

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter of:

RANDY JOSEPH LAMARTINIERE, M.D. :

(Certificate No. MD.019441),

No. 14-I-1084

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 Randy Joseph LaMartiniere, M.D. ("Dr. LaMartiniere"), a physician who at all times material to the facts and matters alleged herein is licensed and engaged in the practice of medicine in and around Baton Rouge, Louisiana, had engaged in a pattern of practice that violated the Board's rules regarding Medications Used in the Treatment of Non-Cancer-Related Chronic or Intractable Pain. Because of concern for patient safety, Dr. LaMartiniere's license to practice medicine was partially suspended, effective, December 30, 2015, prohibiting Dr. LaMartiniere from prescribing, dispensing or administering controlled substances.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter determined that reasonable cause existed such that a formal Administrative Complaint could be filed against Dr. LaMartiniere, charging him with a violation of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. §37:1285A(6), and (30).¹

As evidenced by his subscription hereto Dr. LaMartiniere, nonetheless, acknowledges that the reported information could provide the Investigating Officer with probable cause to pursue formal administrative proceedings against him for violation of

¹The Board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued under this Part for the following causes: (6) [p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefore or in other that legal or legitimate manner; ... (30) [v]iolation of any rules and regulations of the board, or any provisions of this Part.

the Act, La. Rev. Stat. §§37:1285(A)(6), and (30), respectively and, further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, revocation or imposition of such other terms, conditions or restrictions on his license to practice medicine in the state of Louisiana as the Board might deem appropriate.

Recognizing his right to have administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his 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. LaMartiniere, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. LaMartiniere also 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 otherwise may be afforded to him by law to contest his agreement to or the force and effect of this document in any court or other forum or body relating to the matters referred to herein. By his subscription hereto, Dr. LaMartiniere also hereby authorizes the Investigating Officer designated by the Board with respect hereto 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 he waives any objection to such disclosures under La. Rev. Stat. §49:960. Furthermore, Dr. LaMartiniere expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to pursue an Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the information provided, the Board has concluded that the public interest would be properly protected and served by allowing Dr. LaMartiniere to maintain his license subject to appropriate specified terms, conditions and restrictions. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter by consent. 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 Randy Joseph LaMartiniere, M.D., undergo a physical and mental evaluation at a facility pre-approved by the Board and, thereafter, demonstrate to the Board that such facility has opined that Dr. LaMartiniere is mentally and physically competent to return to the practice of medicine.

IT IS FURTHER ORDERED that the license of Randy Joseph LaMartiniere, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. MD.012388, which is currently suspended in part, shall be **REINSTATED** and placed

ON PROBATION for two (2) years commencing upon the Board's acceptance of the opinion of a Board-approved facility that Dr. LaMartiniere is physically and mentally competent to return to the practice of medicine, provided, however, that such license and Dr. LaMartiniere's continuing exercise of rights and privileges there under shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) **Personal Appearance before the Board.** Dr. LaMartiniere shall personally appear before the Board or its designee to permit the Board to consider his intent to comply with the terms of this Order and to advise the Board or its designee of his intentions with respect to his continued practice of medicine.

(2) **Prescription of Controlled Substances Limited.** Except as authorized herein, Dr. LaMartiniere shall not prescribe (i) any substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308.11-.15 or La. Rev. Stat. §40:964, as a Schedule II or III controlled substance; or (ii) any substance which may hereafter be designated as one of the foregoing controlled substances by amendment or supplementation of such regulations and statute. The prohibitions contained in this paragraph shall not prohibit Dr. LaMartiniere from ordering any controlled substance for administration to inpatients of and at a hospital where he may be employed or exercise staff or clinical privileges in accordance with such hospital's prescribed policies and procedures governing the administration of controlled substances. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall survive the probationary period and remain in effect so long as Dr. LaMartiniere shall hold any form of license or permit to practice medicine in the state of Louisiana. Dr. LaMartiniere may petition the Board to modify this limitation, to allow for the prescribing of Suboxone and/or non-narcotic Schedule II and III controlled substances, no sooner than three (3) months from the effective date of this Order, provided that Dr. LaMartiniere has completely adhered to the terms, conditions and restrictions imposed by this Order and shall have caused to be submitted to the Board written certification that he has performed at least thirty (30) hours of continuing medical education in the area of recognition and treatment of substance abuse disorders prior to the petition for modification is submitted to the Board.

(3) **Prohibitions on Practice – Management of Chronic Pain and Use of Medications in the Treatment of Obesity.** Dr. LaMartiniere shall not practice medicine in the field of management of chronic pain. Additionally, Dr. LaMartiniere shall not use controlled medications in the treatment of obesity. Dr. LaMartiniere is not prohibited by this Consent Order from supervising the diet of obese patients. More specifically, Dr.

LaMartiniere shall not hold himself out as being engaged in the treatment of or actually undertake to treat, either individually or in conjunction with any other physician, any patient for the long-term management of chronic pain or obesity with controlled substances nor shall he receive any remuneration from, have any ownership interest in or association with any clinic or practice setting or arrangement that renders care and/or treatment with controlled substances to patients for chronic pain or obesity or any clinic 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 treatment of obesity with controlled substances. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall survive the probationary period and remain in effect so long as Dr. LaMartiniere shall hold any form of license or permit to practice medicine in the State of Louisiana.

(4) Continuing Medical Education. Dr. LaMartiniere shall obtain not less than fifty (50) credit hours per year during the 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. LaMartiniere 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.

(5) Continuing Medical Education -- Courses on Proper Prescribing and Medical Ethics. Within ninety (90) days of the issuance of this Order, Dr. LaMartiniere shall successfully complete one or more courses of study in the area of proper prescribing of medications and one or more courses of study in the area of medical ethics. All courses required by this provision shall be pre-approved by the Board or its designee.

(6) Payment of Fine. Within twenty-four (24) months of the effective date of this Order Dr. LaMartiniere shall pay to the Board a fine in the amount of One Thousand Dollars (\$1,000.00).

(7) Probation Monitoring Fee. For each year that this Order remains in effect, Dr. LaMartiniere 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 following the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(8) **Absence from State/Practice/Effect on Probation.** The probationary term of this Order shall be extended for any period of time that (i) Dr. LaMartiniere subsequently resides or practices outside the State of Louisiana or (ii) Dr. LaMartiniere license is subsequently cancelled for nonpayment of licensure fees. If Dr. LaMartiniere leaves Louisiana to live or practice elsewhere, he shall immediately notify the Board in writing of the dates of his departure from and subsequent return to Louisiana. When the period of extension ends, Dr. LaMartiniere shall be required to comply with the terms of this Order for the period of time remaining on the extended probationary term of this Order. Dr. LaMartiniere shall pay all fees for reinstatement or renewal of a license covering the period of extension.

(9) **Cooperation with Board's Probation and Compliance Officer.** Dr. LaMartiniere 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.

(10) **Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. LaMartiniere 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. LaMartiniere's compliance with the requirements of this provision.

(11) **Effect of Violation/Sanction.** By his subscription hereto, Dr. LaMartiniere acknowledges that his receipt of written notification that the Board has received apparently reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 et seq., or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate suspension of his license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges.

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. LaMartiniere shall be

deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. LaMartiniere'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 Consent Order shall be, and shall be deemed to be, a public record and it shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

Signed in New Orleans, Louisiana, and effective on this 13th day of February, 2017.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**


By: K. Barton Farris, M.D.
Kenneth Barton Farris, M.D.
Vice President

Acknowledgement and Consent Follows on Next Page

**ACKNOWLEDGMENT
AND CONSENT**


STATE OF LOUISIANA
PARISH OF East Baton Rouge

I, RANDY JOSEPH LAMARTINIERE, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 6 day of February, 2017.



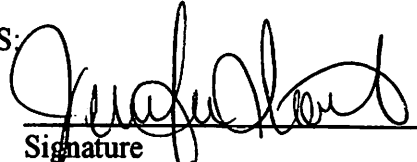
RANDY JOSEPH LAMARTINIERE, M.D.

WITNESSES:



Signature
Jennifer A. Cook Mottow

Printed Name



Signature
Jennifer Forrest

Printed Name

Address

Address

City, State, Zip Code

City, State, Zip Code

Sworn to and subscribed before me at Baton Rouge, Louisiana, this 6th day of February, 2017, in the presence of the two stated witnesses.



Notary Public (Signature & Seal)

Maria E. Belcher

#8960

Printed Name/Notary Number (or Stamp)