

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.la.gov



Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:

(504) _____

BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NUMBER: 15-A-004

IN THE MATTER OF:

MAURICE JEAN GREMILLION, M.D.
(Certificate No. MD.012273)

ADMINISTRATIVE HEARING
HELD ON OCTOBER 27, 2015

DECISION AND ORDER

This matter comes before the Board pursuant to an Administrative Complaint which charges Respondent Maurice Jean Gremillion, M.D., with violations of the Louisiana Medical Practice Act and the Louisiana State Board of Medical Examiners' ("Board") Dispensing and Obesity Rules. The matter was heard before a panel consisting of Drs. Burdine, Clark, Farris, with Dr. Dawson presiding. The Respondent was present and represented by legal counsel.

The Complaint charges the Respondent with the following violations:

1. La. R.S. 37: 1285 A (5) "habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence...";
2. La. R.S. 37:1285 A (25) "inability to practice medicine... with reasonable skill or safety to patients because of mental illness or deficiency... and/or excessive use or abuse of drugs, including alcohol...";
3. La. R.S. 37:1285 A (6) and (30) "prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication... in other than legal or legitimate manner" which consisted of violation of La. Admin Code 46:XLV Sec.

6505-dispensing medication in absence of a dispensing registration;

4. La. R.S. 37:1285 A (6) and (30) “prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication... in other than legal or legitimate manner” which consisted of violation of La. Admin Code 46:XLV Sec. 6505 and 6506-dispensing controlled dangerous substances in excess of a single forty-eight hour supply;

5. La. R.S. 37:1285 A (6) and (30) “prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication... in other than legal or legitimate manner” which consisted of violation of La. Admin Code 46:XLV Sec. 6507 C-dispensing Schedule III controlled dangerous substances in violation of Board Rules;

6. La. R.S. 37:1285A (6) and (30) “prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication... in other than legal or legitimate manner” which consisted of violation of La. Admin Code 46:XLV §§6907 A and B- employing a Schedule III anoretic Gremillion, January 2016C (phendimetrazine) for the treatment of weight loss without first attempting a trial of a Schedule IV anoretic.

FINDINGS OF FACTS

The evidence presented in this case consisted of exhibits introduced by counsel for Complainant and Respondent, the testimony of Ed Middleton, case manager for the Physicians Health Foundation of Louisiana (“PHFL”), the Respondent, Dr. Maurice Gremillion, Dr. Gremillion’s brother, Judge Glenn Gremillion and Dr. Richard W. Williams. Counsel for both parties agreed to allow the hearing to remain open for the submission of the testimony of Jay A. Weiss, M.D, by deposition. The panel members subsequently received the video and printed copy of Dr. Weiss’ deposition prior to its deliberations.

Dr. Gremillion, in his testimony, admitted to the violations alleged in Counts II, III and IV of the Administrative Complaint (“complaint”) as summarized above in numbered paragraphs 3,4,5 and 6 and as more particularly stated in paragraphs 13 through 20 and 22 through 24 of the complaint. These acknowledged violations of the Board’s Dispensing and Obesity Rules included Dr. Gremillion’s dispensing medications without a dispensing registration, dispensing controlled substance medication (phendimetrazine) in amounts exceeding a single forty-eight (48) hours. Dr. Gremillion also admitted ordering one thousand (1000) dosage units of phendimetrazine, 35 mg not in accordance with a dispensing registration and dispensing this Schedule III anoretic to his staff and their family members, himself and others without first attempting a trial of a Schedule IV anoretic.

Based on this evidence presented, including Respondent’s testimony and admissions, the panel finds that the allegations of fact contained in paragraphs 13 through 20 of the complaint have been proven by a preponderance of the evidence and based on those factual findings further finds that Dr. Gremillion violated the Board’s Dispensing Rules as specified in paragraphs 22 and 23 of the complaint (Counts II and III) and that Dr. Gremillion violated the Board’s Obesity Rules as

specified in paragraph 24 of the complaint (Count IV).

Dr. Gremillion challenged Count I of the complaint alleging that he had a substance use disorder/dependency which had the capacity to impair his ability to practice medicine with skill and safety to patients.

The evidence showed that Respondent's ordering of the large quantity of phendimetrazine which he had delivered to his business address triggered the concerns of the Board staff because Dr. Gremillion did not have a dispensing permit. The board also received information from Respondent's prescribing database which showed that Dr. Gremillion had written prescriptions to family members for opioids, narcotics, amphetamines, benzodiazepines and carisprodol. On November 21, 2014 the Board's staff referred Dr. Gremillion to the physicians' Health Program ("PHP") of the PHFL out of concern that he may be suffering from substance abuse which could render him incapable of practicing medicine with skill and safety to patients.

In December 2014, Dr. Gremillion met with the PHFL's Medical Director and Case Manager. Following the meeting, Dr. Gremillion was notified that the PHFL was recommending a formal evaluation. Dr. Gremillion chose Palmetto Addiction Recovery Center ("Palmetto") from a list of approved facilities for the evaluation. Respondent underwent a three day in-patient evaluation at Palmetto from December 28-31, 2014. The multi disciplinary evaluation consisted of a physical examination, addiction medicine assessment, psychiatric evaluation, laboratory testing and psychological testing/evaluation.

On January 6, 2015, Palmetto's Medical Directors submitted a written report to the PHFL containing the diagnosis of substance use disorder, moderate and polysubstance dependence. The report also contained the multi disciplinary team's recommendations that Dr. Gremillion enter into a five-year monitoring contract with the PHP, taper off or discontinue all controlled medications and complete a Louisiana PHP approved long-term residential treatment program. The report also stated that Respondent was not ready to practice medicine with skill and safety to patients until he successfully completed treatment, had a monitoring contract in place, had a continuing care plan in place and had been assessed as fit to return to practice.

Respondent was provided the Palmetto diagnoses and recommendations. Dr. Gremillion disagreed with the Palmetto evaluation and was given an opportunity by the PHP to submit to a second comprehensive in-patient evaluation from a listing of approved facilities. Dr. Gremillion did not participate in another in-patient evaluation as recommended by the PHP and the Board's staff and elected instead to submit to an outpatient evaluation performed by Dr. Richard W Williams. Dr. Williams submitted a written report in which he opined that Dr. Gremillion did not meet the criteria for either an alcohol or drug use disorder nor did he meet the criteria for an alcohol or drug dependence or abuse.

Dr. Weiss, an expert in the evaluation and treatment of substance abuse disorders, testified that during his interview, Dr. Gremillion admitted that he ordered the phendimetrazine gave it to his employees and took some himself back in November. Respondent also admitted taking 3-4 Esgic pills a day, Soma on a regular basis each evening and Tramadol three times a day with flare

ups of low back pain. Respondent also took Restoril at night on and off for 3 to 4 months. In addition, on the weekends, Dr. Gremillion admitted consuming approximately four beers a night while taking these medications. Dr. Weiss testified that all of the medications have contraindications with alcohol. Dr. Weiss also testified that Dr. Gremillion reported using these medications for stress and pain relief and that he had tried to stop taking these medications in the past but had not been successful. Dr. Weiss also opined that taking this combination of medications for stress relief was not appropriate.

Although Dr. Gremillion was not diagnosed with an alcohol use disorder, Dr. Weiss testified that two of the laboratory tests were significantly elevated and are seen in people who are drinking too much. The results led Dr. Weiss to suspect that Respondent may be drinking more than he admitted. Ultimately, Dr. Weiss considered Respondent's alcohol consumption excessive in light of all of the medications he was taking because they all have contraindications to alcohol. Dr. Weiss also testified that amphetamines were not appropriate for diet purposes.

Dr. Weiss testified that he considered Dr. Gremillion's taking controlled medication out of his office supply not only inappropriate but was indicative of a loss of control. Dr. Weiss also testified that taking the medications which Dr. Gremillion was taking in combination can impair cognitive function and judgment. Dr. Weiss was of the opinion that Dr. Gremillion had not been exercising good judgment with controlled substances either in his personal use or in his prescription patterns. Throughout Dr. Weiss' testimony he adhered to the diagnoses and recommendations stated in his report.

Dr. Gremillion challenged the characterization of his unfettered use of samples as a "loss of control". However he acknowledged that he kept no records or documentation of how many samples of controlled medications which he took for his personal use nor did he have any prescriptions. He also agreed that he had no prescription for the Restoril.

Dr. Gremillion testified that he did not want to participate in the recommendations of the Palmetto report because he did not want to be stigmatized and did not want to sign up for routine drug screening and monitoring because he thought it was unnecessary.

Judge Glenn Gremillion, Respondent's brother testified to meeting with the Respondent every second Wednesday for social functions and testified generally as to Respondent's sobriety and the fact that he had never seen the Respondent intoxicated.

Dr. Richard W Williams, accepted as an expert in the fields of psychiatry and addiction medicine, testified as to the importance of collateral interviews when doing a substance abuse evaluation. He testified as to the collateral interviews, which were part of his evaluation, which did not support any substance abuse or dependency diagnosis of the Respondent. Dr. Williams, in his report and testimony considered the Respondent's self prescribing and prescribing for his family not to be acceptable practices of medicine. Dr. Williams also agreed that Dr. Gremillion's undocumented use of samples of controlled medications was not appropriate. Nevertheless, Dr. Williams maintained that Dr. Gremillion's use of medication and alcohol did not meet the criteria for alcohol or drug use disorders or dependence. He also testified that it was his opinion that Dr.

Gremillion was not impaired.

In assessing the different opinions of Dr. Williams and Dr. Weiss regarding Dr. Gremillion's medication usage and its effects on him and his ability to practice medicine with skill and safety to patients; the panel finds that Dr. Weiss' opinion is the more creditable and is consistent with the medication history provided by Dr. Gremillion during his evaluation. The panel is mindful that no witness testified to seeing Dr. Gremillion showing signs of impairment while at the office and treating patients; but does not consider the absence of such testimony controlling on the issue.

The panel agrees with Dr. Weiss' report and his testimony that the medications regularly taken by Dr. Gremillion, both individually and in combination have the capacity to impair cognitive function and judgment. The panel also finds that Dr. Gremillion's use of those medications over extended periods of time impaired his medical judgments regarding his own personal use of controlled substance and his prescribing and dispensing same.

Specifically, the panel finds that, while using the medications which Dr. Gremillion admitted taking impaired his medical judgment which, according to the evidence, was exhibited by the following:

1. Recurrent use of samples of controlled substance medications without any documentation of amounts taken;
2. Inappropriate use of amphetamines for diet purposes;
3. Taking medications to relieve stress, which medications were not indicated for that use;
4. Ordering 1000 dosage units of phendimetrazine, 35 mg, a Schedule III CDS, without a dispensing permit and dispensing these medications to his staff and their family members and himself and thereby violating the Board's Dispensing Rules;
5. By dispensing more than a single forty-eight (48) hour supply of phendimetrazine to his staff, their family members and himself and thereby violating the Board's Dispensing Rules;
6. By dispensing phendimetrazine to his staff and their family members and himself for weight loss without attempting a trial of a Schedule IV anorectic and thereby violating the Board's Obesity Rules; and
7. By consuming excessive amounts of alcohol in combination with medications which have contraindications for alcohol.

Based on the above findings, the panel finds that the allegations contained in Count I of the complaint were proven by a preponderance of the evidence.

CONCLUSIONS OF LAW

Based on the preceding findings of fact, the panel concludes that Respondent violated La. R.S. 37: 1285 A (5) by habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence and violated La. R.S. 37:1285 A (25) by an inability to practice medicine with reasonable skill or safety to patients because of excessive use or abuse of drugs, including alcohol.

The panel also concludes that Respondent violated La. R.S. 37:1285 A (6) and (30) "prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication as the result of his violations La. Admin Code 46:XLV Sec. 6505-dispensing medication in absence of a dispensing registration; La. Admin Code 46:XLV Sec. 6505 and 6506-dispensing controlled dangerous substances in excess of a single forty-eight hour supply; La. Admin Code 46:XLV Sec. 6507 C- dispensing Schedule III controlled dangerous substances in violation of Board Rules and La. Admin Code 46:XLV §§6907 A and B- employing a Schedule III anorectic without a trial of a Schedule IV.

SANCTIONS

Based on the Findings of Fact and Conclusions of Law:

For Respondent's violation of Count 1 of the Administrative Complaint, **IT IS ORDERED** that the license of Maurice Jean Gremillion, M.D., to engage in the practice of medicine as evidenced by Certificate No. MD.012273 is hereby **SUSPENDED**; provided further that such license shall be **REINSTATED** by Order of the Board provided Dr. Gremillion demonstrates to the satisfaction of the Board his compliance with the following terms and conditions:

- 1) **Monitoring Contract.** Maurice Jean Gremillion, M.D., shall enter into and execute a five (5) year Monitoring Contract with the Physicians Health Program ("PHP") of the Physicians Health Foundation of Louisiana ("PHFL").
- 2) **Residential/Intensive Outpatient Treatment.** Maurice Jean Gremillion, M.D., shall successfully complete a PHP approved long-term residential or intensive outpatient treatment program experienced in treatment of physicians and shall abide by and strictly adhere to all recommendations for ongoing treatment and monitoring of his condition, which may be recommended by his PHP monitoring agreement, or any subsequent agreement which may be recommended by the PHP, as well as those recommend by his treating physicians and those prescribed by any other health care provider involved in his care to the extent that they may continue to follow him. Dr. Gremillion shall obtain a continuing care plan and a written report from a PHP approved addiction specialist which report certifies that he is fit

to return to the practice of medicine with reasonable skill and safety to patients.

IT IS FURTHER ORDERED that upon satisfaction of the preceding terms, Dr. Gremillion's license to practice as a Physician in the State of Louisiana shall be reinstated **ON PROBATION** for a period of five years, subject to the strict compliance with the following terms and conditions:

- 1) **Cooperation with the Board's Probation and Compliance Officer.** Maurice Jean Gremillion, M.D., shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and shall direct all matters required pursuant to this Decision and 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, conditions and restrictions of this Decision and Order.
- 2) **Probation Monitoring Fee.** For each year of the probationary term, Maurice Jean Gremillion, M.D., 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 reinstatement of his license on probation. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
- 3) **Self-Reporting of Violations.** Maurice Jean Gremillion, M.D., shall immediately self-report in writing to the probation officer any violation of or failure to adhere to the terms, conditions or restrictions of this Decision and Order. Furthermore, Dr. Gremillion shall immediately self-report in writing any personal action or inaction, which constitutes a violation of the Act.
- 4) **Self-Reporting of Other Investigations.** Maurice Jean Gremillion, M.D, shall immediately self-report in writing to the probation officer any and all investigations, inquiries, charges, convictions, or disciplinary actions taken by any local, state or federal agency, or any institution or facility.
- 5) **Certification of Compliance with Probationary Terms/Personal Appearance before the Board.** At least sixty (60) days prior to the conclusion of the probationary term, Dr. Gremillion shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed upon him by this Decision and Order and he shall contact the Board and arrange for a personal appearance before the Board or its designee at its meeting preceding the expiration of the probationary term. The probationary term and all of its terms, conditions and restrictions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Gremillion's compliance with the requirements of this provision.

For Respondent's violation of the Board's Dispensing and Obesity Rules as alleged in

Counts II, III and IV of the Administrative Complaint, **IT IS ORDERED** that the license of Maurice Jean Gremillion, M.D., to engage in practice of medicine as evidenced by Certificate No., MD.012273 be **PUBLICLY REPRIMANDED** and that Dr. Gremillion shall pay a fine in the amount of \$2,500 within 30 days of the effective date of this Order and shall reimburse the Board for all costs of these proceedings from the filing of the administrative complaint, within one year.

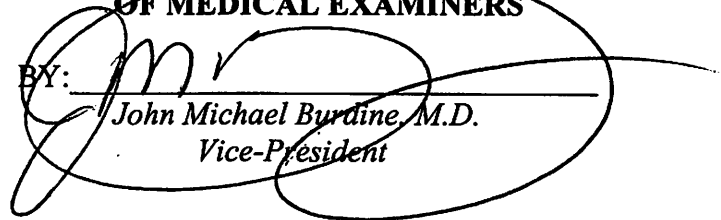
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Decision and Order by Maurice Jean Gremillion, M.D., shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr/ Gremillion's license to practice as a Physician 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 Decision and Order shall be and shall be deemed to be, a public record.

NEW ORLEANS, LA, this 11th day of January, 2016.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY:



John Michael Byrdine, M.D.
Vice-President