

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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(504) _____

IN THE MATTER OF:

LAWRENCE J. MCMANUS, M.D.
(Certificate No. 009948)
Respondent

OPINION
01-A-001

This matter comes before the Board pursuant to an Administrative Complaint charging Respondent, Lawrence J. McManus, with the following violations of the Medical Practice Act, and the Board's regulations:

Dispensing medication without being registered as a dispensing physician, and therefore, in other than a legal and legitimate manner; and by violating the record keeping requirements of the Board's rules and of federal law, all in violation of La. Adm. Code §46:XLV.6507; R.S 37:1285A(6) and (29); and §§ 6505A and 6505B of the Board's Dispensing Rules.

The matter was heard before a panel of the Board, consisting of Drs. Laborde, LeBlanc, Ferdinand, Nunnally, Amusa, and James, President.

The facts of the case are largely undisputed. Dr. McManus had been the Medical Director at the NASA facility at Michoud, operated by Lockheed-Martin since 1997. In November, 1999, there was an investigation by NASA and DEA personnel, of the drug inventory maintained by Dr. McManus, in his capacity as Medical Director. As a result of this investigation, a substantial shortage was discovered. According to the investigators, the shortage was 1851.5 doses. According to Dr. McManus, the shortage was 1105.5 doses.

Apparently, the only records kept by Dr. McManus were drug tally sheets, and the patient charts, and these were often contradictory. He did not maintain the records and inventories required by both State and Federal regulations. Dr.

(McManus, June, 2001)

McManus was unable to explain or account for the shortages. He testified that he was unaware of the dispensing regulations, and that he had merely continued the practices which were in effect at Lockheed-Martin when he assumed the position of Medical Director. It further appeared that he had taken some Xanax for himself during his recovery from surgery, and that he had given his wife some hydrocodone when she was in pain. There was no evidence of drug abuse by either Dr. McManus or his wife.

As a result of the investigation, Dr. McManus voluntarily surrendered his DEA license to prescribe controlled substances, and was fired from his job as Medical Director. It further appeared that, had he not surrendered his DEA registration, he would have been criminally prosecuted by the Federal Government.

Considering all of the above, we find it clear that Dr. McManus is guilty of the charges against him. His ignorance of the regulations is no excuse, since these were published in the Board's newsletter, which was received by Respondent. We also believe that the existence of the Board's dispensing rules is common knowledge in the medical profession in this state.

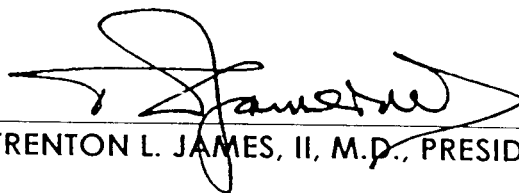
We also recognize that Dr. McManus is a good doctor, and we believe that his failure to observe the law and the Board's regulations was not done in bad faith. Accordingly, the following sanctions are imposed:

Dr. Lawrence J. McManus is hereby reprimanded for his failure to follow the provisions of the law, and the regulations of this Board.

Respondent is further condemned to pay a fine of \$5,000.00 and all costs of this proceeding.

BATON ROUGE, LOUISIANA, THIS 23RD DAY OF JUNE, 2001.

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BY: TRENTON L. JAMES, II, M.D., PRESIDENT