

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE  
LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

(504) \_\_\_\_\_

No. 2020-I-681

IN THE MATTER OF:

CONSENT ORDER

**DAVID BARNARD, M.D.**  
*(Certificate No. MD.013394)*  
*Respondent*

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") based upon the self-report of Dr. David Barnard, M.D., a physician licensed to practice medicine in Louisiana as evidenced by Credential No. MD.013394, regarding his oversight of a Physician Assistant ("PA").

Investigation of the captioned matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., Director of Investigations for the Board. Dr. Barnard self-reported that since 2014 he had supervised a Physician Assistant who was engaged in the treatment of chronic pain and in the treatment of obesity, contrary to the Board's rules for Physician Assistants.<sup>1</sup> Dr. Barnard reported that he had allowed the PA to write prescriptions for non-cancer pain and obesity for years without realizing that this arrangement violated the Board's rules. Dr. Barnard was fully cooperative with the investigation and understood the Board's concerns. Dr. Barnard made substantive changes in his practice, which included ceasing obesity prescriptions and treating acute pain only at his office.

As evidenced by his subscription hereto, Dr. Barnard acknowledges the substantial accuracy of the foregoing information and that such information would constitute sufficient cause to take action against his medical license pursuant to La. R.S. 37:1285(A)(13)<sup>2</sup> and (14)<sup>3</sup> and that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate.

<sup>1</sup> La. Admin. Code tit. 46, pt. XLV, § 4506(C) ("A physician assistant who has been delegated prescriptive authority shall not: 3. treat and/or utilize controlled substances in connection with the treatment of: a. non-cancer related chronic or intractable pain, as set forth in §§6915-6923 of the board's rules; b. obesity, as set forth in §§6901-6913 of the board's rules.").

<sup>2</sup> Pursuant to La. R.S. 37:1285 (A), "[t]he 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: ... (13) Unprofessional conduct, including but not limited to . . . improperly delegating or supervising."

<sup>3</sup> Pursuant to La. R.S. 37:1285 (A), "[t]he 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: ... (14) Continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state."

Recognizing his right to have notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Barnard 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. R.S. 49:955–65, Dr. Barnard, nonetheless, hereby waives his 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. Barnard acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 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. Barnard 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. R.S. 49:960. Dr. Barnard 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.

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 the license of David Barnard, M.D., as evidenced by Credential No. MD.013394 is hereby ***OFFICIALLY REPRIMANDED***;

**IT IS FURTHER ORDERED** that Dr. Barnard shall, within one hundred and eighty (180) days of the date of this Order, provide confirmation that he has registered for, attended, and successfully completed continuing medical education courses on (a) proper prescribing and (b) ethics/professionalism. The courses shall be acceptable to and approved by the Board or its designee in writing prior to Dr. Barnard’s registering for and completing such courses;

**IT IS FURTHER ORDERED** that Dr. Barnard shall, within one hundred and eighty (180) days of the date of this Order, provide confirmation that he has registered for, attended, and successfully completed the course entitled “Supervising Physician Assistants”;

**IT IS FURTHER ORDERED** that Dr. Barnard shall, within ninety (90) days of the date of this Order, pay the Board a fine in the amount of One Thousand (\$1,000) Dollars.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms or conditions set forth by this Order by Dr. Barnard shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Dr. Barnard’s

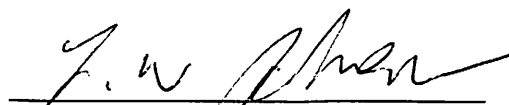
license to practice medicine in this state as the Board may deem appropriate, as if such violation were enumerated among the causes provided in La. R.S. 37:1285.

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

New Orleans, Louisiana, this 24<sup>th</sup> day of January, 2021

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

BY:

  
LESTER W. JOHNSON, M.D.  
President

*Acknowledgment and Consent on Following Page*

ACKNOWLEDGMENT  
AND CONSENT

STATE OF LOUISIANA

PARISH OF LaSalle

I, DAVID BARNARD, 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 11th day of January, 2022

[Signature]  
DAVID BARNARD, M.D.

WITNESSES:  
[Signature]  
Signature  
Victorie Parham  
Typed Name

3225 North 1st Street  
Street Address  
Jena, La 71342  
City/State/Zip Code

[Signature]  
Signature  
Carolee J Neal  
Typed Name

3225 North 1st Street  
Street Address  
Jena, LA 71342  
City/State/Zip Code

Sworn to and subscribed before me this  
11 day of January 2022, in  
the presence of the two stated  
witnesses.

[Signature]  
Notary Public (Signature)  
Name: Lenise N. McDonough  
Notary/Bar No.: 66694  
Commission expires: at death

