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NEWSLETTER

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Purpose

The Louisiana State Board of Medical Examiners believes that increased communication between the Board and licensees would serve a useful purpose. Therefore, we intend to publish a newsletter at periodic intervals. This will include important information relating to the examination, licensure, and disciplinary activities of the Board. Licensees are encouraged to contact the Board about information they think would be useful or of interest for the newsletter, and to present specific matters of concern.

Statement of Position by the Board Concerning the Prescription of Anorectics

In this first issue, we wish to repeat a digest of the Board's statement concerning the prescription of anorectics (amphetamines and sympathomimetic amines). This statement was originally printed and distributed to licensed physicians in February of 1984. While the number of cases involving the prescription of anorectics diminished significantly after this statement was distributed, the Board has noted a recent increase in the number of weight control programs and a recent increase in the use of these drugs. *A copy of the full text of the Board's Statement is available upon request from the Board office.*

DIGEST OF STATEMENT

Many disciplinary cases coming before the Louisiana State Board of Medical Examiners involve indiscriminate, promiscuous and unjustified prescriptions for amphetamine-type substances used as appetite suppressants. When a prescription is issued without medical justification, the physician's medical license is subject to suspension or revocation. As a result, the Board believes it important to communicate the standards it has established, and will apply, in the prosecution of physicians who prescribe anorectics without legitimate medical justification.

In particular, there are several uses of anorectics which have been, and will be, considered by the Board as conclusive evidence of prescribing anorectics illegitimately:

- (1) The prescription of anorectics for a period in excess of 12 consecutive weeks.
- (2) Multiple prescriptions for a quantity of anorectics sufficient for the patient to ingest more than one maximum therapeutic dosage unit per day.
- (3) The prescription of anorectics to a patient whom the physician knows or should know is dependent, or who has abused or will abuse anorectics, as by taking excessive dosages, or who has misused or will misuse anorectics, as by giving or selling them to others.
- (4) The prescription of anorectics solely for their stimulant effect, to counteract or preclude fatigue, or to counteract the effect of depressant or hypnotic agents.
- (5) The prescription or re-prescription of anorectics in the absence of demonstrated consistent weight loss in the interim.

Physical Therapy Services and Billing by Physicians

In the past, it has been brought to the Board's attention that some physicians may be engaging in practices which violate the Physical Therapy Practice Act of Louisiana. In the belief that some physicians may be committing such violations without conscious intent to violate the law and in ignorance of its provisions, we wish to point out that the Physical Therapy Law specifically provides that "[n]o person shall practice, or in any way hold himself out, or designate himself as a physical therapist unless duly licensed by the board" as a physical therapist. Violation of this prohibition is a criminal misdemeanor punishable by a fine of up to \$500 and/or imprisonment for up to three months for each offense. By express exemption, however, this law does not prevent a physician from "engaging in the profession" for which he or she is licensed, including the administration of physical therapy. The effect of the Law, as respects physicians, thus, is to allow physicians to provide physical therapy provided they do not identify themselves as physical therapists or the services rendered as physical therapy.

By way of separate exemption, moreover, the Law permits an unlicensed person to "be employed in a hospital institution, clinic, physician's office or athletic training room to administer treatment under the direction and supervision of a licensed physician" provided, however, that "the treatment administered *shall not be identified as physical therapy*, and further provided that such persons administering such treatment *shall not hold themselves out, nor be held by others as physical therapists*."

In short, physicians may lawfully administer physical therapy and employ others to administer physical therapy modalities under the physician's direction and supervision. Neither the physician nor the employee, however, may in any fashion be identified as a "physical therapist," and the services provided may not in any fashion be identified—verbally, in writing, in billing statements, or otherwise—as "physical therapy."