

New Orleans, LA 70112-1499

An administrative hearing was convened before the Louisiana State Board of Medical Examiners (the Board) on Saturday, October 27, 1990, to adjudicate alleged violations of the Louisiana Medical Practice Act by William Samuel Nacol, Jr., M.D. (the Respondent). Present representing the Board was a quorum of its membership including Drs. Elmo J. Laborde, Ike Muslow, Bernard L. Kaplan, and F. P. Bordelon, Jr., with Dr. Laborde presiding. Also present were the Respondent represented by his counsel, Mr. Charest Thibaut III; Mr. James J. Thornton, Independent Counsel for the Board; and Mr. Philip O. Bergeron, Attorney for the Board. Dr. Richard M. Nunnally, the Investigating Officer, took no part in either the hearing or the decision of the Board.

[illegible]

1. On July 14, 1989, a Bill of Information was filed against Respondent in the United States District Court, for the Southern District of Texas, Houston Division, charging him with conspiracy relating to his possession with intent to distribute Talwin, a Schedule IV controlled substance, for other than a legitimate medical purpose and not in the course of his medical practice, all in violation of 21 U.S.C., Section 846 and 841(a)(1) in the matter styled "United States

Louisiana State Board of Medical Examiners

- 2 -

of America vs. William S. Nacol, Jr., M.D.," Criminal Number H-89-23 on the docket of the Court.

2. On March 8, 1989, Respondent pled guilty to both counts in the Bill of Information. Each of these counts constituted a felony.

3. On March 13, 1989, Respondent entered into a plea agreement in which he warranted that he would plead guilty to Counts I, II, and III of a Bill of Information filed in Jefferson County, Texas. Both counts related to the controlled substance offense involving Talwin.

4. On April 27, 1990, Respondent received a suspended sentence; was placed on five years supervised probation; and assessed a Five Thousand (\$5,000.00) Dollar fine. He was further ordered to surrender his Texas medical license and his Drug Enforcement Administration permit and was ordered to perform one thousand hours of community service at the rate of twenty hours per month.

5. In testimony before the Board, Respondent admitted the truth of the criminal charges to which he pled guilty.

6. On May 24, 1990, Respondent as a part of his plea agreement, surrendered his medical license to practice medicine in the State of Texas to the Texas State Board of Medical Examiners. He retained his license to practice medicine in the State of Louisiana.

7. Prior to January 9, 1990, Respondent was neither licensed nor registered with the Board as a dispensing physician. Nevertheless, during 1989, Respondent, while employed at Doctors Quick Trim Clinic in Destrehan, Louisiana, prescribed one dosage unit of Phentermine 30 mg and a second dosage of Phentermine 37.5 mg daily to at least ten patients. These dosages were far in excess of any legitimate therapeutic daily dosage and, accordingly, without medical justification.

8. On January 9, 1990, Respondent applied for and was granted a physician dispensation registration by the Board which would allow him to dispense at two locations: 534 North Donmoor, Baton Rouge, Louisiana, and 9352 Interline Road, Baton Rouge, Louisiana. Nevertheless, Respondent dispensed controlled substances at locations other than the two listed above and, more specifically, on January 20, 1990, he dispensed controlled substances at the Doctors Quick Trim Clinic located at Raceland, Louisiana and the Doctors Quick Trim Clinic in Destrehan, Louisiana. On February 12, 1990, Respondent applied for and was granted licenses allowing him to dispense medication at five additional Doctors Quick Trim Clinics.

9. On February 3, 1990, at the Baton Rouge Doctors Quick Trim Clinic, Respondent saw and undertook the treatment of ninety patients seeking medically assisted weight control during a five hour

period. In several instances, patients' charts reveal that he dispensed controlled substances in contravention of the warnings and contraindications of the medication. He dispensed Phentermine in several instances to patients who gave histories of symptomatic cardiovascular disease, moderate to severe hypertension and hyperthyroidism.

10. With respect to one patient, Xxx Xxxx, age 47, on February 3, 1990, Respondent dispensed Phentermine 30 mg in such quantity as to allow the patient to continue on an already uninterrupted sixteen week course of Phentermine therapy for an additional four week period, a duration in contravention of warnings and contraindications pertinent to this medication.

11. Respondent on that same date prescribed phentermine to twenty-seven other patients in the absence of a recorded history of last menstrual period and, therefore, in contravention of the warnings and contraindications pertaining to the medication.

12. Respondent currently practices medicine in an economically poor and deprived neighborhood and, according to the testimony of the witnesses, enjoys a good reputation in the community.

Conclusions of Law

1. Respondent's plea of guilty to both felony counts of the Bill of Information filed against him in the United States District Court for the Southern District of Texas, Houston Division is violative of the Louisiana Medical Practice Act, Louisiana Revised Statutes, Title 37, § 1285A(1).

2. By dint of his plea agreement and an Agreed Order with the Texas State Board of Medical Examiners which revoked Respondent's Texas medical license, Respondent is in violation of the Louisiana Medical Practice Act, Louisiana Revised Statutes, Title 37, § 1285A(30).

3. Respondent's dispensation in 1989 of controlled substances in Louisiana without authority and registration to do so, violated the Louisiana Medical Practice Act, Louisiana Revised Statutes, Title 37, § 1285A(29).

4. Respondent's dispensation on January 29, 1990, of controlled substances at locations other than those at which he was authorized to dispense, violated the Louisiana Medical Practice Act, Louisiana Revised Statutes, Title 37, § 1285A(29).

5. Respondent's dispensation and administration of controlled substances which occurred in 1989 and 1990 to patients in quantities, frequencies and durations in excess of medical justification and in contravention of the warnings and contraindications pertaining to the

medicine not only violated the Louisiana Medical Practice Act, but also constitutes medical practice which falls substantially below the prevailing and accepted standards of medical practice in the State of Louisiana, which, in itself, violated the Louisiana Medical Practice Act, Louisiana Revised Statutes, Title 37, §§ 1285A(6) and 1285A(14).

6. Respondent's dispensation and administration of controlled substances without medical justification and in contravention of warnings and contraindications, constitutes professional and medical incompetency and is violative of the Louisiana Medical Practice Act, Louisiana Revised Statutes, Title 37, § 1285A(12).

Decision

Because the Board has a consistent and long standing policy that the suspension or forfeiture of the medical license of a physician in the state where his practice was located shall result in the forfeiture and revocation of his Louisiana medical license; and additionally because the Board believes that despite the testimony in support of Respondent and despite Respondent's assurances that he has abandoned his practices of the past, nonetheless, his violations of the Louisiana Medical Practice Act as an employee of Doctors Quick Trim Clinics is reminiscent of his lack of respect for the rules and procedures which govern the medical profession and which led to his indictment in the United States District court in Texas and the forfeiture of his license to practice medicine in the State of Texas;

IT IS ORDERED that Respondent's Louisiana medical license as evidenced by Certificate No. 05135R is revoked.

Lafayette, Louisiana

15 November, 1990

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By Elmo J. Laborde M.D.
Elmo J. Laborde, M.D.
President