

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) _____

In The Matter of

No. 15-I-29

TODD PATRICK HOWELL, M.D.
(Certificate No. MD. 024939),
Respondent

CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information which indicated that Todd Patrick Howell, M.D. ("Dr. Howell"), a physician that was and is at all times material to the facts and matters alleged herein, licensed by the Board as a physician and engaged in the practice of medicine in the state of Louisiana, pursuant to the Louisiana Medical Practice Act, (the "Act"), La. Rev. Stat. §§37:1261-92, was improperly prescribing Testosterone to young male patients. Review of a sample of patient charts revealed a recurring pattern of prescribing testosterone therapy in young males without documented medical justification, including the lack of any biochemical evidence of hypogonadism.

While denying any violations of the Act or any federal or state law or regulation, not admitting to the facts as alleged, and for purposes of this Consent Order only, as evidenced by his subscription to this Order, Dr. Howell acknowledges that the foregoing information could provide the Investigating Officer for the Board with probable cause to pursue formal administrative proceedings against him for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1285A(14)¹, constituting sufficient cause for the revocation, suspension or such other action against his license to practice medicine in the state of Louisiana as the Board may determine appropriate.

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Howell would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in

¹The Board may take action against a physician licensed to practice in this state 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', La. Rev.Stat. §37:1285A(14).

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. Howell, 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. Howell 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 may be afforded to him by any other law to contest or appeal his agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By his subscription hereto, Dr. Howell also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this 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. Howell 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 adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285, La. Rev. Stat. §49:955(D), and the Consent Order heretofore entered herein;

IT IS ORDERED that the license of Todd Patrick Howell, M.D. to practice medicine in the state of Louisiana, as evidenced by Certificate No. 024939, shall be on **PROBATION** for one (1) year; *provided, however*, that such licensure and Dr. Howell's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Personal Appearance before the Board.** Dr. Howell shall personally appear before the Board or its designee to permit the Board to consider his intentions to be in compliance with the terms, conditions and restrictions contained in this order.
- (2) **Compliance with Endocrinology and Metabolism Guidelines.** Dr. Howell shall under take all necessary efforts to practice in compliance with the practice guidelines regarding evaluation and treatment of androgen deficiency syndromes in adult males that were published in the Journal of Clinical Endocrinology and Metabolism, *Testosterone Therapy in Men with Androgen Deficiency Syndromes: An Endocrine Society Clinical Practice Guideline*, published in June, 2010, including any amendments/revisions to the Guideline (hereinafter referred to as the "Guideline").
- (3) **Practice Monitoring and Quarterly Reports.** Within sixty (60) days of the effective date of this Order, Dr. Howell shall enter into a contract with a Board-approved practice monitor program to monitor and review Dr. Howell's male testosterone therapy practice during the probationary period. The program will work in conjunction with the Board's designee to develop parameters for monitoring Dr. Howell's practice, including a review of Dr. Howell's patient records and charts. The practice monitor shall review no less than ten (10)

records per 10 week period. The practice monitoring program will provide regular reports to the Board that will include an opinion as to whether Dr. Howell is practicing in compliance with the above-referenced Guideline. This practice monitoring of Dr. Howell shall not conclude until the Board has received four (4) positive reports from the practice monitor; provided, however, after the Board has received three (3) positive reports in which the practice monitoring program has opined that Dr. Howell is practicing in accordance with the Guideline, Dr. Howell may petition the Board to deem this condition satisfied, which the Board may grant or deny in its sole discretion. In the event the Board does not receive the requisite number of positive reports, the practice monitoring will continue at the Board's discretion or until the probation is terminated. Dr. Howell shall bear all costs associated with the practice monitor program.

(4) Continuing Medical Education. Dr. Howell shall obtain not less than fifty (50) credit hours per year during his probationary term through attendance at and participation in continuing medical education programs ("CME") accredited by the American College of Physicians, the American Medical Association, or such other national accrediting association or organization as the Board may approve in writing. On or before the anniversary of the effective date of this Order, Dr. Howell 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. This 50-hour requirement will also satisfy the annual 20-hour physician CME requirement set by the Board.

(5) Absence from State/Practice/Effect on Probation. Should Dr. Howell 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 Dr. Howell notifies the Board in writing that he has returned to, relocated or taken up residency in, resumed the practice of medicine in this state, or renewed his Louisiana medical license. In such instance, Dr. Howell 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 or licensed to practice medicine in this state.

(6) Cooperation with Board's Probation and Compliance Officer. Dr. Howell 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 Consent 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 Order.

(7) Probation Monitoring Fee. For each year of the probationary term Dr. Howell 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.

(8) Payment of Fine. Within one hundred eighty (180) days after the effective date of this Order, Dr. Howell shall pay to the Board a fine in the amount of Two Thousand, Five Hundred (\$2,500.00) Dollars. Dr. Howell acknowledges that the timely payment of the fine is his obligation and responsibility and agrees to cease practicing medicine if the fine is not paid as agreed to in this Order; specifically, if Dr. Howell has received written confirmation that the full amount of the fine has not been received by the Board within 180 days of the effective date of this order, he shall cease practicing medicine until written confirmation is received from the Board.

(9) Certification of Compliance with Probationary Terms. At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. Howell shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed 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 Dr Howell's compliance with the requirements of this provision.

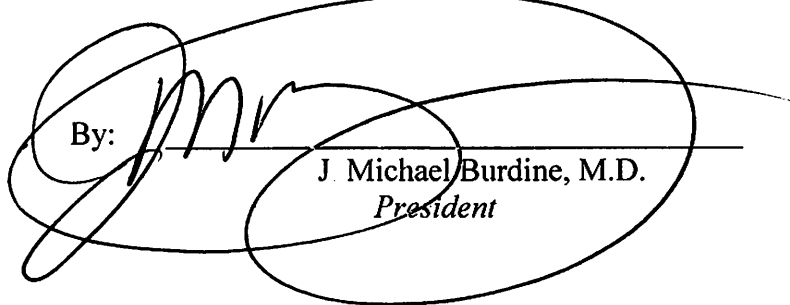
(10) Effective Date. This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

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. Howell shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Howell's license to practice medicine in the state of Louisiana 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 Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 15th day of AUGUST, 2016.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:  _____
J. Michael Burdine, M.D.
President

Acknowledgment and Consent on Next Page

Acknowledgment and Consent on Next Page

Acknowledgment and Consent on Next Page

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

I, TODD PATRICK HOWELL, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 11 day of AUGUST, 2016.

[Signature]
TODD PATRICK HOWELL, M.D.

WITNESSES:

Rani Milstead
Signature

[Signature]
Signature

Rani Milstead
Typed Name

Kitty Wiessenberg
Typed Name

5500 Perkins Road
Address

1464 Memorial Tower Dr.
Address

Baton Rouge LA 70809
City/State/Zip Code

Baton Rouge, LA 70810
City/State/Zip Code

Sworn to and subscribed before me this 11 day of AUGUST, 2016
in the presence of the two stated witnesses.

[Signature]
Notary Public (Signature)

Steven Wiessenberg
Printed Name & Notary or Bar Number # 22185