

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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

IN THE MATTER OF:

RAMAKRISHNARAO KONGARA, M.D.

(Credential No. MD.06039R),

Respondent

No. 2020-I-631

CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information relating to Ramakrishnarao Kongara, M.D. ("Dr. Kongara"), a physician licensed to practice medicine in the State of Louisiana as evidenced by Credential No. MD.06039R. At all times material to the facts and matters alleged herein, Dr. Kongara has been engaged in the practice of psychiatry in and around Baton Rouge, Louisiana.

The Board initiated an investigation upon the receipt of apparently reliable information indicating that in April 2020, Dr. Kongara prescribed Xanax and Adderall to a patient who had a history of substance abuse without requiring an office visit, despite the patient's last office visit occurring nearly twenty (20) months previous in August 2018. This report raised concerns that Dr. Kongara 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., J.D., Director of Investigations (the "Investigating Officer") for the Board. The investigation revealed that Dr. Kongara issued various prescriptions for CDS in violation of the Board's rules. Specifically, the investigation confirmed that Dr. Kongara prescribed a patient Xanax and Adderall in April 2020 despite the patient's most recent office visit occurring in August 2018 and despite the patient having previously rescheduled, cancelled, or "no-showed" at approximately ten (10) separate appointments in the interim. Expert review of the patient's medical records further

supported that Dr. Kongara's prescription practices regarding the patient were below the standard of care.¹

Dr. Kongara cooperated with the Board's investigation and met with the Investigating Officer to discuss the above allegations. Dr. Kongara acknowledged the need to document his treatment of patients, particularly when the treatment deviates from the accepted standard of care. Dr. Kongara further acknowledged the need to refuse prescriptions to patients who demonstrate aspects of non-compliance that indicate potential for substance abuse.

Dr. Kongara has since decided to retire from the practice of medicine, and he no longer wishes to actively practice medicine in this state. Dr. Kongara is seventy-eight years old and, therefore, meets the age requirement for issuance of a reduced fee license.

As evidenced by his subscription hereto, Dr. Kongara 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 his license pursuant to the Louisiana Medical Practice Act pursuant to La. R.S. 37:1285A(6)² and (14).³

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Kongara 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. Kongara, 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. Kongara 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. Kongara 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. Kongara 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.

¹ This is the Board's second inquiry into Dr. Kongara's prescribing practices. In 2013, the Board was alerted that Dr. Kongara may be overly or improperly prescribing Xanax and Adderall. At that time, the Board counseled Dr. Kongara on properly prescribing CDS to inform him of the need to correct or amend his prescribing practices to comply with the applicable standard of care.

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).

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 Ramakrishnarao Kongara, M.D., is hereby **OFFICIALLY REPRIMANDED** for the conduct described above.

IT IS FURTHER ORDERED that within one hundred and eighty (180) days of the effective date of this Order, Dr. Kongara shall pay to the Board a fine in the amount of Two Thousand and no/100 Dollars (\$2,000.00).

IT IS FURTHER ORDERED that Ramakrishnarao Kongara, M.D. shall no longer hold an unrestricted license to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. MD. 06039R, but his license shall hereby permanently be **CONVERTED TO A REDUCED FEE BASIS** pursuant to La. Admin. Code, Title 46, Part XLV § 418, provided, however, that such license and Dr. Kongara's continuing exercise of rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **No Active Medical Practice in Louisiana.** Pursuant to La. Admin. Code, Title 46, Part XLV § 418(C), and at no time following the effective date of this Order shall Dr. Kongara engage or seek to engage in the active practice of medicine in this state, including but not limited to the business of, or the actual engagement in, the diagnosing, treating, curing, or relieving of any bodily or mental disease, condition, infirmity, deformity, defect, ailment, or injury in any human being, other than himself, whether by the use of any drug, instrument or force, whether physical or psychic, or of what other nature, or any other agency or means; or the examining, either gratuitously or for compensation, of any person or material from any person for such purpose whether such drug, instrument, force, or other agency or means is applied to or used by the patient or by another person; or the attending of a woman in childbirth without the aid of a licensed physician or midwife. *See* La. R.S. 37:1262 (defining the "practice of medicine").
- (2) **No Prescribing Authority.** Pursuant to La. Admin. Code, Title 46, Part XLV § 418(A), and if Dr. Kongara has not done so already, he shall surrender his DEA registration and any other federal or state licensure or registration to prescribe, dispense, or administer any medications, including but not limited to, controlled substances and legend drugs, and at no time following the effective date of this Order shall Dr. Kongara continue to hold, obtain, or seek to obtain state licensure or federal registration for the prescribing, dispensing or administration of any medications and Dr. Kongara shall not prescribe, dispense, or administer controlled substances or legend drugs to any person.

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. Kongara shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against

Dr. Kongara's license 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(A).


IT IS FURTHER ORDERED that if, after issuance of such reduced-fee license, Dr. Kongara seeks to return to practice medicine in this state, he must fully comply with the terms of this Order and with the procedures outlined in La. Admin. Code, Title 46, Part XLV § 418(C), which requires application to and approval by the Board. For any such application, the Board in its sole discretion may grant or deny, and for any such re-licensure or re-admission the Board shall provide any and all terms, conditions and requirements that the Board, in its sole discretion, may order.

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

New Orleans, Louisiana, this 21st day of Feb, 2022.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By:



LESTER W. JOHNSON, M.D.
President

*Acknowledgement and Consent
Follows on Next Page*

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF East Baton Rouge

I, RAMAKRISHNARAO KONGARA, 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 26th day of January, 2022.

R. Kongara
RAMAKRISHNARAO KONGARA, M.D.

WITNESSES:

Desirae Petho
Signature

Desirae Petho
Typed Name

26810 Pen Drive
Street Address

Walker, LA 70780
City/State/Zip Code

N. Mohan Roa
Signature

N. Mohan Roa
Typed Name

4888 S. Sherwood Forest Blvd
Street Address

Baton Rouge, LA, 70816
City/State/Zip Code

Sworn to and subscribed before me this 26th day of January, 2022, in the presence of the two stated witnesses.

Ann Halphen
Notary Public (Signature)

Name: Ann Halphen

Notary/Bar No.: 1580

Commission expires @ death