

BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF)
JEFFREY D. MOREHOUSE, M.D.,)
License No. 93-340)
)
Respondent.)
_____)

Case No. 2019-078
(Inv. No. 2018-D-213)

AGREED ORDER FOR REPRIMAND, FINE AND STIPULATION ON LICENSE

The New Mexico Medical Board (“Board”) and Jeffrey D. Morehouse, M.D. (Respondent) (together, the “Parties”) have agreed to resolve this matter under the terms of this Agreed Order for Reprimand, Fine and Stipulation on License (“Agreed Order”).

Stipulations by the Parties

1. The Parties stipulate Respondent, as holder of a license to practice in New Mexico, is subject to the jurisdiction of the Board pursuant to the Medical Practice Act (MPA), NMSA 1978, Sections 61-6-1 through -35, the Uniform Licensing Act (ULA), NMSA 1978, Sections 61-1-1 through -34, and rules and regulations of the Board relating to the practice of medicine (“Rules”), Title 16, Chapter 10, NMAC.

2. The Parties stipulate Respondent came under investigation by the Board on or about September 6, 2018, when the Board received a complaint from a patient stating that during a surgical procedure Respondent had provided detailed descriptions of the nature and location of his tattoos and body piercings and then revealed his torso in order to show a nurse a tattoo that covered his back.

3. The Parties stipulate the Board’s investigation produced evidence supporting the following factual findings –

a. On or about September 6, 2017, Respondent, during the course of a surgical

procedure he performed at the medical facility where he worked, provided a detailed description of his tattoos and body piercings to a nurse and then lifted the top of his scrubs, revealing his torso to the patient, in order to show the nurse the tattoo on his back.

b. Respondent responded directly to patient after Respondent learned patient had posted information about the incident on Facebook.

c. Respondent was terminated for cause from the medical group where he worked as a result of his interactions with the patient.

d. Respondent did not report to the Board his termination from the medical group as required, and when questioned about the termination was not forthcoming regarding the reasons for his termination when he stated he left his position because the medical group had closed its plastic surgery department.

4. The Parties stipulate the findings set forth above, if established by a preponderance of the evidence during a hearing held pursuant to the MPA, ULA and the Board's Rules, would subject Respondent to discipline by the Board under the MPA and the Board's Rules. *See, e.g.*, NMSA 1978, § 61-6-15(D), (21), (29), (36) ("failure to report to the [B]oard any adverse action taken against the licensee by . . . a health care entity . . . for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section[,]" "conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public[,]" "interaction with . . . patient[] . . . that interferes with patient care); 16.10.8 NMAC (establishing ethical standards for the practice of medicine and adopting the American Medical Association (AMA) code of ethics which require adherence to principles of professionalism, honesty and respect for the law at all times).

5. The Parties stipulate this Agreed Order was mutually negotiated and determined, contains no unconscionable provisions, and will otherwise remain in full force and effect if any

portion of it is invalidated by judgment or court order.

6. The Parties stipulate this Agreed Order is a public document and its entry will be reported to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB) and the AMA.

7. The Parties stipulate the Board has authority to enter into this Agreed Order.

8. The Parties stipulate Respondent admits no wrongdoing by entering into this Agreed Order.

9. The Parties stipulate this Agreed Order is in the best interests of Respondent, the Board and the public.

Terms

10. Respondent agrees –

a. to accept a reprimand,

b. to pay a fine of \$1,500.00 within ninety days following entry of this Agreed Order,¹

c. to engage in professionalism coaching with a Board-approved provider within thirty days following entry of this Agreed Order for a term to be determined by the provider, and to sign all necessary releases allowing the provider to share with the Board information pertinent to this matter, and

d. to waive the right to a public evidentiary hearing on the factual findings set forth in this Agreed Order, the right to any appeal of this Agreed Order, and the right to challenge the factual findings set out in this Agreed Order in any future proceeding before the Board.

11. In exchange for Respondent's agreements and contingent upon Respondent's full compliance with the terms of this Agreed Order, the Board agrees to close its investigation, to

¹ The Board received Respondent's payment on December 13, 2019.

limit the action it will take against Respondent based on the investigative findings outlined in this Agreed Order to the discipline contained in this Agreed Order, and to waive the requirement for Respondent to reimburse the Board its costs of investigating this case.

12. The Parties agree this Agreed Order contains the entire agreement between the Parties with respect to its subject matter, and will not be enlarged, modified, or altered except by written order of the Board after Respondent has been given all due process required by law.

13. The Parties agree this Agreed Order will have full force and effect if executed in counterparts and/or via facsimile or electronic means.

14. The Parties agree this Agreed Order will be effective upon entry by the Board.

15. Respondent agrees to report entry of this Agreed Order to any jurisdiction where he may be licensed or apply for licensure.

STATEMENT AND AFFIRMATIONS BY RESPONDENT

16. By signing below, I state and affirm—

a. I knowingly, voluntarily and intelligently accept and understand the terms of this Agreed Order and recognize any violation of this Agreed Order may result in disciplinary action by the Board up to and including summary suspension and revocation of my license.

b. I knowingly, voluntarily and intelligently waive my rights under the MPA and the ULA, including my right to a hearing and my right to appeal.

c. I understand I cannot challenge the factual allegations contained in this Agreed Order in any future proceeding before the Board.

d. I understand the stipulation on my license requiring me to undergo professionalism coaching will remain on my license until removed by the Board.

e. I know and understand I have the right to consult with an attorney of my choice regarding my rights and the effects of this Agreed Order, and I have either consulted an attorney

or am waiving my right to counsel.


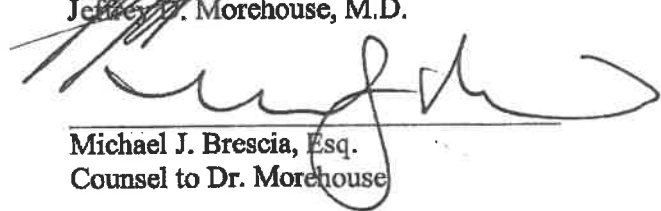
f. I am aware this Agreed Order is a public document, reportable to the NPDB, the FSMB and the AMA.

g. I am of sound mind and not impaired by any medication or drug.

h. I will report this Agreed Order to any jurisdiction where I may be licensed or apply for licensure.

12/12/19
Date

12/06/19
Date


Jeffrey D. Morehouse, M.D.

Michael J. Brescia, Esq.
Counsel to Dr. Morehouse

AGREED ORDER FOR REPRIMAND, FINE AND STIPULATION ON LICENSE

THE BOARD, HAVING FOUND resolving this matter under the terms of this Agreed Order is in the best interests of Respondent, the Board and the public, and

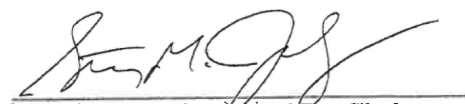
HAVING FURTHER FOUND Respondent understands the terms of this Agreed Order, including his waiver of rights,

ORDERS Respondent reprimanded, to pay a fine of \$1,500.00, and to undergo professionalism coaching with a Board-approved provider, and

FURTHER ORDERS, contingent upon Respondent's full compliance with the terms of this Agreed Order, closure of its investigation and waiver of the requirement for Respondent to reimburse the Board its costs of investigating this case.

NEW MEXICO MEDICAL BOARD


12/17/19
Date


Steven M. Jenkusky, M.D., Chairman

Certificate of Service

I certify I transmitted a copy of this Agreed Order, as entered, to Michael J. Brescia, Esq., at mbrescia@rodey.com, and to the Board's Prosecutor, Yvonne Chicoine, at yvonnem.chicoine@state.nm.us.

12/17/19
Date



Samantha Luckie-Breen
Compliance Coordinator

12/17/19