

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of	:	No. 10-I-024
	:	
CARLETON ARGO MENTZER, P.A.	:	
<i>(License No. 200003)</i>	:	
Respondent	:	CONSENT ORDER FOR
	:	OFFICIAL REPRIMAND
-----X		

The Louisiana State Board of Medical Examiners (the "Board") conducted an investigation of Carleton Argo Mentzer, PA, ("Mr. Mentzer") who has been licensed in Louisiana since October 2004, and practicing in the area of occupational medicine. The Board has developed reliable information indicating that Mr. Mentzer practiced as a physician assistant, including exercising prescriptive authority, beyond that authorized by law. In particular, the investigation revealed that Mr. Mentzer issued legend and controlled prescriptions when he did not have Board approval for prescriptive authority with his supervising physicians. Furthermore, he practiced under the supervision of two physicians who did not have board authority to be supervising physicians.

On his own behalf, Mr. Mentzer represents that he changed practice sites and failed to file all of the necessary paperwork to terminate his previous supervising physician and to add his new supervising physicians for Board approval.

Predicated on the foregoing, the Director of Investigation has determined that probable cause exists for recommending to the Board that an Administrative Complaint be filed in this matter charging Mr. Mentzer with violation of the Louisiana Physician Assistant Practice Act, La. Rev. Stat. §37:1360.33(3), ("the Act"),¹ and the Board's Rules pertaining to Physician Assistants, La. Adm. C. 46: XLV§1525.A(2)²; La. Adm. C. 46: XLV§1527.A³; and La. Adm. C. 46: XLV§1510.A⁴

¹ La. Rev. Stat. §37:1360.33(3) provides: "The Board may, exercising due process, discipline any physician assistant, as provided in R.S.37:1360.34, that :... (3) violates any provision of this Part or any regulation adopted by the Board pertaining to this Part."

² La. Adm. C. 46: XLV§1525.A(2) provides: "A physician assistant application for registration of prescriptive authority shall be made upon forms supplied by the Board and shall include confirmation that clinical practice guidelines or protocols conforming to §1521.A.5 have been signed by the supervising physician and physician assistant."

³ La. Adm. C. 46: XLV§1527.A provides: "Physician application for approval and registration of delegation of prescriptive authority to a physician assistant shall be made upon forms supplied by the Board ."

⁴ La. Adm. C. 46: XLV§1510.A provides: "A physician seeking to supervise a physician assistant, as either primary supervising physician or as locum tenens physician, shall first register with and be approved by the Board as a supervising physician for the physician assistant."

As evidenced by his subscription hereto, Mr. Mentzer acknowledges the substantial accuracy of the foregoing information and that proof of such information upon an administrative evidentiary hearing could constitute sufficient cause under the Act for the imposition of such terms, conditions, or restrictions on his license to practice as a physician assistant in the state of Louisiana as the Board may deem appropriate.

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.*, Mr. Mentzer 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, Mr. Mentzer 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 the Board's investigation or this document in any court or other forum relating to the matters referred to herein.

By his subscription hereto, Mr. Mentzer 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 he waives any objection to such disclosures to the Board under La. Rev. Stat. §49:960. Mr. Mentzer expressly acknowledges that the disclosure of 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 him, or to the Board's capacity to adjudicate such complaint, should the Board decline to accept this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1326 and La. Rev. Stat. § 49:955(D);

IT IS ORDERED that Carleton Argo Mentzer, P.A. is hereby issued an **OFFICIAL REPRIMAND** and that Mr. Mentzer's license to practice as a physician assistant and his continuing exercise of the rights and privileges granted to him thereby, shall be subject to his acceptance and strict compliance with the following terms and conditions:

1. **Payment of Fine.** Mr. Mentzer shall pay a fine of \$1,000.00 to the Board, which payment shall be made within ninety (90) days of the effective date of this Order by the Board; and
2. **Demonstration of Understanding-Board's Rules.** Within one hundred eighty (180) days of the effective date of this Order, Mr. Mentzer shall provide evidence to the Board's satisfaction that he has gained an understanding of and is practicing in accordance with the law and the Board's rules and regulations respecting physician assistants; and
3. **Submission of Clinical Practice Guidelines.** Within sixty (60) days from the effective date of this Order, Mr. Mentzer shall submit current Clinical Practice Guidelines that meet or exceed Board rules to be determined by the Board or its designee; and

4. **Prescription of Controlled Substances Prohibited for One Year.** Mr. Mentzer shall not apply for registration of prescriptive authority for controlled substances until one (1) year has lapsed from the effective date of this Order.

IT IS FURTHER ORDERED that any violation of the terms and conditions set forth by this Order by Mr. Mentzer shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Mr. Mentzer's license to practice as a physician assistant in the state of Louisiana as the Board may deem appropriate, as if such violation was enumerated among the causes provided in La. Rev. Stat. §37:1360.33(3).

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

New Orleans, Louisiana, this 17 day of May, 2010.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: Mark H. Dawson MD
MARK H. DAWSON, M.D.
President

*Acknowledgment and Consent Follows
on Next Page*

In the Matter of:

Carleton Argo Mentzer, P.A.

Consent Order

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STATE OF LOUISIANA

PARISH OF T Jefferson

**ACKNOWLEDGMENT
AND CONSENT**

I, CARLETON ARGO MENTZER, P.A., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 10th day of MARCH, 2010.

[Signature]
CARLETON ARGO MENTZER, P.A.

WITNESSES:

[Signature]
Signature

JESSICA MCNEIL

Typed Name

1820 Belle Chasse Hwy
Address

[Signature]
Signature

LINDA RODRIGUE
Typed Name

1820 Belle Chasse Hwy
Address

Sworn to and subscribed before me at Gretna, Louisiana, this 10th day of March, 2010, in the presence of the two stated witnesses

[Signature]
Notary Public (Signature)

Printed Name/Notary #



LINDA KRAUS #85429
NOTARY PUBLIC
STATE OF LOUISIANA
PARISH OF PLAQUEMINES
My Commission Expires Upon Death