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In The Matter Of *
*
STANLEY EARL MORGAN, M.D. *
*
* * * * *

FINAL DECISION

A formal hearing was convened before the Louisiana State Board of Medical Examiners (Board) on December 13, 1984, to adjudicate alleged, specified violations of the Louisiana Medical Practice Act by Stanley Earl Morgan, M.D. (Dr. Morgan), to-wit: "entry of a plea of guilty . . . to a criminal charge," LSA-R.S. 37:1285(1); and "[p]rescribing, dispensing or administering habit-forming or other legally controlled substances in other than a legal or legitimate manner," LSA-R.S. 37:1285(6).

After receiving and considering the evidence and Dr. Morgan's sworn statements and representations, pursuant to LSA-R.S. 49:958, the Board renders the following Findings of Fact, Conclusions of Law and Decision.

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FINDINGS OF FACT

1.

On September 25, 1984, a Bill of Information was filed in the United States District Court, Western District of Louisiana, Lafayette-Opelousas Division, charging Stanley Earl Morgan, M.D. with violations of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2. [21 U.S.C., Section 841(a)(1); 18 U.S.C., Section 2]

2.

Said Bill of Information more particularly alleged that Dr. Morgan did knowingly and intentionally unlawfully dispense and cause to be dispensed approximately thirty (30) dosage units of Preludin, a Schedule II controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice by means of a prescription.

3.

On October 4, 1984, Dr. Morgan appeared before the Honorable John M. Duhe, Jr., District Judge, and entered a plea of guilty to the said one-count Bill of Information, charging a violation of Title 21, United States Code, Section 841(a)(1), pursuant to Federal Rule of Criminal Procedure 11(f).

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4.

Pursuant to his plea of guilty, Dr. Morgan was committed to the custody of the Attorney General or his authorized representative for imprisonment for a term of three (3) years. The execution of said sentence of imprisonment was suspended and the defendant was placed on supervised probation for a period of five (5) years, upon the following terms and conditions:

1. That he obey all local, state and federal laws;
2. That he comply with the rules and regulations of the Probation Department;
3. That he pay a fine to the United States in the sum of fifteen thousand dollars (\$15,000.00) within thirty (30) days of the Probation Order submitted by Judge John M. Duhe, Jr., on December 3, 1984.
4. That he not reapply for a Schedule II license;
5. That he shall not dispense, administer or prescribe controlled substances as defined in 21 U.S.C., Section 812, and the regulations promulgated thereof except in the usual course of medical practice and for a legitimate medical purpose.

It was further ordered that the Drug Enforcement Administration, or its designated investigative agency, shall annually survey pharmacies in the area in which the defendant practices medicine to determine the prescribing pattern of the defendant and report the results of the

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survey to the Court. The foregoing sentence and probation order was rendered by Honorable John M. Duhe, Jr., District Judge, on December 3, 1984.

5.

The criminal offense acknowledged by Dr. Morgan, and to which he pled guilty, arose out of and from his practice of medicine in the State of Louisiana and his exercise of the privileges of medical licensure and, because of the nature thereof, has a direct and proximate relationship to his qualification and fitness for practice.

6.

By his own admission, Dr. Morgan did unlawfully dispense a Schedule II controlled substance for other than a legitimate medical purpose.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law, that:

1.

Stanley Earl Morgan, M.D. entered a plea of guilty to a criminal charge arising out of his practice of medicine and therefore, just cause

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exists for action against his license as provided for by LSA-R.S. 37:1285(1).

2.

Stanley Earl Morgan, M.D. prescribed, dispensed or administered a legally controlled substance in other than a legal or legitimate manner and, therefore, just cause exists for action against his license as provided by LSA-R.S. 37:1285(6).

DECISION

Considering the foregoing,

1.

IT IS ORDERED that the license of Stanley Earl Morgan, M.D. to practice medicine in the State of Louisiana, as evidenced by Certificate No. 004587, be, and the same is hereby SUSPENDED for a period of six (6) months from the date hereof.

2.

IT IS FURTHER ORDERED that the license of Stanley Earl Morgan, M.D., to practice medicine in Louisiana be and the same is hereby placed on probation for a period of five (5) years from the date hereof.

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3.

IT IS FURTHER ORDERED that the Judgment and Probation/Commitment Order of the United States District Court for the Western District of Louisiana, Lafayette-Opelousas Division, rendered by United States District Judge John M. Duhe, Jr., on December 3, 1984, be and the same is hereby adopted by the Board and incorporated herein, as if copied fully and is made part of the Board's decision herein. Any violation by Dr. Morgan of the terms of the Judgment and Probation/Commitment Order hereinabove mentioned, and/or any violations of the prohibitions of the Louisiana Medical Practice Act, shall be deemed just cause for the suspension or revocation of the medical licensure of Stanley Earl Morgan, M.D., or for other such disciplinary action as the Board may deem appropriate.

4.

IT IS FURTHER ORDERED that Stanley Earl Morgan, M.D. shall not, from the date of notification of this decision until further order of the Board, possess a license or registration to prescribe, dispense or administer any Schedule II or II(N) controlled substance and shall not prescribe, dispense or administer any controlled substance as defined, enumerated or included in 21 C.F.R., Section 1308.12 or LSA-R.S. 40:964, Schedule II, and any substance which may hereafter be included in any Schedule II or II(N) controlled substance Schedule by amendment or revision of the cited regulations or statute.

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5.

IT IS FURTHER ORDERED that any violation of the probationary terms, conditions and restrictions set forth herein shall be deemed just cause for the suspension or revocation of the medical licensure of Stanley Earl Morgan, M.D., or for other such disciplinary action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in LSA-R.S. 37:1285.

New Orleans, Louisiana, this 31st day of Jan.,
1985.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

BY: Charles B. Odom M.D.
CHARLES B. ODOM, M.D.
President