

DEC 28 2004

THE SOUTH DAKOTA BOARD OF MEDICAL AND
OSTEOPATHIC EXAMINERS

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IN THE MATTER OF THE	*	FINDINGS OF FACT
MEDICAL LICENSE OF	*	AND
JACK I. DODGE, M.D.	*	CONCLUSIONS OF LAW
	*	

* * * * *

The above-entitled matter having been brought on for hearing before the South Dakota Board of Medical and Osteopathic Examiners, pursuant to Notice of Contested Case, on the 2nd day of December, 2004 at the Cataract Room of the Sheraton Hotel, 1211 North West Avenue, Sioux Falls, South Dakota.

The South Dakota Board of Medical and Osteopathic Examiners being represented by counsel Brent Wilbur and special counsel for the Board, Dennis Duncan, and Dr. Jack I. Dodge, M.D. not being personally present and having made no formal appearance either in person or by legal counsel. The Hearing was presided over by Hearing Examiner Thomas Welk.

The Hearing Examiner having convened and presided at the hearing and the Board of Examiners having heard and considered the evidence submitted and the arguments of counsel, makes the following:

FINDINGS OF FACT

1.

The South Dakota Board of Medical and Osteopathic Examiners is the duly constituted authority for licensing and regulating the practice of medicine in the State of South Dakota.

2.

Jack I. Dodge, M.D. is a physician licensed by the South Dakota Board of Medical and Osteopathic Examiners and the holder of License No. 1653.

3.

Jack I. Dodge, M.D. has advised staff of the South Dakota Board of Medical and Osteopathic Examiners he is currently in a substance abuse treatment program at the Hazelden Treatment Center in Minnesota.

4.

During the period of September 3, 2002 to October 30, 2004, Jack I. Dodge, M.D. engaged in a pattern of conduct in which he improperly and excessively issued prescriptions of Hydrocodone/APAP, Ultracet, Oxycontin, Skelaxin, Methadone and Alprazolam and prescriptions of Hydrocodone/APAP and Oxycontin to John Morgan.

5.

The South Dakota Department of Health suspended the registration of Jack I. Dodge to issue prescription drugs on

September 8, 2004 on the basis that Jack I. Dodge was not practicing medicine at the listed address on his license.

6.

Despite the suspension of his registration, Jack I. Dodge, M.D. continued to issue prescriptions.

7.

On June 1, 2004, Jack I. Dodge's license to practice medicine in the State of Arizona was suspended on the grounds of unprofessional conduct due to the fact he relapsed in his alcohol addiction and was not participating in an effective rehabilitation program.

8.

In May of 2002, Jack I. Dodge entered into a voluntary agreement with the South Dakota Health Professionals Assistance program following the completion of a program for chemical dependency treatment at the Hazelden Treatment Center in Minnesota.

9.

In October 2004, the South Dakota Health Professionals Assistance Program suspended Jack I. Dodge's participation in the Health Professionals Assistance Program for violation of Jack I. Dodge's Monitoring Contract.

10.

The South Dakota Health Professionals Assistance Program notified the South Dakota Board of Medical and Osteopathic Examiners of Dr. Dodge's suspension from the South Dakota Health Professionals Assistance Program for gross non-compliance with the Program Monitoring Contract.

11.

In October 2004, Jack I. Dodge, M.D. was found by officers of the Mitchell, South Dakota Police Department in the possession of the controlled substance Oxycontin and on more than one (1) occasion was in the opinion of the police officers determined to have been under the influence of intoxicants and/or drugs.

12.

That in October of 2004, Patricia Dodge, the wife of Jack I. Dodge, M.D. advised officers of the Mitchell, South Dakota Police Department she was addicted to Oxycontin after receiving the drugs from Jack I. Dodge.

13.

Jack I. Dodge, M.D. failed to maintain appropriate medical records consistent with state and federal law with respect to the dispensing of narcotics and controlled substances.

14.

Jack I. Dodge, M.D.'s practices with respect to writing prescriptions for controlled substances and his personal use of

drugs and intoxicants or providing controlled substances to individuals endangers the health and welfare of the persons for whom he wrote the prescriptions to-wit: John Morgan, Randy Zimmerman and Patricia Dodge.

CONCLUSIONS OF LAW

1.

The South Dakota Board of Medical and Osteopathic Examiners has jurisdiction over the subject matter of the license to practice medicine of Dr. Jack I. Dodge.

2.

The South Dakota Board of Medical and Osteopathic Examiners has offered proof by a preponderance of the evidence of the allegations pending against Jack I. Dodge, M.D.

3.

Jack I. Dodge, M.D. is dependent on drugs and to the extent that such dependence affects his license to practice medicine in violation of SDCL 36-4-30(7).

4.

Jack I. Dodge, M.D. has prescribed narcotics and other habit forming drugs, i.e. controlled substances, to individuals in quantities and under circumstances that the prescription was not for a legitimate medical purpose or in amounts calculated to endanger the wellbeing of the patient in violation of SDCL 36-4-20(9).

5.

Jack I. Dodge's personal use of intoxicants and controlled substances caused Jack Dodge to suffer from a disability which renders his practice of medicine a danger to the public in violation of SDCL 36-4-30(12).

6.

Jack I. Dodge failed to comply with state laws in regard to dispensing of narcotics and habit forming drugs in violation of SDCL 36-4-20(13).

7.

Jack I. Dodge's personal use of drugs and intoxicants and his prescribing of narcotics and habit forming drugs in quantities calculated to endanger his patients and the public at large constitute a danger to the health, welfare and safety of the public and his patients in violation of SDCL 36-4-20(22).

Dated this 21 day of December, 2004.

SOUTH DAKOTA BOARD OF
MEDICAL AND OSTEOPATHIC EXAMINERS

By 
Robert L. Ferrell, M.D.
Its President

THE SOUTH DAKOTA BOARD OF MEDICAL AND
OSTEOPATHIC EXAMINERS

* * * * *

IN THE MATTER OF THE
MEDICAL LICENSE OF
JACK I. DODGE, M.D.

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ORDER

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The above-entitled matter having been brought on for hearing before the South Dakota Board of Medical and Osteopathic Examiners, pursuant to Notice of Contested Case, on the 2nd day of December, 2004 at the Cataract Room of the Sheraton Hotel, 1211 North West Avenue, Sioux Falls, South Dakota.

The South Dakota Board of Medical and Osteopathic Examiners being represented by counsel Brent Wilbur and special counsel for the Board, Dennis Duncan, and Dr. Jack I. Dodge, M.D. not being personally present and having made no formal appearance either in person or by legal counsel. The Hearing was presided over by Hearing Examiner Thomas Welk.

The Hearing Examiner having convened and presided at the hearing and the Board of Examiners having heard and considered the evidence submitted and the arguments of counsel, makes the following:

Based upon the Findings of Fact and Conclusions of Law adopted by the South Dakota Board of Medical and Osteopathic Examiners, it is ORDERED:

1.

License No. 1653 issued to Jack I. Dodge is revoked and cancelled.

2.

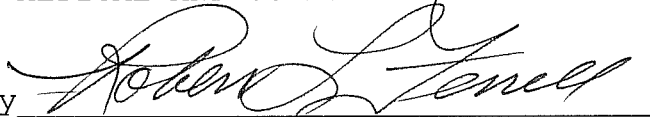
Each party shall be responsible to pay its own costs and expenses in this matter.

3.

The decision of the South Dakota Board of Medical and Osteopathic Examiners shall be effective ten (10) days after the date of delivery of this Order or upon the failure of Jack I. Dodge to accept delivery of this Order.

SOUTH DAKOTA BOARD OF
MEDICAL AND OSTEOPATHIC EXAMINERS

By



Robert L. Ferrell, M.D.
Its President