

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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|------------------------------|---|--------------------|
| -----X                       |   |                    |
| In The Matter Of             | : | No. 09-I-459       |
|                              | : |                    |
| JULIE DOWLING MCINTOSH, P.A. | : |                    |
| (License No. A10585)         | : |                    |
| Respondent                   | : | CONSENT ORDER FOR  |
|                              | : | OFFICIAL REPRIMAND |
| -----X                       |   |                    |

The Louisiana State Board of Medical Examiners (the "Board") conducted an investigation of Julie Dowling McIntosh, PA, ("Ms. McIntosh") who has been licensed in Louisiana since August 19, 2003 and practicing in family practice. The Board has developed reliable information indicating that Ms. McIntosh exercised prescriptive authority beyond that authorized by law. In particular, the investigation revealed that Ms. McIntosh issued several hundred prescriptions from the period February 2006 until September 2008 when she did not have Board approval for prescriptive authority with her supervising physician. Of these prescriptions, two (2) were for Schedule II narcotics that Ms. McIntosh issued with her supervising physician's co-signature.

On her own behalf, Ms. McIntosh represents that she believed her employer had completed all of the necessary paperwork for her to obtain prescriptive authority. She further explained that she received the order for the Schedule II narcotics from her supervising physician and signed the prescription out of habit.

Predicated on the foregoing, the Director of Investigation has determined that probable cause exists for recommending to the Board that an Administrative Complaint be filed in this matter charging Ms. McIntosh with violation of the Louisiana Physician Assistant Practice Act, La. Rev. Stat. §37:1360.33(3), ("the Act"),<sup>1</sup> and the Board's Rules pertaining to Physician Assistants, La. Adm. C. 46: XLV§1505.A (2),<sup>2</sup> La. Adm. C. 46: XLV§4506.C (5)<sup>3</sup>.

<sup>1</sup>La. Rev. Stat. §37:1360.33(3) provides: "The Board may, exercising due process, discipline any physician assistant, as provided in R.S.37:1360.34, that :... ( 3) violates any provision of this Part or any regulation adopted by the Board pertaining to this Part."

<sup>2</sup> La. Adm. C. 46: XLV§1505.A.2 provides: "A physician assistant currently licensed by the Board shall not

As evidenced by her subscription hereto, Ms. McIntosh acknowledges the substantial accuracy of the foregoing information and that proof of such information upon an administrative evidentiary hearing could constitute sufficient cause under the Act for the imposition of such terms, conditions, or restrictions on her license to practice as a physician assistant in the state of Louisiana as the Board may deem appropriate.

Recognizing her right to have administrative adjudication of the matters mentioned above, at which time she 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. Rev. Stat. §§ 49:951, *et seq.*, Ms. McIntosh nonetheless, hereby waives her right to formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By her subscription hereto, Ms. McIntosh also acknowledges that she waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.* or which otherwise may be afforded to her by law, to contest her agreement to or the force and effect of the Board's investigation or this document in any court or other forum relating to the matters referred to herein.

By her subscription hereto, Ms. McIntosh 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 she waives any objection to such disclosures to the Board under La. Rev. Stat. §49:960. Ms. McIntosh 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 proceed with the filing and adjudication of an administrative complaint against her, or to the Board's capacity to adjudicate such complaint, should the Board decline to accept this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1326 and La. Rev. Stat. § 49:955(D);

**IT IS ORDERED** that Julie Dowling McIntosh, P.A. is hereby issued an **OFFICIAL REPRIMAND** and that Ms. McIntosh's license to practice as a physician assistant and her continuing exercise of the rights and privileges granted to her thereby, shall be subject to her acceptance and strict compliance with the following terms and conditions:

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prescribe medication or medical devices unless his registration for prescriptive authority has been approved by the board in accordance with this chapter."

<sup>3</sup> La. Adm. C. 46: XLV§4506.C.5 provides: "A physician assistant who has been delegated prescription authority shall not issue a prescription or order for any Schedule I or II controlled substance."

1. **Payment of Fine.** Ms. McIntosh shall pay a fine of \$1,000.00 to the Board, which payment shall be made within ninety (90) days of the effective date of this Order by the Board; and
2. **Continuing Medical Education-Proper Prescribing.** Within one hundred eighty (180) days of the effective date of this Order, Ms. McIntosh shall successfully complete one or more courses of study in the area of proper prescribing of controlled substances. All courses required by this provision shall be pre-approved by the Board or its designee; and
3. **Demonstration of Understanding-Board's Rules.** Within one hundred eighty (180) days of the effective date of this Order, Ms. McIntosh shall provide evidence to the Board's satisfaction that she has gained an understanding of and is practicing in accordance with the law and the Board's rules and regulations respecting physician assistants; and
4. **Submission of Clinical Practice Guidelines.** Within sixty (60) days from the effective date of this Order, Ms. McIntosh shall submit current Clinical Practice Guidelines that meet or exceed Board rules to be determined by the Board or its designee; and

**IT IS FURTHER ORDERED** that any violation of the terms and conditions set forth by this Order by Ms. McIntosh shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Ms. McIntosh's license to practice as a physician assistant in the state of Louisiana as the Board may deem appropriate, as if such violation was enumerated among the causes provided in La. Rev. Stat. §37:1360.33(3).

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

New Orleans, Louisiana, this 11<sup>th</sup> day of January, 20 10.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By: Mark H. Dawson MD

Mark H. Dawson, M.D.  
Vice President

**Acknowledgment and Consent Follows  
on Next Page**

In the Matter of:

Julie Dowling McIntosh, P.A.

Consent Order

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STATE OF LOUISIANA

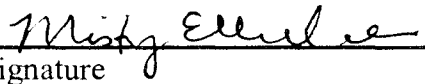
PARISH OF West Carroll

**ACKNOWLEDGMENT  
AND CONSENT**

I, JULIE DOWLING MCINTOSH, P.A., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 22<sup>nd</sup> day of Dec., 20 09.

  
JULIE DOWLING MCINTOSH, P.A.

WITNESSES:

  
Signature

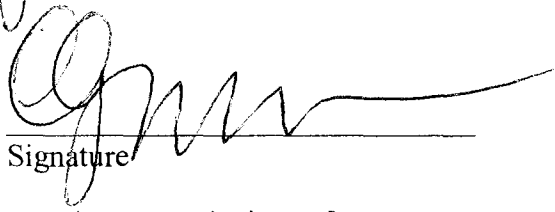
Misty Ellerbe

Typed Name

502 Ross St.

Oak Grove, La 71263

Address

  
Signature

Noli C. Guinigundo, M.D.

Typed Name

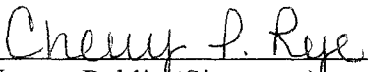
502 Ross St.

Oak Grove, La 71263

Address

Sworn to and subscribed before me at Oak Grove, Louisiana, this 22<sup>nd</sup> day of

Dec., 20 09, in the presence of the two stated witnesses

  
Notary Public (Signature)

CHERRY P. RYE  
Notary Public #5860  
State of Louisiana

Printed Name/Notary #

My Commission Expires At Day