

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of	:	No. 12-I-218
	:	
DENISE MARIE GRAHAM, M.D.	:	CONSENT ORDER
<i>(Certificate No. 09038R)</i>	:	
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The Director of Investigations ("DOI") for the Louisiana State Board of Medical Examiners (the "Board"), began an investigation of Denise Marie Graham, M.D. ("Dr. Graham"), a physician licensed in the State of Louisiana pursuant to Certificate Number 09038R, upon receipt of information that a clinic in the New Orleans area ("the Clinic"), where Dr. Graham was employed, was making unsubstantiated claims about the benefits of certain therapies that were being offered. During the course of the investigation, the Board conducted a site investigation, and records were obtained from the clinic. It was discovered that Dr. Graham, while trained as a psychiatrist, was treating patients for chronic pain, performing liposuction, and offering stem cell injection therapy for non-FDA approved indications. Review of the records by the DOI confirmed to her satisfaction that Dr. Graham prescribed controlled substances to her patients in a manner that was not in keeping with the requirements of the Board's Pain Rules. Furthermore, based upon her known education and training, there was a basis for the concern that Dr. Graham did not possess the requisite education, training and experience to perform liposuction.

Dr. Graham has been fully compliant with the investigation. Although Dr. Graham felt that she was adequately trained to treat chronic pain and to perform certain cosmetic surgical procedures, including liposuction, she understood the Board's concerns in this case. Dr. Graham also believed that the Clinic did not provide the complete medical records in response to the Board's subpoena, which might have had bearing on the DOI's review. Dr. Graham has denied violations of the Louisiana Medical Practice Act La. Rev. Stat. §37:1261-1292, but has nevertheless agreed to this Consent Order in order to avoid the time and expense of further administrative investigation and/or a hearing.

Dr. Graham has relocated her practice out of state effective as of August 13, 2012 and has represented to the Board that she wishes to continue practicing medicine outside the State of Louisiana at this time. Dr. Graham has agreed that should she fail to comply

with the terms and conditions of this Order, then the Board may impose upon her additional penalties and sanctions.

As evidenced by her subscription hereto, Dr. Graham, without admitting any liability or violation of federal or state law or regulation, and for purposes of this Consent Order only, acknowledges that such information would provide the DOI with a reasonable basis to initiate formal administrative proceedings against her license pursuant to the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285A(6),¹ (13),² (14),³ and (30)⁴ constituting cause for such action against the physician's license to practice medicine in the state of Louisiana as the Board may deem appropriate.

Recognizing her right to have an administrative adjudication of such charges, at which time Dr. Graham 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. Graham, nonetheless, hereby waives her right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Dr. Graham also acknowledges that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, et seq., or to which she otherwise may be afforded by any law to contest her agreement to or the authority of the Board's investigation or this document in any court or other forum. By her subscription hereto, Dr. Graham also hereby authorizes the DOI 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. Dr. Graham expressly acknowledges that the disclosure of such information to the Board by the DOI shall be without prejudice to the DOI's authority to proceed with the filing and adjudication of an Administrative Complaint against her or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

¹ Pursuant to La. R.S. §37:1285A(6), 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 "[p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner."

² Pursuant to La. R.S. §37:1285A(13), 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 "[u]nprofessional conduct."

³ Pursuant to La. R.S. §37:1285A(14), 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 "[c]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state."

⁴ Pursuant to La. R.S. §37:1285A(30), 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 a "[v]iolation of any rules and regulations of the board, or any provisions of this Part."

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 Denise Marie Graham, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 09038R, is hereby **CONDITIONED** upon and shall be subject to her acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Prohibitions on Practice – Stem Cell Therapy and Cosmetic Surgery. Dr. Graham shall not offer or promote any stem cell therapy for any purpose, and she shall not perform any cosmetic surgical procedures, including but not limited to, liposuction, fat transfer procedures, and suture suspension lifts, in this state. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall remain in effect so long as Dr. Graham shall hold a license to practice medicine in the state of Louisiana.

(2) Prohibitions on Practice – Management of Chronic Pain or Obesity. Dr. Graham shall not prescribe controlled substances to any patient for the management of chronic pain or obesity. Nor shall she receive any remuneration from, or have any ownership interest in or association with any clinic or practice setting 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. This Order does not prohibit Dr. Graham from having an ownership interest in a nutritionally-based clinic or program for weight loss such as Weight Watchers or Ideal Protein programs. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall remain in effect so long as Dr. Graham shall hold a license to practice medicine in the state of Louisiana.

(3) Attendance at Approved Seminar/Professionalism and Medical Ethics. Within one (1) year of the effective date of this Order, Dr. Graham shall provide written confirmation that she has attended and successfully completed a course of study in the area of professionalism and medical ethics. All courses required by this provision shall be comprehensive in nature (greater than 20 credit hours) acceptable to and pre-approved in writing by the Board.

(4) Payment of Fine. Dr. Graham shall pay a fine of \$3,000 to the Board, which payment shall be made within 3 months of the acceptance of this Order by the Board.

(5) Return to Louisiana. In the event that Dr. Graham should ever decide to return to Louisiana to engage in the practice of medicine, she shall contact the board at least sixty (60) days in advance thereof and arrange an

appearance before the Board or its designee to discuss her anticipated practice plans and her continued compliance with the terms of this Order.

(6) **Effective Date.** This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

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. Graham shall be deemed adequate and sufficient cause, upon proof of such violation or failure at a hearing, for the revocation and cancellation of Dr. Graham's license to practice medicine in the state of Louisiana, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285. Dr. Graham's right to judicial review of any such Board disciplinary action is reserved.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 3rd day of December, 2012.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:



MELVIN G. BOURGEOIS, M.D.
President

Acknowledgement and Consent on Following Page

STATE OF Michigan
PARISH/COUNTY OF St. Clair

**ACKNOWLEDGMENT
AND CONSENT**

I, DENISE MARIE GRAHAM, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 16th day of October, 2012.

Denise Marie Graham
DENISE MARIE GRAHAM, M.D.

WITNESSES:

Joy A. Hice
Signature

Joy A. Hice
Printed Name

3111 Electric Ave
Address

Port Huron, MI 48060
City/State/Zip Code

Lisa A. Kolan
Signature

LISA A. KOLAN
Printed Name

3111 Electric Ave
Address

Port Huron, MI 48060
City/State/Zip Code

Sworn to and subscribed before me this 16th day of October, 2012, in the presence of the two stated witnesses.

Caroline D. Corby
Notary Public (Signature)

Print name Caroline D. Corby

Bar/Notary No.: _____

CAROLINE D. CORBY
NOTARY PUBLIC, STATE OF MICHIGAN
ST. CLAIR COUNTY
MY COMMISSION EXPIRES 3/19/2018
Acting In St. Clair Co., Michigan