

Louisiana State Board of Medical Examiners

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11-I-319

In The Matter Of

:

THOMAS GEORGE LATOUR, M.D.

(Certificate No. 009000)

:

CONSENT ORDER

Respondent.

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The Investigating Officer ("I/O") of the Louisiana State Board of Medical Examiners (the "Board") undertook an investigation of Thomas George LaTour, M.D., a physician who at all times pertinent was licensed to practice medicine in this state and engaged in the practice of psychiatry in and around Lafayette, Louisiana. The results of the investigation indicate that Dr. LaTour, who was employed by the Physician Assistant ("PA") for whom he was registered with the Board as supervising physician ("SP"), allowed and/or failed to prevent his PA from functioning in a manner beyond that authorized by the Louisiana Physician Assistant Practice Act, La. Rev. Stat. §37:1360.21 *et seq.*, and the Board's rules applicable to PAs, La. Adm. C. 46XLV.1501-1519 and 4501-4513.¹

In the course of the investigation the Board's I/O and/or her staff reviewed prescription and medical records, interviewed persons with knowledge of the relationship between the physician and his PA and met with Dr. LaTour to discuss the allegations. The results of the investigation reveal that Dr. LaTour failed to prevent his PA's use of his signature stamp to indicate that he had reviewed and approved clinical practice guidelines under which his PA practiced, as well as to indicate that patient medical records and prescriptions, including those for controlled substances, were approved, timely reviewed and countersigned. Dr. LaTour, who no longer serves as an SP for a PA, has advised the I/O that he has no desire to do so in the future.

¹ Pursuant to the Law and the Board's rules: a SP is responsible for the responsible supervision, control, and direction of the PA and retains responsibility to the patient for the competence and performance of the PA. Such supervision requires the preparation of clinical practice guidelines set forth and signed by the SP, La. Rev. Stat. §37:1360.22(8), La. Adm. C. 46:XLV.1503, 1523A.4, 1525A.2, 1527A.4; a SP shall not be employed by or serve as an independent contractor to a PA or be a party to any other or similar employment, contractual or financial relationship, La. Adm. C. 46:XLV.1508A.3, 1523B.3; it is mutually incumbent upon the SP and PA to insure that all services rendered by a PA are properly documented in the patient chart and countersigned by the SP within . . . 72 hours in an office setting, La. Adm. C. 46:XLV.4511A(4); the medical record of any patient for whom the PA has prescribed medication shall be properly documented, reviewed and countersigned by the SP within the time specified by §4511.A.4, La. Adm. C. 46:XLV.4506A.2; a PA and SP "shall bear equal and reciprocal obligations to insure strict compliance with the obligations, responsibilities and provisions set forth in the rules of this Chapter, and to immediately report any violation or noncompliance thereof to the board." La. Adm. C. 46:XLV.4511C.

Without admitting any violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1261-1292 (the "Act") or the Board's rules, Dr. LaTour, nonetheless, acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information could establish grounds under the Act for such action against his license to practice medicine in the state of Louisiana as the Board may deem appropriate, pursuant to La. Rev. Stat. §§37:1285A(18), (30) and (31).² In consideration of the foregoing, and on the recommendation of the I/O respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to have notice and administrative adjudication of any charges that may be filed in this matter, 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 any 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. LaTour nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. LaTour 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. LaTour hereby authorizes the I/O 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 results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. LaTour 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 proceed with the filing and adjudication of formal administrative charges against him or to the Board's capacity to adjudicate such charges should the Board decline to approve this Consent Order.

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 Thomas George LaTour, M.D., who is licensed to practice medicine in the state of Louisiana, as evidenced by Certificate No. 009000, is hereby **OFFICIALLY REPRIMANDED**.

² Pursuant to La. Rev. Stat. §§37:1285A(18), (30) and (31), respectively the Board may take action against the license of a physician as a result of: (18) '[K]nowingly performing any act which, in any way, assists an unlicensed person to practice medicine . . .'; (30) '[V]iolation of any rules and regulation of the board, or any provisions of this Part;' and (31) '[F]ailure by a physician to self-report in writing to the board any personal action which constitutes a violation of this Part within thirty days of the occurrence . . . '.

IT IS FURTHER ORDERED that within six (6) months from the effective date of this Order that Dr. LaTour shall provide written confirmation that he has attended and successfully completed a course of study in medical ethics and professionalism acceptable to and pre-approved in writing by the Board or its designee.

IT IS FURTHER ORDERED that Dr. LaTour shall pay the Board a fine in the amount of Five Thousand Dollars (\$5,000), which payment shall be made within ninety (90) days of the acceptance of this Order by the Board.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms and conditions set forth by this Order by Dr. LaTour shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such further action as to Dr. LaTour's license to practice medicine in the state of Louisiana 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 at New Orleans, LA, and effective on this 17th day of January, 2012.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:


Melvin G. Bourgeois, M.D.
President

STATE OF LOUISIANA
PARISH OF Lafayette

ACKNOWLEDGMENT
AND CONSENT

I, THOMAS GEORGE LATOUR, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 12th day of December, 2011.

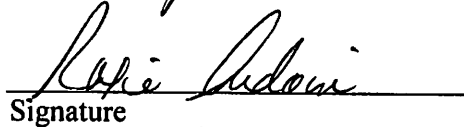

THOMAS GEORGE LATOUR, M.D.

WITNESSES:


Signature

Amie Fulcon
Typed Name

210 Troon Drive, Broussard
Address 70518


Signature

Roxie Ardoin
Typed Name

1935 Bonjon Ln Opel. La
Address 70570

Sworn to and subscribed before me at Lafayette, Louisiana, this 12th day of December, 2011, in the presence of the two stated witnesses.


Notary Public (signature)

Ann D. Latour
Attorney/Notary Public
LA State Bar Roll No. 21314

Notary Public (printed)/Bar-Notary #