

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130

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

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No. 2022-I-247

IN THE MATTER OF:

CONSENT ORDER

THOMAS A. NEUMANN, M.D.

(Credential No. MD.010913),

Respondent

The Louisiana State Board of Medical Examiners (the "Board") has received reliable information that Dr. Thomas A. Neumann ("Dr. Neumann"), an eighty-year-old physician, who at all times pertinent has been licensed by the Board, as evidenced by Credential No. MD.010913, and engaged in the practice of medicine in and around Tallulah, Louisiana, violated state and federal rules and regulations regarding the prescription of controlled dangerous substances ("CDS").

In March 2022, the U.S. Department of Justice Drug Enforcement Administration ("DEA") notified the Board that it had requested that Dr. Neumann surrender his DEA Certificate of Registration. Subsequently, the Board initiated a preliminary review into the matter. Investigation of this matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., the Director of Investigations (the "Investigating Officer") for the Board.

The investigation revealed that in mid-February 2022, Dr. Neumann learned that the DEA was investigating potential violations of federal and state regulations concerning the improper prescription of controlled substances. Dr. Neumann allegedly had prescribed CDS for chronic pain to certain immediate family members and another physician or licensed healthcare provider. Dr. Neumann voluntarily surrendered his DEA Certificate of Registration on April 8, 2022. Dr. Neumann, through counsel, sent a letter of self-disclosure to the Board on April 22, 2022, acknowledging that "Dr. Neumann started his practice long before the enactment of many of the federal and state rules and regulations regarding the prescription of opioids and the treatment of chronic pain and before the enactment of LSMBE regulations that limited a physician's treatment of family members" and "[a]lthough he has kept his DEA license up to date with the passing years, he did not ... keep abreast of the changes in rules and regulations regarding the prescription of scheduled controlled medications that occurred during the rise in prescription opioid abuse over the past two decades." Dr. Neumann acknowledged and accepted responsibility for his conduct and for the violations of the Act and the Board's rules.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter has determined that sufficient cause exists to file formal charges against

Dr. Neumann for violations of the Louisiana Medical Practice Act (the “Act”), pursuant to La. R.S. 37:1285(A)(6)¹ and (13).²

As evidenced by his subscription hereto, Dr. Neumann acknowledges that the information developed by the Board’s investigation would constitute sufficient cause for the institution of administrative proceedings against his medical license 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.

Recognizing his right to have notice and administrative adjudication of any charges that may be filed in this matter, at which time Dr. Neumann 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. 49:951 *et seq.*, Dr. Neumann, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision and pursuant to La. R.S. 49:955(D), consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. Neumann also 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 otherwise may be afforded to him by 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 or body relating to the matters referred to herein. By his subscription hereto, Dr. Neumann 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. R.S. 49:960. Further, Dr. Neumann 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

¹ Pursuant to the Act, La. R.S. 37:1285(A), the Board may take action against the license of a physician as the result of: “(6) Prescribing, 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” *See also* La. Admin. Code. tit. 46, pt. XLV, § 6921(B) (“6. Treatment Records. A physician shall document and maintain in the patient’s medical record, accurate and complete records of history, physical and other examinations and evaluations, consultations, laboratory and diagnostic reports, treatment plans and objectives, controlled substance and other medication therapy, informed consents, periodic assessments, and reviews and the results of all other attempts at analgesia which he has employed alternative to controlled substance therapy. 7. Documentation of Controlled Substance Therapy. At a minimum, a physician shall document in the patient’s medical record the date, quantity, dosage, route, frequency of administration, the number of controlled substance refills authorized, as well as the frequency of visits to obtain refills.”).

² Pursuant to the Act, La. R.S. 37:1285(A), the Board may take action against the license of a physician as the result of: “(13) Unprofessional conduct, including but not limited to, . . . failing to create or maintain medical records” *See also* La. Admin. Code. tit. 46, pt. XLV, § 7603(A) (defining “unprofessional conduct” as including “8. *Practicing or Enabling Practice by Impaired Provider*—a physician shall not: . . . b. prescribe any mood-altering substance to a patient, who is a physician or another licensed health care provider, without instructing the patient to refrain from practice while under the influence of the substance. The physician’s record on the patient shall document this instruction” and “11. *Self-Treatment; Treatment of Immediate Family Members*—except in cases of emergency, physicians shall not prescribe controlled substances for themselves or their immediate family members. As respects a physician, immediate family members include the physician’s spouse, children, parents, and siblings.”).

with the filing and adjudication of an Administrative Complaint against him, or to the Board's capacity to adjudicate any charges that may be filed in this matter should the Board decline to approve this Order.

Based upon the information provided, accordingly, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to ensure the health, safety, and welfare of the citizens of this state, pursuant to La. R.S. 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. R.S. 37:1285 and La. R.S. 49:955(D);

IT IS ORDERED that the license of Thomas A. Neumann, M.D., to engage in the practice of medicine, as evidenced by credential No. MD.010913, be and the same is hereby placed on ***INDEFINITE PROBATION*** (the "probationary period") commencing on the effective date of this Order, provided however, that Dr. Neumann's continuing exercise of any rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions, and restrictions:

- (1) Controlled Substances; Limitations.** Except as authorized herein, Dr. Neumann shall not prescribe: (i) any substance which may be classified, defined, enumerated or included in 21 C.F.R. §§ 1308.11–15 or La. R.S. 40:964, as a Schedule II, III, or IV 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. Neumann from ordering any controlled substance for administration to in-patients of a hospital where he may be employed or exercise staff or clinical privileges in accordance with such hospital's prescribing 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 remain in effect so long as Dr. Neumann shall hold any form of license or permit to practice medicine in the state of Louisiana.
- (2) Continuing Medical Education.** Within six (6) months of the effective date of this Order, Dr. Neumann shall attend and successfully complete continuing medical education courses on (1) proper prescribing of controlled substances; (2) medical ethics/professionalism; and (3) medical record keeping. Each course shall be approved in advance by the Board. On or before the expiration of six (6) months from the effective date of this Order, Dr. Neumann shall submit to the Board written certification of satisfaction of the requirements of this provision.
- (3) Payment of Fine.** Within one hundred and twenty (120) days of the date of this Order, Dr. Neumann shall pay to the Board a fine in the amount of Two Thousand Dollars (\$2,000.00).

- (4) **Notification of Order and Authorization.** Dr. Neumann shall provide a copy of this Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state, and upon request of the Board's probation officer Dr. Neumann shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records pertaining to Dr. Neumann from any hospital, institution or other health care entity where Dr. Neumann has or has had privileges.
- (5) **Cooperation with Board's Probation and Compliance Officer.** Dr. Neumann shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and/or 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 and conditions of this Consent Order, specifically including without limitation providing cooperation and assistance to the Board or its designee in obtaining any records under this Consent Order.
- (6) **Probation Monitoring Fee.** For each year of the probation, Dr. Neumann shall pay the Board an annual probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the date the Board may reinstate Dr. Neumann's license on probation. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
- (7) **Effect of Violation/Sanction.** By his subscription hereto, Dr. Neumann acknowledges that his receipt of written notification that the Board has received reliable information indicating his failure to comply with the requirements set forth by this Consent 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. R.S. 49:951, *et seq.*, or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate or continued suspension of his license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceeding by issuance of a final decision following administrative adjudication of such charges.
- (8) **Certification of Compliance with Probationary Terms.** At least every three (3) years during the indefinite probationary period imposed herein, Dr. Neumann shall provide the Board with an affidavit certifying that he has complied with each of the terms, conditions, and restrictions of probation imposed by this Order.
- (9) **Effective Date.** This Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

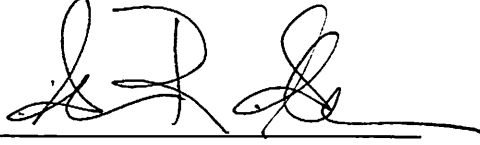
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Neumann shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Neumann's license to practice medicine in the state of Louisiana, or for such

other action 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.

New Orleans, Louisiana, this 26th day of September, 2022.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: 

TERRIE R. THOMAS, M.D.
Vice President

Acknowledgment and Consent on Following Page

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF Madison

I, THOMAS A. NEUMANN, 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 9th day of September, 2022.

Thomas A. Neumann
THOMAS A. NEUMANN, M.D.

WITNESSES:

Emily Ginn
Signature

Emily Ginn
Typed Name

411 Talla Bona Rd.
Street Address

Tallulah, LA 71282
City/State/Zip Code

Pamela Netterville Grady
Signature

Pamela Netterville Grady
Typed Name

2129 Hwy 1003
Street Address

Tallulah, LA 71282
City/State/Zip Code

Sworn to and subscribed before me this 9th day of September, 2022, in the presence of the two stated witnesses.

Amanda Jane Head
Notary Public (Signature)

Name: Amanda Jane Head
Notary/Bar No.: 184843
Commission expires: at death

