

Louisiana State Board of Medical Examiners

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IN THE MATTER OF

CHEVIES WAYNE NEWMAN, M.D.
(Certificate No. 025506)
Respondent

No. 11-I-429

**CONSENT ORDER FOR
OFFICIAL REPRIMAND**

The Director of Investigations ("DOI") of the Louisiana State Board of Medical Examiners ("Board") undertook an investigation of the prescribing practices of Chevies Wayne Newman, M.D. ("Dr. Newman"), a physician who, at all times pertinent, was practicing in the fields of Obstetrics & Gynecology in the Covington/Mandeville, Louisiana area. Information obtained from pharmacies indicated that Dr. Newman had prescribed Clonazepam and Nuvigil (Schedule IV controlled substances) to three male patients. The Board issued a subpoena to obtain the records of these three individuals. In response to the subpoena, Dr. Newman acknowledged that he had no medical records on the three male acquaintances and asserted that their treatment fell under his "professional discretion".

The investigation indicates to the satisfaction of the DOI that Dr. Newman has prescribed controlled substances without documentation of legitimate medical justification, thus providing a reasonable basis to initiate formal administrative proceedings against Dr. Newman's license charging him with violations of certain provisions of the Louisiana Medical Practice Act, La. Rev. Stat. §§ 1261-1292.(the "Act")¹

As evidenced by his subscription hereto, Dr. Newman acknowledges the substantial accuracy of the foregoing factual information and further, that proof of such information at an Administrative Evidentiary Hearing could establish grounds under the Act for the imposition of

¹ La. Rev. Stat. §§ 37:1285 A. (6) 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;(13) Unprofessional Conduct.

such terms, conditions or restrictions on his license to practice medicine in the State of Louisiana as the Board may deem appropriate. Furthermore, at the meeting with the DOI, Dr. Newman acknowledged his duty to maintain complete medical records on all patients, thoroughly documenting the indications and legitimate medical justification for prescribing controlled substances or any dependency-inducing medication. Dr. Newman further assured the DOI of his strict adherence to this duty in the future.

Recognizing his right to have notice of allegations and charges asserted against him, to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951, et seq. , Dr. Newman nonetheless, hereby waives his right to notice of charges and formal adjudication, and pursuant to La. Rev. Stat. §§49:955 (D), consents to entry of the Order as set forth hereinafter. Furthermore, Dr. Newman acknowledges that he hereby waives any right to which he maybe entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, et seq., or which otherwise may be afforded to him by any law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By his subscription hereto, Dr. Newman also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and the results of the investigation, and he waives any objection to such disclosure under La. Rev. Stat. §§49:960. Dr. Newman expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such complaint should be Board declined to approve this Consent Order.

Based upon the information provided, including the acknowledgments and assurances given to the DOI by Dr. Newman, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §§ 1261, et seq, will be effectively served by entry of the Order set forth hereinafter by consent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955 (D);

IT IS ORDERED Chevies Wayne Newman, M.D., who at all times pertinent has been and is licensed to practice medicine in the state of Louisiana, as evidenced by license number 025506, is hereby **OFFICIALLY REPRIMANDED**.

IT IS FURTHER ORDERED that Dr. Newman's license to practice medicine and his continuing exercise of the rights and privileges granted to him thereby, shall be conditioned upon and subject to his acceptance than strict compliance with the following terms and conditions which shall remain in effect until and unless subsequently modified by the Board in its sole discretion:

- (1) **Continuing Medical Education/Professionalism and Professional Boundaries.** Within six (6) months of the effective date of this Order, Dr. Newman shall provide the DOI written confirmation that he has attended and successfully completed courses of study in the areas of Professionalism and Professional Boundaries. All courses required by this provision shall be comprehensive in nature (greater than 20 credit hours) and shall be acceptable to and approved in advance in writing by the Board.
- (2) **Payment of a Fine.** The Board hereby imposes an administrative fine in the amount of five thousand dollars (\$5,000) against Dr. Newman. Dr. Newman shall pay this fine within ninety (90) days of the effective date of this Order.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or requirements of this Order, as set forth herein above, by Dr. Newman shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 5 day of Dec, 2011.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

By: MARK H. DAWSON
MARK H. DAWSON, M.D.
President

STATE OF Louisiana

PARISH/COUNTY OF St. Tammany

**ACKNOWLEDGMENT
AND CONSENT**

I, CHEVIES WAYNE NEWMAN, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 21 day of Oct., 2011.


CHEVIES WAYNE NEWMAN, M.D.

WITNESSES:


Signature

ERIKA BURAS

Typed Name

Address

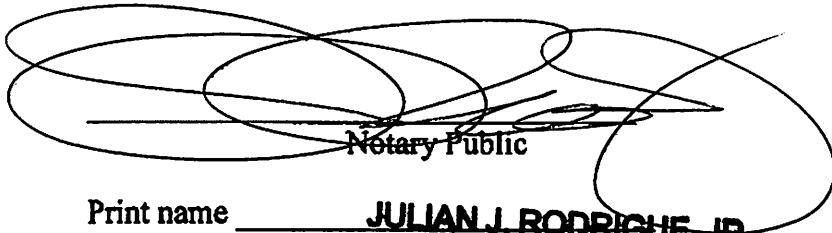

Signature

LEIGH LUCUS

Typed Name

Address

Sworn to and subscribed before me at Covington, Louisiana, this 21 day of October, 2011, in the presence of the two stated witnesses.


Notary Public

Print name JULIAN J. RODRIGUE, JR.

**NOTARY PUBLIC
BAR ROLL #11373**

Bar/Notary No.: _____
MY COMMISSION IS FOR LIFE