

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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: **In The Matter of** :
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: :
: **Mary Christine Webster, M.D.** :
: **(Certificate No. 04256R)** :
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Inv. No. 07-I-140
CONSENT ORDER

Mary Christine Webster, M.D. ("Dr. Webster") is, and at all times pertinent, has been a physician licensed to practice medicine in the state of Louisiana, as evidenced by Certificate No. 04256R. Predicated upon apparently reliable information the Board, through its Investigative Officer, undertook an investigation of Dr. Webster's prescription-writing practices for controlled substances during the years 2005-2007. The results of said investigation indicate that Dr. Webster may have issued controlled substances to certain individuals without legitimate medical justification or in other than a legal or legitimate manner and/or in a manner contrary to the prevailing and usually accepted standards of medical practice in the state of Louisiana or in a manner inconsistent with or contrary to the Board's rules relative to the treatment of non-malignant chronic or intractable pain (the "Board's Pain Rules").¹

Predicated upon the information outlined above, the Investigating Officer assigned by the Board with respect to this matter, determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Dr. Webster, charging her with violation of the Louisiana Medical Practice Act (the "Act") and the Board's Pain Rules.²

¹ See LA. ADMIN. CODE 46:XLV.6915-.6923 (West 2006).

² See La. Rev. Stat. §§ 37:1285(A) (6), (14), and (30) (West 2006); LA. ADMIN. CODE 46:XLV.6915-.6923 (West 2006).

As evidenced by her subscription hereto, Dr. Webster, without admitting any violation of the Act or the Board's rules, nevertheless acknowledges that the foregoing information would constitute probable cause for the institution of administrative proceedings against her medical licensure, pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing may establish grounds under the Act for the suspension or revocation of her license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate.

Recognizing her right to have an administrative adjudication of such charges, at which time Dr. Webster 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. §§ 49:955-965, Dr. Webster, 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. Dr. Webster also acknowledges that she hereby 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 she otherwise may be afforded by any 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. By her subscription hereto, Dr. Webster 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 under La. Rev. Stat. § 49:960. Dr. Webster expressly acknowledges that the disclosure of such 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 approve this Consent Order.

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 Mary Christine Webster, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 04256R, be and the same is hereby placed **ON PROBATION** for a period of three (3) years from the effective date of this order (the "probationary period"); *provided, however*, that Dr. Webster's license to practice medicine and her continuing exercise of the rights and privileges granted to her thereby, shall be conditioned upon and subject to her 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. Webster practice medicine in the field of the management of non-malignant chronic or intractable pain. More specifically, at no time following the effective date of this Order shall Dr. Webster hold herself out as being engaged in the treatment of or actually undertake to treat, either individually or in conjunction with any other physician, any patient for the long-term management of non-malignant chronic or intractable pain (beyond twelve

weeks in any twelve month period), nor shall she receive any remuneration from, have any ownership interest in or association with any clinic or practice setting or arrangement that renders care and/or treatment to patients for non-malignant chronic or intractable pain or any clinic that advertises or holds itself out to the public as a clinic or practice for the care and/or treatment of patients for non-malignant chronic or intractable pain. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall survive the probationary period and remain in effect so long as Dr. Webster shall hold any form of license or permit to practice medicine in the state of Louisiana.

(2) Prescription of Controlled Substances Prohibited. Except as authorized herein, Dr. Webster shall not, during the probationary period, prescribe (i) any substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308.11-.15 or La. Rev. Stat. §40:964, as a Schedule II, III, IV or V controlled substance; or (ii) any substance which may hereafter be designated as one of the foregoing controlled substances by amendment or supplementation of such regulations and statute; or (iii) the drugs Nubain, Dalgan, Soma, Ultram or Butalbital in any form or generic thereof. The prohibitions contained in this paragraph shall not prohibit Dr. Webster from ordering any controlled substance for administration to inpatients of and at a hospital where she may be employed or exercise staff or clinical privileges in accordance with such hospital's prescribed policies and procedures governing the administration of controlled substances. Following the expiration of one (1) year from date of this Order, Dr. Webster may request relief from the prohibitions contained in this paragraph, which request the Board may consider and grant or deny in its sole discretion. As prerequisites to such request, Dr. Webster shall have, at a minimum, submitted written confirmation of the successful completion one or more courses of study, pre-approved by the Board, which address the appropriate prescribing of controlled substances and the creation and maintenance of adequate medical records.

(3) Continuing Medical Education. Dr. Webster shall, at her own expense, obtain not less than fifty (50) credit hours per year for each year of the probationary period through attendance at and participation in continuing medical education programs ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association, and she shall obtain such award within the probationary period. On or before the anniversary date of each year for the three (3) years following the effective date of this Consent Order, Dr. Webster shall cause to be submitted to the Board written certification of the CME programs and credits completed by her during the preceding twelve (12) months.

(4) Sanction. By her subscription hereto Dr. Webster acknowledges that her receipt of written notification from the Board that it has received apparently reliable information which indicates her failure to comply with the requirements set forth by this Order in any respect, shall, without need for formal hearing or providing her with 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, constitute her consent to the immediate suspension of her license to practice medicine in this state pending the issuance of a final decision by the Board following administrative adjudication of such charges.

(5) Cooperation with Board's Probation and Compliance Officer. Dr. Webster shall immediately notify the Board's Probation and Compliance Officer of any change in her current home and professional addresses and telephone numbers and she shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms, conditions and restrictions of this Consent Order.

(6) Absence from State - Effect on Probation. Should Dr. Webster at any time during the probationary period 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, she will so advise the Board in writing. In such instance, the probationary period and all terms and conditions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Webster notifies the Board in writing that she has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance, Dr. Webster shall not receive credit toward completion of the probationary period for the time during which she was absent from the state of Louisiana.

(7) Certification of Compliance with Probationary Terms/Personal Appearance Before the Board. At least sixty (60) days prior to the conclusion of the probationary period, Dr. Webster shall provide the Board with an affidavit certifying that she has complied with each of the terms of probation imposed upon her by this Order, and she shall contact the Board and arrange for a personal appearance before the Board or such other individual or committee as may be designated by the Board at its meeting preceding the expiration of the probationary period.

(8) Probation Monitoring Fee. For each year of the probationary period Dr. Webster shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(9) Payment of Fine. Dr. Webster shall pay a fine of \$3,000.00 to the Board. However, said fine shall be suspended during the probationary period herein. Should Dr. Webster successfully complete the probationary period and fully and completely comply with each of the terms of probation imposed upon her by this Order, the Board may, at its sole discretion, waive the payment of said fine.

(10) Additional Probationary Terms. In addition to such other terms, conditions and restrictions as are placed upon her license to practice medicine by this Order, Dr. Webster hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length and nature thereof, which the Board, in its sole discretion, may deem necessary or appropriate to impose thereon.

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. Webster shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Webster's 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.

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

New Orleans, Louisiana, thus Done, Signed and Effective on this 17th day of March, 2008.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY:

Kweli J. Amusa, MD
KWELI J. AMUSA, M.D.
President

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA

PARISH OF St. Tammany

I, Mary Christine Webster, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 18 day of January, 2008.

Mary Christine Webster MD
MARY CHRISTINE WEBSTER, M.D.

WITNESSES:

[Signature]
Signature

Christine MacKinnon
Printed Name

618 E. Rutland H.
Address

[Signature]
Signature

Victoria Thibodeaux
Printed Name

618 E. Rutland St.
Address

Sworn to and subscribed before me at Covington, Louisiana, this 18 day of

January, 2008, in the presence of the two stated witnesses.

[Signature]
Notary Public (signature)

Joseph F. Bishop
Printed Name/Notary #