

# Louisiana State Board of Medical Examiners

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## IN THE MATTER OF:

**RACHAEL MIA MURPHY, M.D.**  
*(Certificate No. 11755R),*  
*Respondent*

**No. 11-I-424**

**CONSENT ORDER  
FOR REPRIMAND**

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following a report that a medical malpractice claim arising from a 2005 event had been resolved on behalf of Carleton Argo Mentzer III, P.A., wherein Rachael Mia Murphy, M.D. ("Dr. Murphy"), a physician who at all times material to the facts and matters alleged herein is licensed to practice medicine in this state, served as Mr. Mentzer's Supervising Physician. A review of the underlying facts reveal that Mr. Mentzer evaluated a patient with a traumatic injury, and ordered and interpreted an x ray. Mr. Mentzer concluded the x ray was negative for fracture, but the patient subsequently sought care from another physician and a surgical repair of a fracture, that did exist, had to be performed. Mr. Mentzer practiced outside the scope of his authority, and his training and experience, as a physician assistant by interpreting an x ray.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter determined that reasonable cause existed such that a formal Administrative Complaint could be filed against Dr. Murphy, charging her with violations of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. §37:1285A(22).<sup>1</sup>

On her behalf, Dr. Murphy responded that at the time of the event she was unaware that Mr. Mentzer was interpreting x-rays, and while she co-signed the note concurring her oversight of the treatment, she could not recall whether she had independently reviewed the x-ray. Dr.

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<sup>1</sup> Pursuant to La. R.S. §37:1285A(22), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of: (22) Utilizing a physician's assistant without approval and recordation as required by law or permitting a physician's assistant, within his employment, to conduct activities outside of the designated scope of the assistant's approval and registration;

Murphy, now understands that a physician assistant is prohibited from interpreting x rays. She further acknowledges that as a Supervising Physician she was responsible for the actions of the physician assistant, pursuant to La. R.S. 37:1360.28. Since the event, Dr. Murphy is better educated about the scope and practice of physician assistants. She further acknowledges that her present practice does not utilize physician assistants and that she no longer serves as a Supervising Physician.

As evidenced by her subscription to this Order, Dr. Murphy acknowledges the substantial accuracy of the foregoing information and that such acknowledgment, and the reported information, could provide the Investigating Officer with probable cause to pursue formal administrative proceedings against her for violation of the Act, La. Rev. Stat. §§37:1285(A)(22) and, further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, revocation or imposition of such other terms, conditions or restrictions on her license to practice medicine in the state of Louisiana as the Board might deem appropriate.

Recognizing her right to have administrative adjudication of such charges, at which time she would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her 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. §§49:955-965, Dr. Murphy, nonetheless, hereby waives her right to notice of charges, formal adjudication and written decision and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Moreover, by her subscription hereto, Dr. Murphy also waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.* or which otherwise may be afforded to her by law to contest her agreement to or the force and effect of this document in any court or other forum or body relating to the matters referred to herein. By her subscription hereto, Dr. Murphy 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 results of the investigation and she waives any objection to such disclosures under La. Rev. Stat. §49:960. Furthermore, Dr. Murphy expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to pursue an Administrative Complaint against her or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the information provided, the Board has concluded that the public interest would be properly protected and served by allowing Dr. Murphy to maintain her license subject to appropriate specified terms, conditions and restrictions. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, 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 Rachael Mia Murphy, M.D. is hereby issued an **OFFICIAL REPRIMAND** and that Dr. Murphy's license to practice medicine and her continuing exercise of the rights and privileges granted to her thereby, shall be subject to her acceptance of and strict compliance with the following terms and conditions:

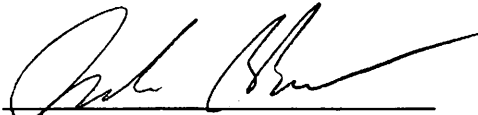
- (1) **Payment of Fine.** Within ninety (90) days of the effective date of this Order Dr. Murphy shall pay to the Board a fine in the amount of Two Thousand and no/100 (\$2,000.00) Dollars.
- (2) **Attendance at Approved Seminar/Course on Professionalism and Medical Ethics.** Within one hundred eighty days (180) of issuance of this order, Dr. Murphy shall provide written confirmation that she has attended and successfully completed one or more courses of study, acceptable to and pre-approved in writing by the Board, in the area of professionalism and medical ethics. All courses required by this provision shall be comprehensive in nature (greater than 20 credit hours) and shall be acceptable to and pre-approved in writing by the Board or its designee.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Murphy shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Murphy'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 in New Orleans, Louisiana, and effective on this 16<sup>th</sup> day of July, 2012.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By:   
MELVIN G. BOURGEOIS, M.D.  
*President*

*Acknowledgement and Consent  
Follows on Next Page*

In the Matter of:  
Rachael Mia Murphy, M.D.

Consent Order  
For Reprimand

**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA  
COUNTY/PARISH OF ST. TAMMANY

I, Rachael Mia Murphy, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 5 day of JUNE, 2012.

  
RACHAEL MIAMURPHY, M.D.

WITNESSES:

Bene Marks  
Signature  
Bene Marks  
Printed Name  
19375 Hwy 36  
Address  
COVINGTON, LA 70433  
City, State, Zip Code

Darrell Gumbert  
Signature  
DARRELL Gumbert  
Printed Name  
19375 Hwy 36  
Address  
COVINGTON La 70433  
City, State, Zip Code

Sworn to and subscribed before me at COVINGTON, LA  
(City) (State)  
this 5 day of JUNE, 2012, in the presence of the two stated witnesses.

  
Notary Public (Signature & Seal)

ROBERT A. BARNETT  
Printed Name/Notary Number (or Stamp)  
#2778

ROBERT A. BARNETT  
Attorney & Notary Public  
Bar #2778  
My Commission Is For Life