

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter of :
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TANDY WILSON McELWEE, JR., M.D.:
(Certificate No. 012334) :
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07-I-303

CONSENT ORDER

This matter is before the Louisiana State Board of Medical Examiners (the "Board") in connection with an ongoing and pending investigation conducted by the Investigating Officer of the Board regarding Tandy Wilson McElwee, Jr., M.D. ("Dr. McElwee"), a physician who at all pertinent times has been licensed and engaged in the practice of obstetrics and gynecology in and around Bossier City, Louisiana.

Apparently reliable information gathered to date indicates that Dr. McElwee had ordered narcotic medications to be delivered to his office address, but did not have a dispensing registration authorizing him to dispense these medications to his patients. The Board further investigated an allegation that Dr. McElwee had prescribed narcotic medications to family members and employees without appropriate medical justification or in an illegitimate manner.

In the course of the investigation, Dr. McElwee was advised to undergo an evaluation to determine if he was suffering from a condition, namely substance abuse, which would render him incapable of practicing medicine with skill and safety to patients. Due to other considerations, Dr. McElwee was unable to undergo the evaluation and has elected to discontinue practicing medicine.

Predicated upon the information outlined above, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Dr. McElwee charging him with violation of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. §§ 37:1285(A)(5) and (25).

As evidenced by his subscription hereto, Dr. McElwee acknowledges the right to have written notification of any charges that may be asserted, as well as the right to have evidence of such charges asserted during an administrative hearing at which time he will be entitled to be represented by legal counsel, to call witnesses and to present evidence 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.* Irrespective of such rights, Dr. McElwee, nonetheless, hereby consents to the indefinite suspension of his license to practice medicine in this state, with reinstatement thereof subject to the terms and conditions of this Order. By his subscription hereto, Dr. McElwee 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 discuss with and disclose to the Board the nature and extent of such charges and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. McElwee expressly acknowledges that disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to prosecute administrative charges which may be filed in this matter following completion of the current investigation or to the Board's capacity to adjudicate such charges.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Tandy Wilson McElwee, Jr., M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 012334, be and the same is hereby, effective as of the date hereof, **INDEFINITELY SUSPENDED**.

IT IS FURTHER ORDERED that Tandy Wilson McElwee, Jr., M.D. shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves a written decision reinstating his license to practice following: (1) receipt of documentation supporting that Dr. McElwee has undergone a medical/psychiatric/substance abuse evaluation at a Board approved facility and if indicated, has successfully completed recommended in-patient treatment, is in compliance with any treatment recommendations, and the treating physicians have determined that he is capable of returning to practice with skill and safety to patients; (2) a meeting at the Board office with the Director of Investigations and (3) conclusion of the pending investigation by administrative hearing and final decision of the Board on any charges that may be filed in these proceedings, including but not limited to those identified in this Order; alternatively, by the Board's acceptance of a Consent Order or other Order or recommendation respecting such charges.

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. McElwee shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. McElwee' 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. Rev. Stat. § 37:1285.

In the Matter of:

Tandy Wilson Mcelwee, Jr., M.D.

CONSENT ORDER


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

New Orleans, Louisiana, this 15th day of October, 2007.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY:


KWELI J. AMUSA, M.D.
President

**ACKNOWLEDGEMENT AND CONSENT
ON FOLLOWING PAGE**

ACKNOWLEDGMENT AND CONSENT

STATE OF LOUISIANA PARISH OF Bossier

I, TANDY WILSON MCELWEE, JR., M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 11th day of September, 2007.

Tandy W. McElwee, Jr. MD TANDY WILSON MCELWEE, JR., MD

WITNESSES:

Denise Brady Signature

Denise Brady Printed Name

2229 Landau Lane Address

Bossier City LA 71111 City, State, Zip Code

Amy M Bardor Signature

Amy M Bardor Printed Name

3502 Holiday Pl. Address

Bossier City, LA 71112 City, State, Zip Code

Sworn to and subscribed before me at Bossier, Louisiana, this 11th day of September, 2007, in the presence of the two stated witnesses.

Angela M. Bryant Notary Public (Signature)

ANGELA M. BRYANT #22141 Printed Name/Notary #