

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In the Matter of:

No. 17-I-490

BRIAN CHIVAS JAMES, M.D.

CONSENT ORDER

(Certificate No. MD.021256)

Respondent

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information concerning Brian Chivas James, M.D., ("Dr. James"), a physician who at all times material to the facts and matters alleged herein was engaged in the practice of medicine in Florida, but also licensed to practice medicine in this state, as evidenced by Certificate No. 021256. Such information revealed Dr. James signed a Settlement Agreement with the State of Florida Board of Medicine suspending his license to practice medicine in Florida effective June 29, 2017¹. The Order was in disposition of an investigation that alleged that in several instances, Dr. James' practice fell below the prevailing standard of care, he prescribed inappropriate and/or excessive combination of medications, and he failed to create, keep, or maintain adequate documentation of treatment rendered to several patients. The Settlement Agreement signed by Dr. James restricts his practice in Florida pending the results of a Florida CARES evaluation.²

Investigation of the captioned matter was assigned to the Investigating Officer

¹ *Final Order*, In the Matter of Brian C. James, M.D., License No. ME0068542, State of Florida Board of Medicine, Case No. 2012-04686, 2012-08267, 2012-14769 (June 29, 2017).

² Dr. James' license to practice medicine is suspended in Florida until he undergoes an evaluation by the Florida CARES program, and thereafter personally appears before the Florida Board with the evaluation results and documentation of compliance with the recommendations. If the report recommends that Dr. James undergo further evaluation for an impairment issue, such evaluation must be done under the auspices of the Professionals Resource Network ("PRN"). Upon review of the evaluation, the Board shall determine the conditions for reinstatement, if appropriate, and may impose additional terms and conditions on Respondent's practice such as a period of probation with terms and conditions to be set at the time of reinstatement.

The Final Order imposes the following additional conditions: (1) licensee is permanently prohibited from delegating the prescribing of controlled substances to any physician assistant (PA) or advanced registered nurse practitioner (APRN); and (2) licensee will pay a \$30,000.00 fine plus costs.

("I/O") for the Board, whose review and analysis of the matter confirms that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. James, charging him with violations of the Louisiana Medical Practice Act.³

As evidenced by his subscription hereto, Dr. James acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information could establish grounds under the Louisiana Medical Practice Act for the suspension, revocation or imposition of such other terms, conditions or restrictions on his license to practice medicine in this state as the Board might deem appropriate.

Recognizing his right to have notice and administrative adjudication of any charges that may be filed in this matter, at which time Dr. James 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. §49:951, *et seq.*, Dr. James, 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. James also 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 to which he otherwise may be afforded by any law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By his subscription hereto, Dr. James also hereby authorizes the I/O 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. Dr. James expressly acknowledges that the disclosure of such information to the Board by the I/O shall be without prejudice to the I/O's authority to proceed with the filing and adjudication of an administrative complaint against him, or to the Board's capacity to adjudicate such charges should the Board decline to approve this Consent Order.

Based upon the information provided, accordingly, and upon the recommendation of the I/O assigned to this matter, 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);

³ La. Rev. Stat. §37:1285A provides that the Board may suspend, revoke, or impose probationary or other restrictions on the license of a physician licensed to practice medicine in the State of Louisiana as a result of: (29) The refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice medicine in that state or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate.

IT IS ORDERED that the license of Brian Chivas James, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 021256 be, and the same is hereby, as of the effective date of this Order, indefinitely conditioned upon his acceptance of and strict compliance with the following terms and conditions:

1. **Compliance with Florida Order.** Dr. James shall fully comply with the Order entered by the Florida Board on June 29, 2017, which is incorporated herein by reference, and any subsequent or superseding Order that the Florida Board may issue.
2. **Notice of Relocation to Louisiana Personal Appearance Before the Board.** In the event that Dr. James should decide to relocate to or engage in the practice of medicine in the state of Louisiana at any time following the effective date of this Order, he shall contact and arrange an appearance before the Board or its designee at its next regularly scheduled meeting. At such meeting Dr. James shall demonstrate his compliance with the terms of the Florida Order, provide documentation that he is in possession of an unrestricted Florida medical license, and discuss his intended plans for practice in Louisiana.
3. **Additional Terms.** In addition to the terms placed upon his license by this Order Dr. James hereby consents to, agrees with and acquiesces in the imposition of any additional terms or conditions, as well as the length and nature thereof, which the Board in its sole discretion may deem necessary or appropriate to impose upon his Louisiana medical license should he at any time in the future determine to relocate to or engage in the practice of medicine in this state.
4. **Cooperation with Board's Probation and Compliance Officer.** Dr. James shall inform the Board's Probation and Compliance Officer in writing of any change in his current home and professional addresses and telephone numbers within thirty (30) days 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 of this Consent Order. Failure to provide such information within the time specified shall constitute a violation of this Order.

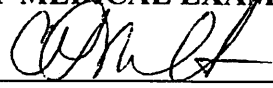
IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms or conditions of this Order by Dr. James shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such further action against Dr. James' license to practice medicine in 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.

Signed at New Orleans, Louisiana on and effective this 22nd day of January, 2018.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: _____



Christy L. Valentine, M.D.
President

*Acknowledgement and Consent
on Following Page*

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on Following Page*

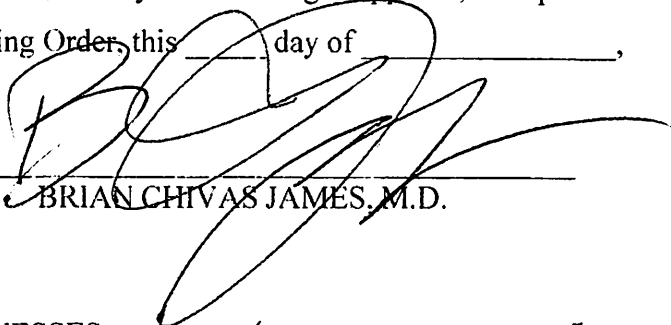
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STATE OF Florida
PARISH/COUNTY OF Sarasota

**ACKNOWLEDGMENT
AND CONSENT**

I, BRIAN CHIVAS JAMES, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this _____ day of _____, 2017.



BRIAN CHIVAS JAMES, M.D.

WITNESSES:



Signature

Dorothy Klein

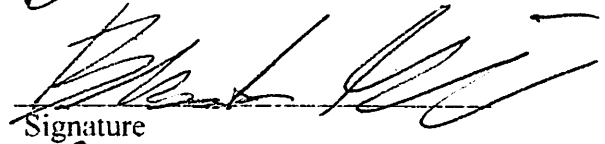
Typed Name

3915 Candia Ave

Address

North Port, FL 34286

City/State/Zip Code



Signature

Brandon Klein

Typed Name

3915 Candia ave

Address

North Port, FL 34286

City/State/Zip Code

Sworn to and subscribed before me this 11th day of January, 2018 in the presence of the two stated witnesses.



Notary Public (Signature/Seal)

Michelle Smith

Printed Name & Notary or Bar Number

