

Louisiana State Board of Medical Examiners
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In The Matter Of :
 : **11-I-1001**
DANIEL R. BOURQUE, M.D. :
(Certificate No. 016161R), : **CONSENT ORDER**
 : **FOR REPRIMAND**
Respondent. : _____
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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of information indicating that Daniel R. Bourque, M.D, ("Dr. Bourque"), a physician who practices medicine in and around Lafayette, Louisiana, inappropriately accessed prescription information from the Prescription Monitoring Program, which is administered by the Louisiana Board of Pharmacy, which he disclosed to a third party. In the course of the investigation the Investigating Officer met with Dr. Bourque to discuss the information that had been received. Dr. Bourque has denied violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1261-1292 (the "Act"), but has agreed to this Consent Order in order to avoid the time and expense of further administrative investigation and/or a hearing.

Therefore, without admitting any violation of the Act, Dr. Bourque, nonetheless, acknowledges that the reported information, if true, could establish grounds under the Act for such action against his license to practice medicine in this state as the Board may determine to be appropriate, pursuant to La. Rev. Stat. §37:1285A(13) and §40:1009.¹ In consideration of the foregoing, and on the recommendation of the Investigating Officer 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 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. Bourque 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

¹Pursuant to La. Rev. Stat. §37:1285A(13) the Board may take action against the license of a physician as a result of '[U]nprofessional conduct.' Pursuant to La. Rev. Stat. §40:1009, the Board may take action against the license of a physician for inappropriately disclosing PMP information.

hereinafter. By his subscription hereto, Dr. Bourque 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. Bourque 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 he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Bourque 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 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 Daniel R. Bourque, M.D., is hereby *Officially Reprimanded*;

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

IT IS FURTHER ORDERED that Dr. Bourque shall pay the Board a fine in the amount of Five Thousand Dollars (\$5,000) within ninety (90) days of the effective date of this Order.

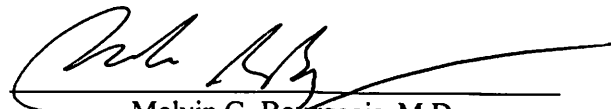
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms or conditions set forth by this Order by Dr. Bourque shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Dr. Bourque's license to practice medicine in this state as the Board may deem appropriate, as if such violation 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, Louisiana, and effective on this 20th day of August, 2012.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:



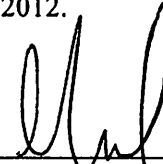
Melvin G. Bourgeois, M.D.

President

STATE OF LOUISIANA
PARISH OF Lafayette

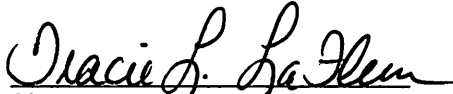
**ACKNOWLEDGMENT
AND CONSENT**

I, DANIEL R. BOURQUE, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 25th day of July, 2012.



DANIEL R. BOURQUE, M.D.

WITNESSES:



Signature

Tracie L. LaFleur

Typed Name
200 Corporate Blvd., Ste 103
Lafayette, LA 70508

Address




Signature

Christy Cormier

Typed Name
200 Corporate Blvd, Ste 103
Lafayette, LA 70508

Address

Sworn to and subscribed before me at Lafayette, Louisiana, this 25th day of July, 2012, in the presence of the two stated witnesses.



Notary Public (Signature/Seal)

Benjamin Guines 92580

Notary Public (Printed Name)/Bar-Notary #