a bipolar episode" and she added "I knew nothing of this before now. His children tell me they have lived with this behavior all their life."

A review of Dr. Hawk's personal medical record – limited to his six day inpatient stay at UAMS seems to confirm a diagnosis of Bipolar I disorder (Though, oddly, they did not obtain a UDS although they did collect a urine sample.) Some clear indications of mania and concomitant psychosis include:

- Grandiose and paranoid delusions including
  - Claiming that he is a "genius in spatial design"
  - Religious preoccupation and a belief that he is "in the center of God's will."
  - Reporting that "God told him his wife was unclean and he should not engage in intercourse with her."

- "Wishing the rapture would occur."
  - Stating "Jesus Christ sent me here to save these people."
- "Almost obsessively" giving patients money
  - Two - or possibly more given that it appears he has not been very candid regarding his psychiatric history – previous inpatient hospitalizations for mania.
  - Rapid speech and "Significant psychomotor agitation."
  - A disrupted thought process including tangentiality and a notation that his "thoughts rapidly become loose and disorganized"

Of particular concern, it is noted in the chart that Dr. Hawk intimated to his wife that he felt he had the "psychiatrist fooled," reportedly stating "I'm a physician. I know what they are looking for." At this same visitation he allegedly indicated to his wife that he didn't plan on continuing his prescribed Lithium. This would seem to be in line with documentation elsewhere indicating a pattern of poor medication adherence including reducing his intended Depakote dosage by two thirds and previously discontinuing Lithium as it made him feel "sluggish" and "groggy."

I have been asked to give an opinion as to whether Dr. Hawk's recent actions constitute a violation of the Arkansas Medical Practices Act. I note that Dr. Hawk's Emergency Order Of Suspension And Notice Of Hearing alleges that he has specifically violated ACA§ 17-95-409(a)(s)(j) and that he may have become physically or mentally incompetent to practice medicine to such an extent as to endanger the public.

One could also make a case that he has also violated ACA§ 17-95-409(a)(s)(g) "Grossly negligent or ignorant malpractice" as well as ACA§ 17-95-409(a)(s)(k) "Insanity or mental disease if evidenced by an adjudication or by voluntary commitment to an institution for treatment of a mental disease or as determined by an examination conducted by three (3) impartial psychiatrists retained by the board."

If, as alleged, Dr. Hawk has been making potentially serious prescriptive errors while providing medications of abuse to patients that had previously been terminated secondary to positive drug screens, it would seem - especially in light of historical concerns regarding his prescriptive practices - that his actions would best be classified as careless, reckless, and representative of a failure to maintain the standard of care. These infractions, in my opinion, certainly rise to the level of violating the Arkansas Medical Practices Act.

Moreover, though his longstanding mental illness has clearly caused him significant harm in the past, it is worrisome that he failed to realize the seriousness of the situation by indicating to his wife that he had "fooled" his psychiatrist and that he did not plan to take his mood-stabilizer going forward. This is suggestive of an utter indifference to the potential consequences his untreated mental illness could cause his patients and therefore represents gross negligence.

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