

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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**BEFORE THE
LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

IN THE MATTER OF:

SARAH CARSWELL LEE, M.D.
(Credential No. MD.08269R),
Respondent

No. 2020-I-193

**CONSENT ORDER
FOR REPRIMAND**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information relating to Sarah Carswell Lee, M.D. ("Dr. Lee"), a physician licensed to practice medicine in the state of Louisiana as evidenced by Credential No. MD.08269R. At all times material to the facts and matters alleged herein, Dr. Lee has been engaged in the practice of family medicine in and around Ferriday, Louisiana.

The Board initiated an investigation upon the receipt of apparently reliable information from the Drug Enforcement Agency ("DEA"), indicating that Dr. Lee was potentially violating the Board's rules or other relevant provisions of Louisiana law regarding prescribing controlled dangerous substances ("CDS").

Investigation of the captioned matter was assigned to Lawrence H. Cresswell, III, D.O., JD, Director of Investigations (the "DOI") for the Board. The investigation revealed that Dr. Lee was issuing various prescriptions for CDS to her patients to treat obesity and chronic pain, in violation of the Board's rules with respect to each.¹ Dr. Lee also credibly indicated that any failure to comply with the Board's rules regarding treatment of obesity and chronic pain was due to her negligent

¹ The investigation also indicated Dr. Lee's failure to comply with Louisiana law regarding registration and mandatory access and review of the Louisiana Prescription Monitoring Program (the "PMP"). See La. R.S. 40:978; La. Admin. Code tit. 46, pt. XLV §§ 6931-6937. The Board was not aware of any previous failure of Dr. Lee to comply with these requirements. Accordingly, the Board notified Dr. Lee of the relevant statutory requirements and informed her of the need to correct or amend her prescribing practices to comply with the relevant provisions. See La. R.S. 40:978(F)(2) ("If a health profession licensing board becomes aware of a prescriber's first failure to comply with this Subsection, as verified by the data of the prescription monitoring program, the board shall notify the prescriber of the relevant statutory requirements and inform the prescriber of the need to correct or amend his prescribing practices to comply with the provisions of this Subsection."). The present disciplinary action is, therefore, not based on this initial violation. See *id.*

failure to understand that these rules applied to her family medical practice. Dr. Lee moreover acknowledged that her lack of awareness of the applicable standards did not excuse her for any non-compliance.

To address these violations, the DOI recommended that Dr. Lee attend a continuing medical education course on proper prescribing and that she take all additional steps necessary to bring her family medical practice into compliance with all Board rules, including those rules regarding treatment of obesity, chronic pain, and PMP participation. Dr. Lee has accepted responsibility for these violations, cooperated with the Board's investigation, and enacted changes to her medical practice to achieve compliance with the Board's rules and the DOI's recommendations.

As evidenced by her subscription hereto, Dr. Lee acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing would establish sufficient cause to take action with respect to her license pursuant to the Louisiana Medical Practice Act (the "Act") pursuant to La. R.S. 37:1285A(6);² (14);³ and (30);⁴ and for violations of the Board's rules regarding prescription, dispensation, administration, or other use of medications for weight control or weight reduction in the medical treatment of obesity;⁵ and physician responsibility for providing effective and safe pain control for patients with noncancer-related chronic or intractable pain⁶.

Recognizing her right to notice and administrative adjudication of any charges that may be asserted against her in these proceedings, at which time Dr. Lee would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her 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. R.S. 49:955–965, Dr. Lee, nonetheless, hereby waives her right to notice and formal adjudication and pursuant to La. R.S. 49:955(D) consents to entry of the Order set forth hereinafter. Dr. Lee acknowledges that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951 *et seq.*, or which may be afforded to her by any other law to contest or appeal her agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By

² The Board may take action against a medical license for "[p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner[.]" La. R.S. 37:1285(A)(6).

³ The Board may take action against a medical license for "[m]edical incompetency, including but not limited to, incompetency manifested by continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state." La. R.S. 37:1285(A)(14); *see also* La. Admin. Code. tit. 46, pt. XLV, § 6923 (providing that any violation or failure to comply with Board's rules on providing effective and safe pain control for patients with noncancer-related chronic or intractable pain shall be deemed a violation of both La. R.S. 37:1285(A)(6) and (14)).

⁴ The Board may take action against a medical license for violating "any rules and regulations of the board[.]" La. R.S. 37:1285(A)(30).

⁵ *See* La. Admin. Code tit. 46, pt. XLV §§ 6901–6913.

⁶ *See* La. Admin. Code tit. 46, pt. XLV §§ 6915–6923.

her subscription hereto, Dr. Lee 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 she waives any objection to such disclosures under La. R.S. 49:960. Dr. Lee 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 her or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order.

Based upon the information provided, and upon the recommendation of the Investigating Officer, the Board hereby concludes that, consistent with its mandate under La. R.S. 37:1261, the interests of public health, safety, and welfare 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. R.S. 37:1285 and La. R.S. 49:955(D);

IT IS ORDERED that Sarah Carswell Lee, M.D., is hereby **OFFICIALLY REPRIMANDED** for the conduct described above.

IT IS FURTHER ORDERED that Dr. Lee shall, within one hundred and twenty (120) days of the date of this Order, pay to the Board a fine in the amount of Five Hundred Dollars and No/100 (\$500.00).

IT IS FURTHER ORDERED that Dr. Lee shall, within one hundred and twenty (120) days of the date of this Order, provide confirmation that she has registered for, attended, and successfully completed a continuing medical education course on proper prescribing of controlled substances for pain management that is acceptable to and has been approved by the Board or its designee in writing prior to registering for and completing such course. Failure by Dr. Lee to provide confirmation of successful completion of the continuing medical education course described above within one hundred and twenty (120) days of the date of this Order shall, without further notice, and without any further administrative proceedings, be deemed adequate and sufficient cause for the Board to take action against Dr. Lee's license to practice medicine in the state of Louisiana, as it may find appropriate in its sole discretion at that time, including imposition of additional fines, probation, or summary suspension.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms set forth by this Order by Dr. Lee shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Lee'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. R.S. 37:1285.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

In the Matter of:
Sarah Carswell Lee, M.D.

CONSENT ORDER
FOR REPRIMAND

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New Orleans, Louisiana, this 29th day of March, 2021.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By:



RODERICK V. CLARK, M.D., M.B.A.
President

Acknowledgment and Consent on Following Page

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA

PARISH OF CONCORDIA

I, SARAH CARSWELL LEE, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 12th day of MARCH, 2021.

Sarah Carswell Lee
SARAH CARSWELL LEE, M.D.

WITNESSES:

Michele Carroll
Signature

Michele Carroll
Typed Name

139 Trading Post Rd
Street Address

Jonesville LA 71343
City/State/Zip Code

Pam Eames
Signature

Pam Eames
Typed Name

8335 Hwy 84
Street Address

Ferriday LA 71334
City/State/Zip Code

Sworn to and subscribed before me this
12th day of MARCH, 2021, in the
presence of the two stated witnesses.

Daryle W. Price
Notary Public (Signature)

Name: Daryle W. Price

Notary/Bar No.: 0081047

Commission expires: At Death