

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

RUSSELL T. RIBANDO, M.D.
(Certificate No. 007981),

Respondent.

CONSENT ORDER

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board") following receipt of information which raised serious questions and concerns regarding the controlled substance prescribing practices of Russell T. Ribando, M.D.

Investigation of the captioned matter was assigned to the Medical Consultant/Director of Investigations ("Investigating Officer") for the Board. Several of Dr. Ribando's patient records were obtained by subpoena and reviewed. The Investigating Officer's analysis of these records revealed to his satisfaction that in twenty-two (22) of the cases that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Ribando, charging him with violation of the Louisiana Medical Practice Act (the "Act") pursuant to La. Rev. Stat. §§ 37:1285A(6),¹ (14)² and (30);³ the Board's Pain Management Rules,⁴ more specifically 46 La. Admin. C. §§ 46:6921 and 6923, and

¹ Pursuant to La. Rev. Stat. § 37:1285A(6), the Board may take action against the license of a physician as a result of "[P]rescribing, 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."

² Pursuant to La. Rev. Stat. § 37:1285A(14), the Board may take action against the license of a physician as a result of "[C]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state."

³ Pursuant to La. Rev. Stat. § 37:1285A(30), the Board may take action against the license of a physician as a result of "[V]iolation of any rules and regulations of the board, or any provisions of this Part."

⁴ Controlled Substances Used in the Treatment of Noncancer-Related Chronic or Intractable Pain, 46 La. Admin. Code §§ 6915-6923 (June 1997).

the Board's Obesity Rules,⁵ more specifically 46 La. Admin. C. §§ 46:6905, 6907 and 6913.

As evidenced by his subscription hereto, without admitting the accuracy of the information described hereinabove, or any violation of the Louisiana Medical Practice Act, Dr. Ribando acknowledges that the information developed by the Board's investigation would constitute probable cause for the institution of administrative proceedings against his medical licensure, pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing would establish grounds under the Louisiana Medical Practice 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, pursuant to La. Rev. Stat. §§ 37:1285A(6), (14) and (30) and 46 La. Admin. C. §§ 46:6913 and 6923.

Recognizing his right to have notice of any allegation or charge asserted against him, to administrative adjudication of such allegation or charge, pursuant to La. Rev. Stat. §§ 49:955-58, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. Ribando, nonetheless, hereby waives his right to formal charges and formal adjudication and, pursuant to La. Rev. Stat. § 49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Ribando acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951, et seq., or to which otherwise may be afforded him by law. Further Dr. Ribando specifically waives his rights to contest the Board's investigation as well as his agreement to, or the force and effect of this document in any court or other forum. Dr. Ribando, furthermore, hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as any legal counsel assisting the Investigating Officer in connection herewith, 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 Dr. Ribando waives any objection to such disclosures under La. Rev. Stat. § 49:960. Dr. Ribando expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer, or his legal counsel,

⁵Medications Used in the Treatment of Obesity, 46 La. Adm. Code, §§ 6901-6913 (July, 1992). Pursuant to § 6913 of such Rules, any violation of such Rules shall be deemed a violation of La. Rev. Stat. §§ 37:1285A(6) and (30).

shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

On the basis of the information provided to the Board, the Board is persuaded that the public interest would be properly protected and served by allowing Dr. Ribando to maintain his Louisiana license, subject to appropriate specified terms and conditions. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. § 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. Rev. Stat. § 37:1285 and La. Rev. Stat. § 49:955(D);

IT IS ORDERED that the license of Russell T. Ribando, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 007981, be and the same is hereby, effective as of the date hereof, placed **ON PROBATION** for a period of five (5) years, and Dr. Ribando's continuing exercise of the rights and privileges thereunder shall be subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Prohibitions on Practice—Management of Chronic Pain. At no time following the effective date of this order shall Dr. Ribando practice medicine in the field of the management of chronic pain. Furthermore, at no time following the effective date of this order shall Dr. Ribando hold himself out as being engaged in the treatment of or actually undertake the treatment of, either individually or in conjunction with another physician, any patient for the long-term management of chronic pain (beyond twelve weeks in any twelve month period), nor shall he have any ownership interest in, receive any remuneration from or have any association with any clinic or practice which renders care and/or treatment to patients for the long-term management of chronic pain or advertises or holds itself out to the public as a clinic or practice for the care and/or treatment of patients for the long-term management of chronic pain. The restriction set forth in this provision shall survive the term of probation ordered herein and remain in force and effect for so long as Dr. Ribando holds any form of license to practice medicine in the state of Louisiana.

(2) Prohibitions on Practice—Obesity. At no time following the effective date of this order shall Dr. Ribando practice medicine in the field of the obesity treatment or weight control. Furthermore, at no time following the effective date of this order shall Dr. Ribando hold himself out as being engaged in, or actually undertake to engage in, either individually or in conjunction with another physician, the treatment of, any patient for obesity or weight control, nor shall he have any ownership interest in, receive any remuneration from or have any association with any clinic or practice which renders care and/or treatment to patients for obesity, diet or weight control or which advertises or holds itself out to the public as a bariatric, weight loss, diet, or other clinic or practice for the care and/or treatment of obesity, diet or weight control. The restriction set forth in this provision shall survive the term of probation ordered herein and remain in force and effect for so long as Dr. Ribando holds any form of license to practice medicine in the state of Louisiana.

(3) Surrender of Controlled Substances Permit and Restriction on Controlled Substances. Dr. Ribando shall, within 15 days of the effective date of this order, if he has not already done so, submit his state and federal controlled substances permits to the issuing authority for cancellation or for the notation thereon of the limitations hereby imposed. In addition, at no time following the effective date of this order shall Dr. Ribando prescribe, dispense or administer (i) any controlled Schedule II substance which may be classified, defined, enumerated or included in 21 C.F.R. §§ 1308.11-.15, La. Rev. Stat. §40:964; or (ii) any substance which may hereafter be designated a controlled Schedule II substance by amendment or supplementation of such regulations and statute; (iii) any Schedule III-V controlled substance which contains hydrocodone; or (iv) the drugs Nubain, Dalgan, Soma, Stadol and Butalbital in any form or generic thereof. The restrictions contained in this provision shall survive the term of probation ordered herein and remain in force and effect for so long as Dr. Ribando holds any form of license to practice medicine in the state of Louisiana.

(4) Continuing Medical Education ("CME"). For each year that this Consent Order is in effect, and at his own expense, Dr. Ribando shall undertake and complete fifty (50) hours of continuing medical education, approved by and qualifying for the AMA's Physician's Recognition Award. On or before each anniversary date of this Consent Order, Dr. Ribando shall cause to be forwarded to the Board's probation officer proof of the CME credits earned during the preceding year.

(5) Cooperation With Board's Probation Officer. Dr. Ribando shall immediately notify the Board's Probation Officer of any change in his current home and professional addresses and telephone numbers. Dr. Ribando shall cooperate in all matters with the Board's Probation Officer.

(6) Absence From State - Effect On Probation. Should Dr. Ribando at any time during the period of probation ordered herein be absent from the State of Louisiana, relocate to and/or take up residency in another state or country for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period ordered herein and all terms and conditions thereof, shall be deemed interrupted and extended and shall not commence to run until Dr. Ribando notifies the Board in writing that he has returned to, relocated in

and/or taken up residency in the State of Louisiana. In such instance, Dr. Ribando shall not receive credit toward the probationary period for the time during which he was absent from the State of Louisiana.

(7) Certification Of Compliance With Probationary Terms/Personal Appearance Before The Board. Within sixty (60) days of the scheduled date of termination of probation, Dr. Ribando shall provide the Board with a notarized oath certifying that he has complied with all conditions imposed upon him by the Order. Prior to the full restoration of his license at the conclusion of the probationary period, Dr. Ribando shall, by appointment coordinated by him with the offices of the Board's Executive Director, make a personal appearance before the Board to discuss his then-current practice, plans and his compliance with the terms and conditions hereof.

IT IS FURTHER ORDERED that any violation by Dr. Ribando of, or failure of strict compliance by him with, any of the terms, conditions or restrictions set forth by this Order, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of his license to practice medicine in the State of Louisiana, as well as any right to renewal and/or reinstatement thereof, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. § 37:1285.

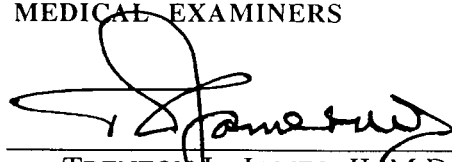
IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a **public record**.

Effective Date. This Consent Order shall take effect as of the date that it is dated and signed by the Board President.

New Orleans, Louisiana, this 12th day of December, 2001.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

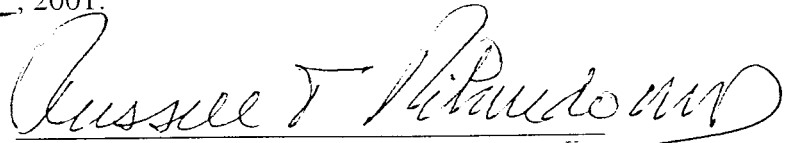
BY:


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

**ACKNOWLEDGMENT
AND CONSENT**

Having been duly advised by my legal counsel as to the meaning, scope and effect of the foregoing Consent Order,

I, Russell T. Ribando, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Consent Order by the Louisiana State Board of Medical Examiners, this 30TH day of November, 2001.



Russell T. Ribando, M.D.

WITNESSES:

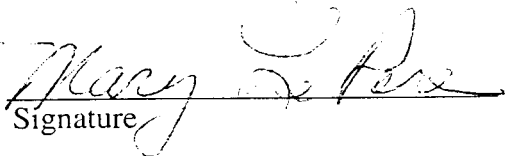


Signature

Patricia S. Falcone

Typed Name

510 E. Morris, Hammond, La. 70403
Address



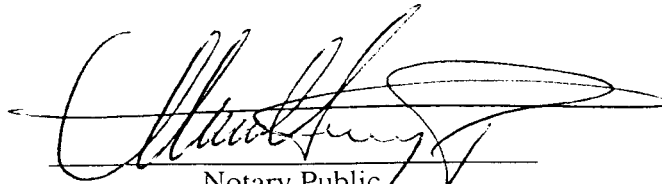
Signature

Mary LePore

Typed Name

510 E. Morris, Hammond, LA. 70403
Address

Sworn to and subscribed before me at HAMMOND, Louisiana,
this 30TH day of November, 2001 in the presence of the two
stated witnesses.



Notary Public

My commission expires at death