

# Louisiana State Board of Medical Examiners

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**IN THE MATTER OF**

**No. 10-I-896**

**MELVIN JAMES SCHULTZ, M.D.**

**CONSENT ORDER**

***Certificate No. 012125***

***Respondent***  
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Melvin James Schultz, M.D. ("Dr. Schultz" or "Respondent") is and at all times pertinent has been, a physician licensed to practice medicine in the State of Louisiana. At all pertinent times, Dr. Schultz has practiced in the field of pain management in and around Metairie, Louisiana.

The Louisiana State Board of Medical Examiners ("LSBME" or "Board") initiated an investigation of Dr. Schultz's medical practice following the receipt of information indicating that Dr. Schultz was prescribing narcotic and other medications to patients in contravention of the Board's rules on the treatment of chronic pain<sup>1</sup> and obesity.<sup>2</sup> Patient medical records were obtained. Review of these medical records indicates that Dr. Schultz prescribed controlled substances for patients with chronic pain without appropriate medical justification and in an inappropriate manner, maintained insufficient medical and dispensing records, and dispensed controlled substances without holding a dispensing registration as required by the Board's rules.<sup>3</sup>

Predicated upon the information outlined above, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists for recommending that a formal administrative complaint be filed against Dr. Schultz charging him with violations of the Louisiana Medical Practice Act (the "Act").<sup>4</sup>

<sup>1</sup>Medications Used in the Treatment of Noncancer-related Chronic or Intractable Pain, La. Adm. Code 46XLV.6915-6923.

<sup>2</sup>Medications Used in the Treatment of Obesity, La. Adm. Code 46 XLV.6901-6913.

<sup>3</sup>Dispensation of Medication, La. Adm. C. 46XLV.6505B.

<sup>4</sup>Pursuant to La. Rev. Stat. §37:1285(A) the Board may take action against the license of a physician as a result of: (6) "[p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefore or in other than a legal or legitimate manner;" (12) "[p]rofessional or medical incompetency," (13) "[u]nprofessional conduct," (14) "[c]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state;" and (30) [v]iolation of any rules and regulations of the Board, or any provision of this Part."

As evidenced by his subscription hereto Dr. Schultz, without admitting any violation of the Act or the Board's rules, nevertheless acknowledges that the foregoing information would constitute probable cause for the institution of administrative proceedings against his medical licensure, pursuant to an administrative complaint, and that proof of such information upon administrative evidentiary hearing may establish grounds under the Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate.

Recognizing his right to have notice and administrative adjudication of any charges that may be filed in this matter, at which time Dr. Schultz 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. §§49:955-965, Dr. Schultz, 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. Dr. Schultz also acknowledges that he hereby 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 he otherwise may be afforded 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. Schultz 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. Schultz 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 proceed with the filing and adjudication of an administrative complaint against him, or to the Board's capacity to adjudicate such complaint 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 the license of Melvin James Schultz, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 012125, is hereby placed **ON PROBATION** for a period of five (5) years from the effective date of this Order (the "probationary period"); *provided, however*, that Dr. Schultz's license to practice medicine in this state, and his continuing exercise of the rights and privileges granted to him thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) **Prohibitions on Practice/Management of Chronic Pain or Obesity.** On and after the effective date of this Order, Dr. Schultz shall not practice medicine in the field of management of chronic pain or obesity. More specifically, Dr. Schultz shall not hold himself out as being engaged in the treatment of or actually undertake to treat, either individually or in

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conjunction with any other physician, any patient for the long-term management of chronic pain or obesity with controlled substances nor shall he receive any remuneration from, have any ownership interest in or association with any clinic or practice setting or arrangement that renders care and/or treatment to patients for chronic pain or obesity or any clinic that advertises or holds itself out to the public as a clinic or practice for the care and/or treatment of patients for the management of chronic pain or obesity. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall survive the probationary period and remain in effect so long as Dr. Schultz shall hold any form of license or permit to practice medicine in the State of Louisiana.

**(2) Prescription, Dispensation, Administration of Controlled Substances Prohibited.** Except as authorized herein Respondent shall not, during the probationary period, prescribe, dispense or administer any substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308.11-.15 or La. Rev. Stat §40:964, as a Schedule II, III, or IV controlled substance. The prohibitions contained in this paragraph shall not prohibit Respondent from prescribing Schedule V controlled substances in the course of his practice nor shall it prevent him from ordering controlled substances and other prescription medications for administration to in-patients of and at a hospital or similar institution where he may be employed or exercise staff and clinical privileges under the controlled substance license and registration of such hospital or institution and in accordance with such hospital or institution's prescribed policies and procedures governing the administration of controlled substances.

**(3) Continuing Medical Education/Proper Prescribing.** Within the first year of the probationary period, Respondent shall provide written confirmation that he has attended and successfully completed a course of study in the proper prescribing of controlled substances. The course 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.

**(4) Continuing Medical Education/Professionalism and Medical Ethics.** Within the first year of the probationary period, Respondent shall provide written confirmation that he has attended and successfully completed a course of study in the area of appropriate medical boundaries, professionalism and medical ethics. The course 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.

**(5) Payment of a Fine.** Dr. Schultz shall pay the Board a fine in the amount of three thousand dollars (\$3,000) within ninety (90) days of the effective date of this Order.

**(6) Continuing Medical Education.** Respondent shall obtain not less than fifty (50) credit hours per year for each of the probationary period through attendance at and participation in continuing medical education ("CME") programs accredited by and qualifying for the Physician's Recognition Award of the American Medical Association. On or before the anniversary date of the effective date of this Order for each year of the probationary period Respondent shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months. CME obtained in

compliance with paragraphs 3 and 4 of this Order shall be counted towards satisfaction of the CME requirement for year one of the probationary period.

**(7) Probation Monitoring Fee.** For each year of the probationary period Respondent shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

**(8) Effect of Violation/Sanction.** By his subscription hereto, Respondent acknowledges that his receipt of written notification that the Board has received apparently reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise 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, constitute his irrevocable consent to the immediate suspension of his license to practice medicine as a physician in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges.

**(9) Cooperation with the Board's Probation and Compliance Officer.** Respondent shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all matters required pursuant to this Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Order.

**(10) Absence from State/Practice/Effect on Probation.** Should Respondent at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing medicine for a period of thirty (30) days or more, or should he fail to renew his license to practice medicine in this state, he shall advise the Board in writing. In such instance, the probationary period ordered herein and all terms, conditions and restrictions thereof, shall be deemed interrupted and extended and shall not commence to run until Respondent notifies the Board in writing that he has returned to, relocated or taken up residency in, resumed the practice of medicine in the state of Louisiana or renewed his Louisiana license. In such instance, Respondent shall not receive credit toward completion of the probationary period for the time during which he was absent from the state of Louisiana or while he was not engaged in or licensed to practice medicine in this state.

**(11) Certification of Compliance with Probationary Terms/Personal Appearance before the Board.** At least sixty (60) days prior to the conclusion of the probationary period Respondent shall contact and arrange for a personal appearance before the Board or its designee at its meeting preceding the expiration of the probationary period ordered herein. As a precondition to his request for termination of probation, Respondent shall provide the Board with an executed affidavit certifying that he has complied with each of the terms of probation imposed

upon him by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Respondent's compliance with the requirements of this provision.

(12) **Notification.** During the probationary period Respondent shall provide a complete copy of this Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state.

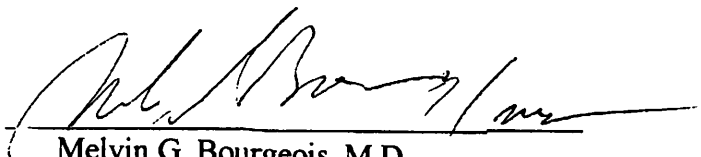
**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Schultz shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Schultz's license to practice medicine in the state of Louisiana or 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.

Signed at New Orleans, Louisiana, on and effective this 3<sup>rd</sup> day of December,  
2012.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

By:

  
Melvin G. Bourgeois, M.D.  
President

*Acknowledgement and Consent  
on Following Page*

*Acknowledgement and Consent  
on Following Page*

ACKNOWLEDGMENT  
AND CONSENT

STATE OF LOUISIANA

PARISH OF Orleans

I, MELVIN JAMES SCHULTZ, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 17<sup>th</sup> day of October, ~~2011~~ 2012

Melvin James Schultz, M.D.  
MELVIN JAMES SCHULTZ, M.D.

WITNESSES:

Nicole Keppler  
Signature

Nicole Keppler  
Typed Name

909 Poydras St, Suite 1600  
Address

New Orleans, LA 70112  
City/State/Zip Code

Terri Bowers  
Signature

Terri Bowers  
Typed Name

909 Poydras St, Ste. 1600  
Address

New Orleans LA 70112  
City/State/Zip Code

Sworn to and subscribed before me this 17 day of October, ~~2011~~ 2012  
in the presence of the two stated witnesses.

William P. Gibbens  
Notary Public (Signature and Seal)

WILLIAM P. GIBBENS #27225  
Printed Name/Notary or Bar Number