

Louisiana State Board of Medical Examiners

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: **IN THE MATTER OF** :
: **BRUCE JOSEPH ITELD, M.D.** :
: *(Certificate No. 012398)* :
: *Respondent* :
: :
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No. 11-I-062

**CONSENT ORDER
FOR REPRIMAND**

An investigation was conducted by the Louisiana State Board of Medical Examiners (the "Board"), through its Investigative Officer ("I/O"), of the propriety of certain lease and personal service arrangements between Bruce Joseph Iteld, M.D. ("Dr. Iteld"), a cardiologist who at all pertinent times was licensed and engaged in the practice of medicine in and around Slidell, Louisiana, and a company (the "Company") that furnished equipment, personnel, supplies, billing and other items or services in connection with the provision of mobile nerve conduction velocity ("NCV") studies, evoked potentials ("EP") and other diagnostic testing services ordered by Dr. Iteld for his patients and performed by the Company's personnel in Dr. Iteld's office (the "Arrangement").

During the course of the investigation the I/O requested and received documents describing the physician's relationship with the Company, obtained certain financial and reimbursement information, subpoenaed, obtained and reviewed certain medical records, and met with Dr. Iteld to discuss the Arrangement and his practice.

A review of all such information indicates that the Arrangement was described by the Company as a way for physicians to obtain revenue without incurring payment delays from third party payers. The Company also provided a list of conditions that that it represented would justify third-party reimbursement. Under the Arrangement, Dr. Iteld's practice leased space to the Company to facilitate the testing by the Company's personnel. The physician provided by the Company to interpret the test results and to provide a written report, diagnosis and recommendation for further evaluation or treatment neither examined the patients to determine if testing was indicated nor administered or supervised the testing, which was performed by technicians without the benefit of needle electromyography to assist in the diagnosis. The physician was not affiliated with Dr. Iteld's practice. Dr. Iteld, who does not specialize in the administration or interpretation of electrodiagnostic studies, was paid a personal service fee of \$150 per hour to supervise the testing of each of his patients who was tested in his office while he was on-site. The Company billed and collected all claims related to the testing and paid the practice an hourly rate directly.

Finally, the record review indicates that in some instances NCV testing was ordered and performed on patients with peripheral edema or other conditions which are known to affect the reliability and utility of test results. Based on the records reviewed, there were instances when patients may have been misdiagnosed by the physician interpreting the test.

The results of the investigation indicate to the satisfaction of the I/O that the Arrangement constitutes an agreement under which the physician received payments, directly or indirectly, for supervision of health care services for which he was not trained or experienced, and is indicative of conduct that is unprofessional, thereby providing probable cause to initiate formal administrative proceedings against Dr. Iteld's license to practice medicine in this state, pursuant to the Louisiana Medical Practice Act (the "Act"), La. Rev. Stat. §37:1285A, (13).¹

On his own behalf, Dr. Iteld represented during his meeting with the I/O that upon being made aware of the Board's investigation that he discontinued the Arrangement. As way of explanation, he stated that he entered into this agreement because he treats many diabetic patients whom he believed could benefit from the testing in a faster and more efficient way. He relied upon the oral and written representations of the Company, and believed that the Arrangement was compliant with all applicable law and rules based upon written assurances provided by the Company. Included was a letter the Company shared with him from legal counsel, as well as other written representation that the arrangement met regulatory compliance and was government approved.

Without admitting to any violation of the Act, the Board's rules, or any other law or regulation and without agreeing with the facts as alleged, by his subscription hereto Dr. Iteld, solely for the purpose of this Consent Order, nevertheless acknowledges the foregoing information upon administrative evidentiary hearing might establish grounds under the Act for the imposition of such terms, conditions or restrictions on his license to practice medicine in the state of Louisiana as the Board may deem appropriate.

Recognizing his right to have notice of allegations and charges asserted against him and 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. Iteld, 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 set forth hereinafter. Dr. Iteld also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49: 951 *et seq.* or which otherwise may be afforded to him by law to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto, Dr. Iteld also hereby authorizes the I/O designated by the Board with respect to this matter to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures

¹Pursuant to La. Rev. Stat. §37:1285A(13)

under La. Rev. Stat. §49:960. Finally, Dr. Iteld expressly acknowledges that the disclosure of information to the Board by the I/O shall be without prejudice to the I/O's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the information provided, accordingly, and upon the recommendation of the I/O assigned to this matter, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, 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 that Bruce Joseph Iteld, M.D. is hereby **OFFICIALLY REPRIMANDED** for his conduct.

IT IS FURTHER ORDERED that Dr. Iteld shall not knowingly participate in any arrangement that violates the laws of this State or the Board's rules.

IT IS FURTHER ORDERED that Dr. Iteld shall, within ninety (90) days of the date of this Order, pay to the Board a fine in the amount of Five Thousand and No/100 (\$5,000.00) Dollars.

IT IS FURTHER ORDERED that within one hundred and twenty (120) days of the date of this Order Dr. Iteld shall provide written confirmation to the Board that he has successfully completed a course that is approved in advance by the Board or its designee in medical ethics and professionalism.

IT IS FURTHER ORDERED that within one hundred and eighty (180) days of the date of this Order Dr. Iteld shall provide written confirmation to the Board that he has performed twenty-five (25) hours of non-compensated community service that is approved in advance by the Board or its designee.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Dr. Iteld shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such further 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.

Signed in New Orleans, Louisiana, and effective this 19th day of March, 2012.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY:



MELVIN G. BOURGEOIS, M.D.
President

***Acknowledgement and Consent
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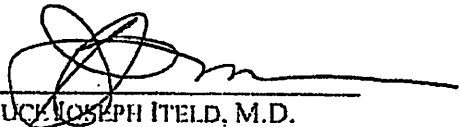
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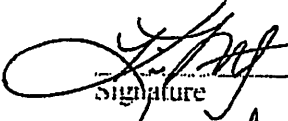
STATE OF LOUISIANA
PARISH OF St. Tammany

ACKNOWLEDGMENT
AND CONSENT

I, BRUCE JOSEPH ITELD, M.D., hereby acknowledge, approve, accept and consent to entry
of the above and foregoing Order, this 12th day of March, 2012.


BRUCE JOSEPH ITELD, M.D.

WITNESSES:


Signature

Kassi Montz
Printed Name

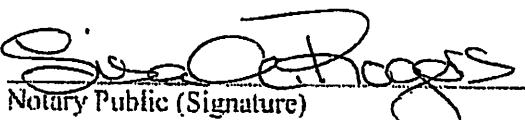
185 E. Lakeview Dr. Lakeview, LA 70068
Address

Neely Cook
Signature

Neely Cook
Printed Name

11592 Owens Rd Hammond, LA 70401
Address

Sworn to and subscribed before me at Covington Louisiana this 13th day of
March, 2012; in the presence of the two stated witnesses.


Notary Public (Signature)

Lisa A. Rogers
Printed Name

4700
Bar or Notary No.