

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of	NO. 06-I-100
RUBY FREDERICK KETNER YATES, M.D.	
(Certificate No. 019642)	CONSENT ORDER

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The Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board") began an investigation of Ruby Frederick Ketner Yates, M.D. (Certificate No. 019642), an emergency medicine physician in and around Shreveport, Louisiana, after reports that Dr. Yates had entered into an agreement with a registered nurse to supervise her performance of certain procedures, including botox, collagen, and restylane injections, mesotherapy, microdermabrasion, face peels, and other cosmetic procedures. The agreement may be read to imply that Dr. Yates would not be in attendance while the procedures were performed. The agreement provided that the nurse would provide all pre- and post-procedure instructions, consent forms, and medical histories on the patients and would contact Dr. Yates when she judged such communication was indicated. In return for his services, Dr. Yates was to receive a percentage of the net revenues generated by these procedures. Dr. Yates' agreement with this registered nurse provides sufficient cause for administrative action by the Board to determine whether Dr. Yates has facilitated the unauthorized practice of medicine, in violation of La. Rev. Stat. §37:1285A(18).¹

Without admitting any violation of the Medical Practice Act, Dr. Yates acknowledges that he understands and respects the Board's concern about unsupervised medical practice by non-physicians. He acknowledges that, in retrospect, he should not have entered into this agreement, but that he did so in good faith, based on information provided to him by the nurse and at a national course on cosmetic procedures. Further, Dr. Yates did not profit financially from the agreement, has terminated his participation in it, and has agreed he will not enter into any similar agreement in the future.

¹ La. Rev. Stat §37:1285A (18) provides that the Board may take action against the license of a physician as a result of "[k]nowingly performing any act which, in any way, assists an unlicensed person to practice medicine, or having professional connection with or lending one's name to an illegal practitioner."

In consideration of these facts, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure 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.

Recognizing his right to have administrative adjudication of the matters mentioned above, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his 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.*, Dr. Yates nonetheless, hereby waives his right to 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. Yates also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto, Dr. Yates also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him 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 he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Yates expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against him or to the Board's capacity to adjudicate such charges, 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 Ruby Frederick Ketner Yates, M.D., to practice medicine in the state of Louisiana, as evidenced by Certificate No. 019642 shall, and hereby does receive, an **OFFICIAL REPRIMAND**. In consideration of the Board's agreement to end its investigation by means of this Consent Order, Dr. Yates agrees to the following:

(1) **Continuing Medical Education.** Within six (6) months of the effective date of this Consent Order, Dr. Yates shall obtain not less than twenty (20) credit hours of continuing medical education ("CME"), acceptable to the Board's Investigating Officer, on the subject of ethics and professionalism. Dr. Yates shall cause to be submitted to the Board written certification of the CME program(s) that he has attended in order to satisfy this obligation.

(2) **Community Service.** Within six (6) months of the effective date of this Consent Order, Dr. Yates shall perform fifty (50) hours of community service approved by the Board's Investigating Officer.

(3) **Payment of Fine.** Dr. Yates shall pay a fine of \$1,000 to the Board, which payment may be made within one hundred twenty (120) days of the acceptance of this Order by the Board.

(4) **Effect of Violation/Sanction.** By his subscription hereto Dr. Yates acknowledges that his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to him by any law, constitute his consent to the immediate suspension of his license to practice medicine in this state by the Board pending the final resolution of an administrative hearing and decision by the Board, or until such time as he complies with the terms and conditions of this Consent Order.

(5) **Effective Date.** This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

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. Yates shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Yates'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, this 22nd day of January, 2007.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: K. J. Amusa, MD
KWELI J. AMUSA, M.D.
President

ACKNOWLEDGEMENT AND CONSENT ON NEXT PAGE

STATE OF LOUISIANA
PARISH OF Caddo

**ACKNOWLEDGMENT
AND CONSENT**

I, RUBY FREDERICK KETNER YATES, M.D., hereby acknowledge, approve, accept
and consent to entry of the above and foregoing Order, this 18th day of December,
2006.

Ruby Frederick Ketner Yates
RUBY FREDERICK KETNER YATES, M.D.

WITNESSES:

Rendi Wiggins
Signature

Rendi Wiggins
Typed Name

400 Texas St., Ste. 400, Shreveport, LA
Address

Lindsey Stevens
Signature

Lindsey Stevens
Typed Name

400 Texas St. Ste. 400, Shreveport, La.
Address

Sworn to and subscribed before me at Shreveport, Louisiana, this 18th day of
December, 2006, in the presence of the two stated witnesses.

Lawrence W. Pettiette Jr.
Notary Public

10486

Bar/Notary Number

LAWRENCE W. PETTINETTE, NOTARY PUBLIC
& ATTORNEY-AT-LAW
LOUISIANA BAR ROLL NO. 10486
CADDO PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE