

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

# NEWSLETTER

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## From the President

In this issue of the Newsletter we provide timely reminders regarding our rules and/ or statements of opinion relating to office based dispensing, ear stapling, internet prescribing and the use of the term board certified. In addition we summarize the key provisions of legislation passed this year relating to reporting impaired health professionals, the scope of practice for podiatrists, doctor shopping, respiratory therapy, and acupuncture. Finally we look ahead to planned changes in our on line services.

We hope that you will take the time to review this information to the extent that it relates to your practice. We welcome your feedback on the topics that are presented and recommendations regarding future topics as well as legislative and/or rule making efforts, and board services. Please contact us at [feedback@lsbme.la.gov](mailto:feedback@lsbme.la.gov). Thanks

Kweli Amusa MD, President LSBME

## Rules

### Office Based Dispensing

Industry watchers predict a significant increase in the percentage of physicians who dispense medications from their offices. With this trend in view the Board would like to remind physicians of the Rules relating to this activity. An overview is presented below. The rules are set forth in their entirety on the Board Web site and should be consulted along with the special rules relating to dispensing controlled substances for management of chronic pain and obesity before applying for registration as a dispensing physician and periodically thereafter

1. No physicians shall dispense any medication, other than a bona fide medication sample, except in strict compliance with the Louisiana and federal law and regulations applicable thereto and with the rules of this Chapter. LAC 46 XLV §6505 Bona fide medication samples do not include controlled substances [see definition of *bona fide medication sample* LAC 46XLV §6503.A]
2. No physician shall dispense any medication, other than a bona fide medication sample, unless he is currently registered with the board as a dispensing physician... LAC 46 XLV §6505 B
3. If the qualifications, requirements, and procedures prescribed or incorporated by §§6513 to 6517 are met to the satisfaction of the board, the board shall issue to the applicant certification of registration as a dispensing physician bearing the

- Dispensing Physician Registration Number (DPRN). The original of such certificate, or a duplicate thereof certified by the board, shall be maintained at each location at which the registrant dispenses medications. LAC 46 XLV §6521A
4. Registration as a dispensing physician under this Chapter shall be renewed annually on or before its date of expiration ... LAC 46 XLV §6525A
5. No Physician shall dispense samples of controlled substances (REF)
6. Each registrant shall maintain current, accurate, and complete records ... of all medications in the registrant's possession or custody ... which records shall, not less frequently than monthly, be updated to reflect and account for all purchases, acquisitions, dispensations, transfers, losses of, or other transactions involving the medications in the registrant's possession. LAC 46 XLV §6529 A
7. A registrant shall record the generic chemical and trade name, quantity and amount, and dosage strength of any medication lost, stolen, accidentally destroyed, or otherwise unaccounted for, together with the date of and reasons for or circumstances surrounding such loss, theft, accidental destruction, or other such disposition. LAC 46 XLV §6533C
8. No registrant shall dispense any medication, other than a bona fide medication sample, unless the bottle, package, or other container for such medication bear a securely-affixed indelible, legible, typewritten, or printed label including: 1. the name and address of the registrant; 2. the name of the patient to whom or for whom dispensed; 3. the generic chemical or trade name, quantity or amount, dosage form, and strength of the medication dispensed; 4. the date of dispensation; and 5. appropriate directions for self-administration, ingestion, insertion, application, or injection by the patient. LAC 46 XLV §6543A
9. All medications in the possession of a registrant shall be physically stored and maintained in such location and in such manner as to reasonably secure all such medications against contamination, adulteration, deterioration, loss, accidental destruction, theft, and access or use by unauthorized persons. LAC 46 XLV §6547A
10. Medications which are Schedule II controlled substances shall, in addition, be stored and maintained in a metal cabinet, box, safe, vault, or other container of suitable strength and in such location as to safeguard such medication against loss or destruction by fire, flood, or other accidental causes. Such repository shall further be equipped with a secure lock so as

to prevent theft of or unauthorized access to or use of such medications. LAC 46 XLV §6547B

11. Any theft or unexplained loss of controlled substances in the possession of a registrant shall be reported by the registrant to the board, in writing, within 10 days of the date of the registrant's discovery of such theft or loss, but in no event later than 10 days following the completion of the quarterly physical inventory next following such theft or loss... LAC 46 XLV §6553A
12. A registrant shall immediately report to the board, in writing, any known or reasonably suspected instance of diversion of medications to unauthorized use or possession by any patient or any other person. LAC 46 XLV §6557A

### Review Questions

1. A nurse working for a physician who is registered as a dispensing physician may dispense prescription medications when the physician is not in the office (No). An opinion by the Louisiana Attorney General makes clear that the exception to licensure as a pharmacist, which permits physicians, dentists and veterinarians to dispense medication without a pharmacy license, is a personal privilege that cannot be delegated to another individual. Thus, the act of dispensing, *i.e.*, counting, labeling, dispensing medication, and maintaining dispensing files, must be done by the physician. See AG Opinion Nos. 88-165, 91-135.
2. A physician who is not registered with the Board as a dispensing physician may dispense samples of cough medicine containing hydrocodone (No). While a physician may dispense *bona fide medication samples* without dispensing registration, controlled substances are not *bona fide medication samples*.
3. A physician is personally responsible for the proper use of prescription medications that are dispensed from his or her office. (Yes). A dispensing physician who violates the dispensing rules, as well as a physician who dispenses without registration, is subject to disciplinary action against his or her license. 46 XLV §6507-6509; R.S. 37:1285A(30).

### **Physician Assistant Supervision**

This year the Board began looking more closely at the supervision of PAs and their scope of practice and at related administrative processes. We became aware of (1) some uncertainty as to the application of the rules relating to the supervision of PAs especially in group practice settings, (2) some variation in the interpretation of the rules and advisory opinions relating to scope of practice (3) some administrative processes that were creating barriers to registration and (4) the need to address these issues through a rule change.

Accordingly and in collaboration with the Physician Assistants Advisory Committee we have undertaken a 2 part rule change effort. We anticipate the first part will be noticed in the October Register. This part relates primarily to the supervision of PAs in group practice settings and to the registration of supervising physicians and related processes all of which has been simplified with elimination of some fees and requirements. A rule change relating to scope of practice will be undertaken later this year.

According to the proposed rule (1) Primary Supervising Physicians and Locum Tenens physicians (a term that is in the statute) must register only once and will be given a lifetime certificate as a supervising physician. (2) The distinction between a supervising physician and a locum tenens is eliminated. (3) A physician may serve as the primary supervising physician for 2 PAs and as a locum tenens (supervising physician) for any number of PAs" (4) a physician may supervise up to 4 PAs at one time as

long as he or she is registered as the primary supervising physician or as a locum tenens physician for each of the PAs in question.

### **Use of the Term "Board Certified"**

The Board is of the opinion that the term "Board Certified" is frequently used, sometimes abused and often confusing to the general public. On the one hand, the proper use of the term connotes a level of advanced training and qualification obtained by virtue of the completion of post-graduate didactic and clinical training and experience and the passage of certification examination(s). On the other, the Board has had occasion to see "Board Certification" awarded by some entities that neither require nor impose such standards; indeed, require only the payment of a membership or "certification" fee. When the term is utilized in this fashion the Board believes that the public may be misled and deceived as to the true qualifications of a practitioner.

That being said, unfortunately, the Board neither has the resources nor ability to independently assess whether or to what extent the certification offered by the many professional organization falls into one of the above described categories, or even somewhere in between. Thus, in order to insure that publications contain information that is necessary to make the communication informative, yet not misleading as is proscribed by the Louisiana Medical Practice Act the Board is of the view that the term "Board Certified" should be reserved to those physicians who have met the standards set by the American Board of Medical Specialties (ABMS) and its member boards for certification in a specialty and the specialty exams of the American Osteopathic Association (AOA). The Board is undertaking a rule effort on this issue.

### **Statements of Opinion**

#### **Internet prescribing**

The Board has become aware of solicitations being directed to physicians to earn extra income through internet prescribing.

It is the position of the Louisiana State Board of Medical Examiners that: (i) it is in contravention of the Louisiana Medical Practice Act for a physician to prescribe medication, treatment or a plan of care generally if the physician has not established a physician-patient relationship. A physician establishes a physician-patient relationship by (1) verifying that the person requesting the medications is in fact who they claim to be (2) conducting an appropriate examination of the patient (3) establishing a diagnosis through the use of accepted medical practices (4) discussing with the patient the diagnosis, risks and benefits of the various treatment options and (5) insuring the availability for appropriate follow up care.

Having said this, by no means do we intend to suggest the internet or telephonic prescribing is unlawful per se. For example, prescribing for a patient whom the physician has not personally examined may be suitable under certain limited circumstances. Such may include (1) admission orders for a newly hospitalized patient, (2) prescribing for a patient of another physician for whom the prescriber is taking call (3) continuing medication on a short term basis for a new patient prior to the patient's first appointment or (4) starting a new medication or changing a medication for an established patient.

A Louisiana licensed physician who prescribes medications for individuals who are residents of or located in this or another state, in the absence of such a patient physician relationship as defined above would subject to sanctions by the Board, including revocation of licensure A Statement of Position relating to this matter is set forth in its entirety on the Board Web site and should be consulted for additional information. Also see "In the News" in this issue of the NewsletteR for a precedent setting case involving the practice of medicine over the Internet

## Ear Stapling

In recent months, the Board has received several requests for advisory opinions as to who may perform ear stapling i.e., the placement of surgical staples in the external cartilage of the ear for the alleged purpose of assisting in weight loss, smoking cessation, insomnia, and other conditions.

The Board considers ear stapling to be the practice of acupuncture as defined by Louisiana law which constitutes the practice of medicine and may only be performed in this state by a Louisiana licensed physician or an acupuncturist's assistant certified by the Board. La. Rev. Stat. §37:1356B.

Any individual performing ear stapling without such licensure or certification will be deemed to be engaged in the unauthorized practice of medicine and is subject to injunctive action as well as civil and criminal penalties and fines La. Rev. Stat. §§37:1271, 1286, 1290.

## Legislation - 2007

### Reporting Impaired Health Professionals

Act 274 of the 2007 session requires a health care entity to submit a written report to the appropriate professional licensing board within 72 hours of each instance in which it: (1) takes adverse action against a health care professional due to impairment or possible impairment; or (2) accepts the surrender of clinical privileges, the resignation of employment or a contractual relationship, or the withdrawal from participation in a health care training program or by a health care professional: (a) while the health care professional is under investigation by the entity for impairment or possible impairment; or (b) in return for not conducting an investigation.

The health care professionals subject to the reporting requirements include those licensed by the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, The Louisiana State Board of Dentistry and The Louisiana State Board of Examiners of Psychologists

The Law exempts from reporting health care professionals granted a leave of absence for six months or less for evaluation or treatment of impairment or possible impairment provided the individual: cooperates with the institutional policy regarding evaluation or treatment, agrees not to engage in any clinical activity while undergoing evaluation or treatment unless approved by his or her addiction provider, and cooperates with the recovery program of the appropriate professional licensing board i.e., if a physician, the Physicians Health Program of the Louisiana State Board of Medical Examiners or, if a registered nurse, the Recovering Nurses Program of the Louisiana State Board of Nursing or, if a dentist, the Dentist Well-Being Committee program of the Louisiana Dental Association, as approved by the Louisiana State Board of Dentistry, or if a medical psychologist, the Impaired Psychologist Program of the Louisiana State Board of Examiners of Psychologists.

Reports received by professional licensing boards are confidential, shall not be deemed to be or be treated as public records, and are privileged against disclosure or production pursuant to administrative or judicial subpoena. The Law provides immunity for reporting, preserves the immunities and privileges accorded to any peer review information disclosed in any report, and allows recovery of actual attorney's fees for claims filed against a health care entity or individual for complying with the Law. The reporting requirement imposed by the Law is separate from the reporting requirements under the National Practitioner Data Bank.

The following case will illustrate the requirements of the law: A physician who is on call is found asleep in the hospital and appears confused when awakened and is unable to assume his duties. He leaves the hospital without making arrangements for coverage of

his service. The incident is reported to the administration of the hospital by the head of the Department. The Hospital Administration asks the physician to submit to drug and alcohol testing which is required by hospital policy whenever an employee or member of the medical staff appears impaired for any reason.

### Review Questions

1. The physician refuses to submit to drug and alcohol testing and resigns from the medical staff. Is the hospital required to report this incident to the Board of Medical Examiners? (yes)
2. The physician says that he was taking pain medication for a back problem, acknowledges that the use of pain medication had become a problem for him and says that he would like treatment. He is placed on medical leave, agrees not to engage in any clinical activity while undergoing evaluation or treatment, and is referred to and cooperates with the recommendations of the Physician Health Program. Is the hospital required to report this incident to the Board of Medical Examiners? (no)

The law is set forth in its entirety on the Board Web site and should be consulted for additional details.

### Podiatry – Scope of Practice

Act 204 of the 2007 session the Legislature expands the scope of practice of podiatry to include "treatment of the ankle, muscles, or tendons of the lower leg governing the functions of the foot and ankle by a podiatrist who has completed advanced training determined to be sufficient by the board at a program accredited by a nationally recognized accrediting association acceptable by the Board."

Implementation of the increase scope of practice must proceed by rules promulgated by the Board that are predicated on the education or level of training, or both, of an applicant. In addition the certificate (license) issued by the Board to a podiatrist must reflect an applicant's practice authority based on his or her level of training.

In furtherance of the legislation, staff and counsel are working on a draft of these rules and will request the input of the Board's Podiatry Advisory Committee and the Louisiana Orthopedic Association prior to publishing the notice of intent to adopt the rule in the Louisiana Register

This represents an effort on the part of all concerned to deal with a scope of practice issue outside of the legislative arena with the Board of Medical Examiners working with all concerned to develop a rule that will meet shared objectives of providing high quality and accessible care.

### Doctor Shopping

HB 213/ Act 287 of the 2007 session the Legislature prohibits "Doctor Shopping" for Controlled Substances and carisprodol (Soma) by requiring disclosure of the existing prescription to the practitioner from whom a subsequent prescription for a controlled dangerous substance or Carisprodol is sought.

### Respiratory Therapy

HB 251/ Act 142 of the 2007 session the Legislature amends the Respiratory Therapy Practice Act (1) establishing a single category of licensure (Licensed Respiratory Therapist) in place of two previous categories (Respiratory Therapy Technician and Respiratory Therapist) (2) authorizes advanced practice registered nurses and physician assistants to order respiratory therapy treatments and (3) delineates the scope of practice for respiratory therapists generally in keeping with established practices. The Board working in collaboration with the Respiratory Therapy

Committee will be revising the rules relating to respiratory therapy this year as needed to incorporate the provisions of the Act

### **Optometry - Scope of Practice**

HB 682/ Act 66 of the 2007 session the Legislature expands the scope of practice for optometrists to include the administration of oral medications for the treatment of abnormal conditions of the eye and its adnexa. The Board of Optometry is expected to adopt rules that would limit the administration of oral medications to the treatment of conditions that would be within the scope of practice of optometrists

### **Acupuncture**

HB 837/ Act 452 of the 2007 session the Legislature creates the category of acupuncture detoxification specialists provides for requirements necessary for the certification of acupuncture detoxification specialists and requires that the La. State Board of Medical Examiners promulgate rules for the certification and practice of acupuncture detoxification specialists.

The Act also removed the requirement that Acupuncture Assistants be employed by physicians but retained the requirement for supervision of a physician.

The Board in consultation with the Integrative and Complementary Medicine Committee will draft rules relating to supervision of Acupuncture Assistants and Acupuncture Detoxification Specialists this year.

### **In the News**

#### **Internet prescribing**

In a precedent-setting case involving the practice of medicine over the Internet, an appeals court denied the petition of a Colorado physician who sought to have a criminal charge against him for practicing medicine in California without a license dismissed.

In June 2005, a physician, who lived in Colorado, issued a prescription for fluoxetine (the generic version of Prozac) via an Internet pharmacy to a patient who was a 19-year-old resident of San Mateo County, Calif. The physician issued the prescription based on an online questionnaire filled out by the patient, who later committed suicide. Acting on an investigative report by the Medical Board of California, the San Mateo County District Attorney filed a criminal complaint in May 2006 charging the Physician with the felony offense of practicing medicine in California without a license.

The Physician argued the charge against him should be dismissed on the ground the alleged criminal acts occurred outside California. The California First District Court of Appeal stated, “. . . that territorial jurisdiction to prosecute lies under the traditionally applicable legal principles, and it makes no difference that the charged conduct took place in cyberspace rather than real space.”

To review the court's statement, check out [http://www.fsmb.org/ncip\\_newsletter.html](http://www.fsmb.org/ncip_newsletter.html)

### **Announcements**

#### **Information systems**

This year the Board has undertaken a major expansion / improvement of its information systems that began with creating a mirror site for its computer operations in a secure location outside of New Orleans as part of its disaster management plan. This has been followed by (1) a major re design of its web site (2) the development of on line renewals for its licensees and (3) on line courses relating to its activities for CME credits – all to be released this fall.

### **Investigation Fees**

The Board has approved a plan to assess legal costs associated with disciplinary proceedings as permitted by state law. Under the law, the Board is authorized to assess a respondent-physician with all costs of the board's disciplinary proceedings, including attorneys' fees, and a fine up to \$5,000 as condition of probation or reinstatement. R.S. 37:1285.C. The Board considers such action necessary to minimize the impact of increasing legal costs on licensees in general and in particular the escalating costs associated with respondents who engage in protracted litigation practices with the board.

### **Access to Board Orders**

The Board has approved a plan to publish summaries of Board Actions on line and to make Board Orders available on line at no cost. Summaries of Board Actions will continue to be published in the Newsletter as well. This step is being taken to provide the public with greater access to information that they may need when selecting a provider and is in keeping with national trends.

### **Work Force Trends**

The Physician workforce in Orleans and St Bernard Parishes continue to be well below pre Katrina levels with significant increases to the west and north of the affected areas especially when comparing the mailing vs business addresses. More information and analysis of the physician as well as other licensee workforce trends is available on our web site at <http://www.lsbme.gov/>

### **Disciplinary Actions**

SINCE PUBLICATION OF THE LAST NEWSLETTER THE LISTED ADMINISTRATIVE DISCIPLINARY ORDERS HAVE BEEN ENTERED BY THE BOARD. THE CHARGES NOTED ARE THE PRINCIPAL STATUTORY CAUSES CITED IN THE INSTITUTION OF ADMINISTRATIVE PROCEEDINGS OR IN THE CONDUCT OF INVESTIGATIONS BUT DO NOT NECESSARILY REPRESENT THE FINDINGS BY THE BOARD OR ADMISSIONS BY RESPONDENT AS TO THE RESPONDENT'S CULPABILITY OF SUCH CHARGES. PUBLICATION DEADLINES FOR THE NEWSLETTER MAY PREVENT INDICATION HERE AS TO PETITIONS FOR REHEARING OR PROCEEDINGS FOR JUDICIAL REVIEW PENDING AT THE TIME OF PUBLICATION BUT INITIATED AFTER OUR PUBLICATION DEADLINES.

THE FINAL DECISIONS, CONSENT AND OTHER ORDERS REPORTED IN THIS ISSUE INCLUDE ORDERS ENTERED BY THE BOARD SINCE THE LAST ISSUE THROUGH SEPTEMBER 2007. ORDERS AND RULINGS ENTERED AFTER THAT DATE WILL BE REPORTED IN THE NEXT *NEWSLETTER*.

ESAM ALNAJJAR, CLP, ALEXANDRIA, No. 06-A-023. *Charges*— Demonstrating incompetence in the performance of the practice of clinical laboratory science; dishonest or false reporting of laboratory test results violating or helping someone else violate any provision of this Part or any rule or regulation promulgated hereunder, R.S.37:1326(2), (3), and (7). *Disposition* –Opinion and Rulings rendered May 28, 2007. Clinical Laboratory License suspended, suspension stayed and placed on probation for a period of three years, subject to compliance of terms and conditions and payment of all costs of the proceeding.

TOLAND LANIER ASH, M.D., POMPANO BEACH, FL, No. 06-I-664. *Charges*—Prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification or in other than a legitimate manner; continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of

medical practice in this state, violation of any rules and regulations of the Board, or any provisions of this Part; R.S.37:1285A(6), (14) and (30). *Disposition*-Consent Order entered September 17, 2007. Physician's license conditioned on compliance of certain terms, namely notification of intent to relocate to Louisiana for the purpose of practicing medicine, personal appearance before the Board or its designee and prohibition on practice in Louisiana until further order of the Board.

George Harry Bauer, Jr., M.D., Destrehan, No. 07-I-240. *Charges*—Habitual or recurring abuse of drugs, including alcohol; inability to practice with reasonable skill or safety to patients, R.S.37:1285A(5) and (25). *Disposition* -Consent Order entered August 20, 2007. Physician's license placed on probation for a period three years, execution of contract with the Physicians' Health Foundation of Louisiana's Physicians Health Program with submission of specified written reports to the Board, periodic unannounced drug screens, lifetime abstinence from the use of all mood-altering substances, completion of specified continuing medical education, certification of compliance with probationary terms and payment of probation monitoring fee.

ALAN JOSEPH BOWERS, M.D., NEW ORLEANS, NO. 05-I-515. *Charges*—Prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification or in other than a legitimate manner; continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state, R.S.37:1285A(6) and (14). *Disposition* -Consent Order entered June 18, 2007. Physician's license officially reprimanded, completion of specified continuing medical education and payment of fine.

STEPHANIE HARRIS BOWERS, PA, ALEXANDRIA, NO. 06-I-653. *Charges*—Violation of any provisions of this Part or any regulations adopted by the Board pertaining to this Part; habitual or recurring drunkenness; inability to perform or function as a physician assistant with reasonable skill or safety to patients because of medical illness or deficiency, physical illness, including but not limited to deterioration through the aging process or loss of motor skills; and/or excessive use and abuse of drugs, including alcohol; utilizing prescriptive authority in violation of any provisions of §§1501-1529 or 4501-4513 of the Board's rules, R.S.37:1360.33(3), and La. Adm.C.46.4513A(5), (13) and (19). *Disposition* -Consent Order entered April 16, 2007. Physician Assistant's license conditioned on compliance of terms and conditions, namely, limitation on practice, supervision of patient care activities, and satisfactory reports from supervising physician.

STEVEN MCCRAE BRAZEEL, M.D., MONROE, NO. 07-I-169. *Charges*—Habitual or recurring abuse of drugs, including alcohol; inability to practice with reasonable skill or safety to patients, R.S.37:1285A(5) and (25). *Disposition* -Consent Order entered August 20, 2007. Physician's license placed on probation for a period of three years, execution of contract with the Physicians' Health Foundation of Louisiana's Physicians Health Program with submission of specified written reports to the Board, periodic unannounced drug screens, lifetime abstinence from the use of all mood-altering substances, prohibition on self-treatment, completion of specified continuing medical education, notification to employer or prospective employer, certification of compliance with probationary terms and payment of probation monitoring fee.

VICTOR BROWN, M.D., NEW ORLEANS, NO. 06-A-021. *Charges*—Violation of any rules and regulations of the Board, or any provision of this Part, unprofessional conduct, efforts to deceive or defraud the public; professional or medical

incompetency; and the Board's Dispensing Rules, R.S. 37:1285A(30), (13), (10), (12), and La.Adm.C. 46.6501-6557. *Disposition* -Opinion and Ruling rendered September 17, 2007. Physician's license revoked and cancelled and payment of all cost of the proceedings.

KRISTY ANN CARNAHAN, OTT, MINDEN, NO. 05-I-4871. *Charges*—Conviction of a crime other than a minor offense in any court if the acts for which he was convicted are found by the Board to have a direct bearing on whether he should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant; conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the law of Louisiana, of the United States, or of the state in which such conviction or plea was entered, R.S.37:3011(3), and La. Adm.C. 46XLV:4921(B)(1). *Disposition* - Consent Order entered June 18, 2007. Therapist's license placed on probation for a period of three years, subject to continuing treatment and monitoring and the submission of written reports to the Board, periodic unannounced drug screens, maintenance of abstinence from the use of all mood-altering substances, notification to employer or prospective employer of the order, certification of compliance of probationary terms, and payment of probation monitoring fee.

SHANNON CHRISTOPHER CEASAR, M.D., NEW ORLEANS, NO. 04-I-12276. *Charges*—Prescribing, dispensing or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner; continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice; violation of any rules and regulations of the Board, or any provision of this Part; and the Board's Rules on Controlled Substances Used in the Treatment of Noncancer-Related Chronic or Intractable Pain, R.S.37:1285A(6), (14), and (30), and La.Adm.C.46.6915-6923. *Disposition* -Consent Order entered July 16, 2007. Physician's license placed on probation for a period of three years, prohibition on the practice of pain management or holding himself out as being engaged in the treatment of the long-term management of non-malignant chronic or intractable pain, prohibition on the ownership, interest in, operation of, contracting with, or professional association with any pain management clinic, any pain management practitioner or any pain management group, prohibition on the prescription, dispensation or administration of controlled substances, completion of specified training courses and continuing medical education, certification of compliance of probationary terms, payment of fine and probation monitoring fee.

DAVID HOWARD LESTER DUNN, M.D., Metairie, No. 07-I-163. *Charges*—Habitual or recurring abuse of drugs, including alcohol; prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification or in other than a legitimate manner; professional or medical incompetency; unprofessional conduct; continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state; immoral conduct in exercising the privileges provided for by license or permit issued by this Part; inability to practice with reasonable skill or safety to patients, violation of any rules and regulations of the Board, or any provision of this Part, R.S.37:1285A(5), (6), (12), (13), (14), (15), (25) and (30). *Disposition* - Consent Order entered April 16, 2007. Physician's license placed on probation for a period of five years, subject to continuing treatment and monitoring and submission of written reports to the Board, periodic unannounced drug screens, maintenance of abstinence from the use of alcohol or any

controlled or mood-altering substance, prohibition on prescription, dispensation and administration of controlled substances or the drugs, Nubain, Dalgan, Soma, Butalbital or Ultram in any form during the probationary period, lifetime prohibition on treatment of self, family members or employees, completion of specified continuing medical education, certification of compliance with probationary terms, and probation monitoring fee.

JOHN GIBSON FASICK III, DPM, MICHIGAN, NO. 07-I-148. *Charges*—Habitual use of morphine, opium, cocaine, or other drugs having a similar effect, incompetency, R.S.37:624(4) and (11). *Disposition* -Consent Order entered June 18, 2007. Podiatrist's license placed on probation for a period of three years, subject to continuing treatment and monitoring and the submission of written reports to the Board, periodic unannounced drug screens, maintenance of abstinence from the use of all mood-altering substances, prohibition on the prescription, dispensation or administration of all controlled substances or the drugs nalbuphine, hydrochloride, dezocine, carisoprodol, butalbital or tramadol, completion of specified continuing medical education, notification to employer or prospective employer of the order, certification of compliance of probationary terms, and payment of probation monitoring fee.

CHARLES RAYMOND GENOVESE, JR., M.D., BOGALUSA, NO. 06-A-019. *Charges*—Providing false testimony before the Board or providing false sworn information to the Board; solicitation of patients or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive, or misleading; unprofessional conduct, R.S.37:1285A(4), (7) and (13). *Disposition* -Consent Order entered June 18, 2007. Physician's license officially reprimanded and conditioned upon compliance of minimum conditions, completion of specified continuing medical education, and payment of fine.

KIMBERLY ANN HESS, M.D., SHREVEPORT, NO. 06-I-537. *Charges*—Unprofessional conduct; knowingly performing an act which, in any way, assists an unlicensed person to practice medicine, or having professional connection with or lending one's name to an illegal practitioner, R.S. 37:1285A (13) and (18). *Disposition*-Consent Order entered September 17, 2007. Physician's license officially reprimanded and conditioned upon compliance of minimum terms and conditions, completion of specified medical education course and payment of fine.

TIMOTHY CARLTON ISTRE, CRT, LAKE CHARLES, NO. 07-I-467. *Charges*- Habitual or recurring abuse of drugs, including alcohol; inability to practice respiratory care with reasonable competence, skill or safety to patients; violation of any rules or regulations of the Board; unprofessional conduct, R.S. 37:3358A(2) and La.Adm.C 46:5519A(5), (13), and (19). *Disposition*- Stipulation and Agreement for Voluntary Surrender of Respiratory Therapy License accepted and approved August 20, 2007.

HAYWOOD B. JOINER, JR., CLP, ALEXANDRIA, NO. 06-I-444. *Charges*—Demonstrating incompetence in the performance of the clinical laboratory science; dishonest or false reporting of laboratory test results; violating or helping someone else violate any provision of this Part or any rule or regulation promulgated hereunder; intentional violation of any federal or state law, parish or municipal ordinance, the state sanitary code, or rule or regulation relative to any contagious or infectious disease, or any other public health matter, R.S. 37:1326A(2), (3), (7) and (9). *Disposition*- Stipulation and Agreement for Voluntary Surrender of Clinical Laboratory Scientist – Generalist License. *Disposition*-Stipulation and Agreement for Voluntary Surrender of Clinical Laboratory Scientist – Generalist License.

SUSAN FRANCES JULIUS, M.D., METAIRIE, NO. 07-I-170. *Charges*—Habitual or recurring abuse of drugs or alcohol; inability to practice medicine with reasonable skill and safety to patients; prescribing, dispensing or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification or in other than a legitimate manner, R.S. 37:1285A(5),(25), and (6). *Disposition* – Interim Consent Order entered April 16, 2007. Physician's license suspended until further order of the Board.

RODNEY J. KRUMM, JR., CLP, Slidell, NO. 07-I-117. *Charges*— Intentional violation of any federal or state law, parish or municipal ordinance, the state sanitary code, or rule or regulation relative to any contagious or infectious disease, or any other public health matter, R.S. 37:1326A (9). *Disposition*- Stipulation and Agreement for Voluntary Surrender of Clinical Laboratory Science License approved and accepted April 16, 2007.

PETER RAYMOND LAFURIA, M.D., Lake Charles, NO. 07-I-299. *Charges*—Professional or medical incompetency; unprofessional conduct; inability to practice medicine with reasonable skill or safety to patients, R.S.37:1285A(12), (13) and (25). *Disposition* – Stipulation and Agreement for Voluntary Surrender of Medical Licensure approved and accepted July 16, 2007.

MARK FRANCIS LOUPE, PA, BATON ROUGE, NO. 07-I-180. *Charges*—Violation of any provisions of this Part or any regulations adopted by the Board pertaining to this Part; prescribing medication or medical devices without approval of registration for prescriptive authority; issuance of a prescription for Schedule I or II controlled substance; prescribing legally controlled substances or any dependency-inducing medication without legitimate medical justification therefore or in other than a legal or legitimate manner; R.S.37:1360.33(3), La. Adm. C.46.4513A(18), (16) and (19), La. Adm. C.46.1529A(1) and La. Adm.C.46.4506C(5). *Disposition* -Consent Order entered September 17, 2007. Physician Assistant's license officially reprimanded and conditioned upon compliance of minimum terms and conditions, completion of specified medical education course, prohibition on prescriptive authority and payment of fine.

JAMES MADDOCK MCCARTHY, JR., M.D., Lafayette, NO. 06-I-744. *Charges*—Habitual or recurring abuse of drugs or alcohol; inability to practice medicine with reasonable skill and safety to patients, R.S. 37:1285A(5) and (25). *Disposition* – Consent Order entered April 16, 2007. Physician's license placed on probation for a period of five years, execution of a contract with the Physicians' Health Foundation of Louisiana with submission of specified written reports to the Board, lifetime abstinence from the use of controlled and any other mood-altering substance, periodic unannounced drug screens, completion of specified continuing medical education,, notification to employer or prospective employer of the order, certification of compliance with probationary terms and payment of probation monitoring fee.

KASIMU SEGHOR MOODY, M.D., Lafayette, NO. 06-I-663. *Charges*—Prescribing, dispensing or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner; continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice; violation of any rules and regulations of the Board, or any provision of this Part; and the Board's Rules on Controlled Substances Used in the Treatment of Noncancer-Related Chronic or Intractable Pain, R.S.37:1285A(6), (14), and (30), and La.Adm.C.46.6915-6923. *Disposition* -Consent

Order entered July 16, 2007. Physician's license placed on probation for a period of three years, prohibition on the practice of pain management or holding himself out as being engaged in the treatment of the long-term management of non-malignant chronic or intractable pain, prohibition on the ownership, interest in, operation of, contracting with, or professional association with any pain management clinic, any pain management practitioner or any pain management group, prohibition on the prescription, dispensation or administration of Schedule II-V controlled substances, or the drugs Nubain, Dalgan, Soma, Ultram or Butalbital in any form; completion of specified training courses and continuing medical education, certification of compliance of probationary terms and payment of probation monitoring fee.

ILYAS MUNSHI, M.D., LAFAYETTE, NO. 06-I-766. *Charges*—Providing false testimony before the Board or providing false sworn information to the Board, R.S. 37:1285A(4). *Disposition* - Consent Order entered June 18, 2007. Physician's license officially reprimanded, subject to compliance of minimum conditions, completion of specified continuing medical education, and payment of fine.

MAX KENNON ODOM II, M.D., ARKANSAS, NO. 07-I-339. *Charges*—Habitual or recurring abuse of drugs or alcohol; inability to practice medicine with reasonable skill and safety to patients, R.S. 37:1285A(5) and (25). *Disposition* - Interim Consent Order entered July 16, 2007. Physician's license suspended until further order of the Board.

MARK ALAN PARENT, M.D., ST. GABRIEL, NO. 06-I-556. *Charges*—Habitual or recurring abuse of drugs or alcohol; inability to practice medicine with reasonable skill and safety to patients, R.S. 37:1285A(5) and (25). *Disposition* - Consent Order entered April 16, 2007. Physician's license placed on probation for a period of five years, execution of a contract with the Physicians' Health Foundation of Louisiana of Louisiana's Physicians Health Program with submission of written reports to the Board, periodic unannounced drug screens, maintenance of abstinence from the use of alcohol or any controlled or mood-altering substance, prohibition on prescription, dispensation and administration of controlled substances or the drugs, Nubain, Dalgan, Soma, Butalbital or Ultram in any form during the probationary period, lifetime prohibition on treatment of self, family members or employees, notification to employer or prospective employer of the order, completion of specified continuing medical education, certification of compliance with probationary terms, and payment of probation monitoring fee.

GERALD ALAN ROSS, M.D., GEORGIA, NO. 06-I-556. *Charges*—Habitual or recurring abuse of drugs or alcohol; refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice medicine in that state or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by the licensing authority which prevents or restricts practice in that state, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate, R.S. 37:1285A(5) and (29). *Disposition* - Consent Order entered June 18, 2007. Physician's license placed on probation for a period of three years, execution of a contract with the Physicians' Health Foundation of Louisiana of Louisiana's Physicians Health Program with submission of written reports to the Board, periodic unannounced drug screens, maintenance of abstinence from the use of alcohol or any controlled or mood-altering substance, prohibition on prescription, dispensation and administration of controlled substances or the drugs, Nubain, Dalgan, Soma, Butalbital or

Ultram in any form during the probationary period, practice limited to no more than forty (40) hours per week, completion of specified continuing medical education, certification of compliance with probationary terms, and payment of probation monitoring fee.

MARK ANTHONY SCHNEIDER, M.D., Marksville, No. 06-I-263. *Charges*—Providing false sworn information to the Board; habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence; prescribing, dispensing or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner; professional or medical incompetency; unprofessional conduct; continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state; inability to practice medicine with reasonable skill or safety to patients; violation of any rules and regulations of the Board, or any provision of this Part; and the Board's Rules on Controlled Substances Used in the Treatment of Noncancer-Related Chronic or Intractable Pain, R.S.37:1285A(4), (5), (6), (12), (13), (14), (25) and (30), and La.Adm.C.46.6915-6923. *Disposition* -Consent Order entered June 18, 2007. Physician's license revoked, revocation stayed, license suspended for a period of two years, execution of a contract with the Physicians' Health Foundation of Louisiana's Physicians' Health Program with submission of written reports to the Board, receipt of favorable reports that he is then capable of practicing medicine with reasonable skill and safety to patients, completion of specified continuing medical education and training course, certification of compliance with the terms for reinstatement. Reinstatement on indefinite probation.

MILTON MOORE SLOCUM, M.D., Shreveport, No. 07-I-142. *Charges*—Unprofessional conduct; inability to practice medicine with reasonable skill or safety to patients because of mental illness or deficiency, R.S. 37:1285A(13) and (25). *Disposition* - Consent Order entered August 20, 2007. Physician's license officially reprimanded and placed on probation for a period of three years, completion of specified training courses, practice limited to general or vascular surgery, emergency medicine or additional areas approved in advance by the Board and payment of probation monitoring fee.

WILLIAM SIDNEY WHYTE, M.D., Shreveport, No. 06-A-016. *Charges*—Fraud, deceit, or perjury in obtaining any diploma, license, or permit pertaining to this Part; efforts to deceive or defraud the public; unprofessional conduct; knowingly performing any act which, in any way, assists an unlicensed person to practice medicine; permitting a physician's assistant, within his employment, to conduct activities outside the scope of the assistant's approval and registration; knowingly employing a physician's assistant whose conduct includes any of the causes enumerated in this Section, R.S. 37:1285A(3), (10), (13), (18), (22), and (23). *Disposition* - Consent Order entered August 20, 2007. Physician's license officially reprimanded and placed on probation for a period of three years, prohibition on employment, retention, association or supervision of a physician assistant, or registration of supervising physician, or serve as a collaborating physician for an advanced practice registered nurse, with or without prescriptive authority, prohibition on participation in any clinical trial study, completion of specified continuing medical education, certification of compliance with probationary terms, payment of fine and probation monitoring fee.