



LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Phone: (504) 568-6820; Fax: (504) 324-0994
Web site: <http://www.lsbme.la.gov>

BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

No. 2024-I-386

IN THE MATTER OF:

ELVIN GREGORY TUBRE, M.D.
(Credential No. MD.016706).
Respondent

**CONSENT ORDER
FOR REPRIMAND**

Elvin Gregory Tubre, M.D. ("Dr. Tubre"), is a physician licensed to practice medicine in this state by the Louisiana State Board of Medical Examiners (the "Board") pursuant to the Louisiana Medical Practice Act (the "Act"), La. R.S. 37:1261, *et seq.*, as evidenced by Credential No. MD.016706. At all relevant times, Dr. Tubre was engaged in the practice of internal medicine in and around Ruston, Louisiana. Dr. Tubre has no prior public disciplinary history with the Board.

The above-entitled proceeding was docketed for investigation by the Board upon notification from the Louisiana Pharmacy Board (the "LBP") indicating that Dr. Tubre failed to check the Prescription Monitoring Program (the "PMP") as required for one-hundred and forty-nine (149) opioid prescriptions issued to patients from October 2023 through February 2024.¹

Investigation of this matter was assigned to the Director of Investigations for the Board (the "Investigating Officer"). The investigation revealed that Dr. Tubre was previously notified on two separate occasions of his failure to access the PMP as required. *First*, in June 2021 Board investigative staff notified Dr. Tubre via email of an LBP report indicating his failure to access the PMP as required and informed Dr. Tubre of the need to conform his prescribing practices to comply with Louisiana law (LSBME Investigation No. 2021-I-718). Investigation No. 2021-I-718 was closed without further action upon issuance of the informal notification.² *Second*, in August 2023, the Board issued a non-public, non-disciplinary letter of concern to Dr. Tubre based on an LBP report indicating Dr. Tubre failed to access the PMP as required from October 2022 through

¹ See, e.g., La. R.S. 40:1001 *et seq.* (establishing the Louisiana PMP); La. R.S. 40:978 (providing for the mandatory access and review of the patient record by prescribers when prescribing opioids); La. Admin. Code, tit. 46, pt. XLV, § 6937 (corresponding Board rules establishing the PMP access requirement and consequences of non-compliance).

² 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.").

December 2022 (LSBME Investigation No. 2023-I-490).³ Dr. Tubre provided a written response and waived the opportunity to appear for a meeting with the Investigating Officer in connection with the investigation. Investigation No. 2023-I-490 was discontinued upon issuance of the letter of concern, however, the Board reserved “the right to revisit this incident in the event that similar complaints are received in the future.”

In May 2024, the LBP notified Board investigative staff that Dr. Tubre failed to access the PMP from October 2023 through February 2024 as described above. The Investigating Officer provided Dr. Tubre the opportunity to meet and discuss his ongoing failure to comply with the PMP access requirement (LSBME Investigation No. 2024-I-386). In September 2024, Dr. Tubre and his counsel appeared for a meeting via Zoom with the Investigating Officer, where the following issues were discussed: the first investigation that was closed upon notice to Dr. Tubre and without action (No. 2021-I-718); the second investigation that was closed upon issuance of a non-disciplinary and non-public Letter of Concern (No. 2023-I-490); the third pending investigation (No. 2024-I-386); Dr. Tubre’s understanding of his prior failures to comply with the Board’s rules and Louisiana law regarding mandatory accessing of the PMP; and Dr. Tubre’s plans for implementing changes to his practice to ensure compliance going forward.

Predicated upon the foregoing information, the Investigating Officer determined that reasonable cause exists to pursue formal administrative proceedings against the medical license of Dr. Tubre for violations of the Act, including but not limited to La. R.S. 37:1285(A)(30),⁴ and that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, revocation or imposition of such other terms, conditions, or restrictions on Dr. Tubre’s license to practice medicine in the State of Louisiana as the Board may deem appropriate.

Recognizing his right to have notice and administrative adjudication of any charges that may be filed in this matter, at which time he 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. 49:950, *et seq.*, Dr. Tubre nonetheless hereby waives his right to notice and formal adjudication and, pursuant to La. R.S. 49:975(D), consents to the entry of the Order set forth hereinafter. By his subscription hereto, Dr. Tubre also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:950 *et seq.*, or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the

³ See La. R.S. 40:978(F)(2) (“If a health profession licensing board becomes aware of a second or subsequent failure to comply with this Subsection, as verified by the data of the prescription monitoring program, the board shall treat the notification as a complaint against the license, but shall not consider such notice as evidence of deviation from the standard of care.”).

⁴ La. R.S. 37:1285(A)(30) (“Violation of any rules and regulations of the board, or any provisions of this Part.”); *see also* La. Admin. Code tit. 46, pt. XLV, §6937(A) (“For non-compliance with any of the provisions of this Subchapter the board may suspend, revoke, refuse to issue or impose probationary or other terms, conditions and restrictions on any license to practice in the state of Louisiana, or any registration issued under this Part, held or applied for by: 1. a physician culpable of such violation under R.S. 37:1285(A)[.]”).

matters referred to herein. By his subscription hereto, Dr. Tubre 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 and to discuss with the Board the nature and result of the investigation and waives any objection to such disclosures under La. R.S. 49:977.2. Dr. Tubre expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges 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, and upon the recommendation of the Investigating Officer, the Board hereby concludes that, consistent with its mandate under La. R.S. 37:1261, *et seq.*, the interests of public health, safety, and welfare will be effectively served by entry of the Order set forth hereinafter by consent.⁵ 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. 49:975(D):

IT IS ORDERED that the license of Elvin Gregory Tubre, M.D., to practice medicine in the State of Louisiana, as evidenced by Credential No. MD.016706, be and is hereby **OFFICIALLY REPRIMANDED**.

IT IS FURTHER ORDERED that within one-hundred eighty (180) days of the effective date of this Order, Dr. Tubre shall complete the free online course "Laws and Rules for Louisiana Physicians," which may be accessed through the following link, <https://www.lsbme.la.gov/content/board-orientations-online-courses>. Upon completion of the course, Dr. Tubre shall complete the verification process and obtain a certificate of completion that will be submitted to the Board or its designee by the course provider.

IT IS FURTHER ORDERED that within one-hundred eighty (180) days of the effective date of this Order, Dr. Tubre shall complete a continuing medical education ("CME") course on proper prescribing that has been pre-approved in writing by the Board or its designee, and Dr. Tubre shall also cause to be submitted to the Board written certification of the CME program and credits completed by him.

IT IS FURTHER ORDERED that within one-hundred eighty (180) days from the effective date of this Order, Dr. Tubre shall pay to the Board a Fine in the amount of Two-Thousand Five-Hundred and no/100 (\$2,500.00) Dollars.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Dr. Tubre shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Dr. Tubre'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(A).

⁵ The Board has considered the guidelines for minimum and maximum disciplinary dispositions and the aggravating and mitigating circumstances apparent from the particular facts and circumstances of this matter. *See* La. Admin. Code tit. 46, pt. XLV, §§ 9714; 9716.

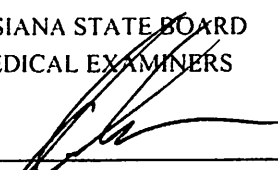
IT IS FURTHER ORDERED this Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

IT IS FURTHER ORDERED that this Consent Order shall be and shall be deemed to be a **PUBLIC RECORD**, and shall likewise be reported on the Board's website, <https://www.lsbme.la.gov/>, under "Disciplinary Actions," and shall be reported to the National Practitioner Data Bank ("NPDB").

New Orleans, Louisiana, this 27th day of January 2024.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: _____

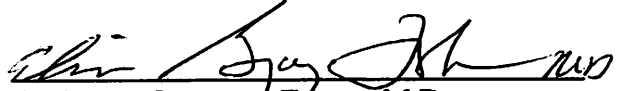

RODERICK V. CLARK, MD, MBA
President

Acknowledgement and Consent on following page

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF Louisiana
PARISH/COUNTY OF Lincoln

I, ELVIN GREGORY TUBRE, 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 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 6 day of Dec, 2024.


ELVIN GREGORY TUBRE, M.D.

WITNESSES:

Lindsay Barham
Signature

John Maxwell
Signature

Lindsay Barham
Typed Name

Johnny Maxwell
Typed Name

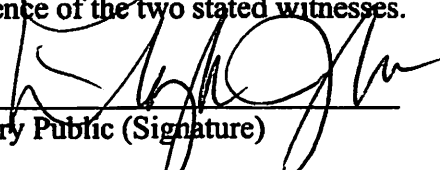
1511 N. Trenton St
Street Address

1511 N. Trenton St.
Street Address

Ruston LA 71270
City/State/Zip Code

Ruston, La 71270
City/State/Zip Code

Sworn to and subscribed before me this
6th day of December, 2024, in the
presence of the two stated witnesses.


Notary Public (Signature)

Name: _____

Elizabeth K. Johnson
#088040
Notary Public, Lincoln Parish, Louisiana
My Commission is for Life

Commission expires: _____