

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In The Matter Of	:	No. 86-I-021-F
RAFAEL TOMAS ARMSTRONG, M.D.	:	STIPULATION AND AGREEMENT
(Certificate No. 3995)	:	FOR DISPOSITION
	:	OF ADJUDICATORY MATTER
		AND CONSENT ORDER

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THIS STIPULATION AND AGREEMENT is made and executed by Rafael Tomas Armstrong, M.D. (Dr. Armstrong), a physician licensed as of the date hereof to practice medicine in the state of Louisiana, with and in favor of the Louisiana State Board of Medical Examiners (Board).

1. Acknowledgements and Stipulations Dr. Armstrong hereby acknowledges, stipulates and agrees that:

- (a) In the course of his treatment of Vincent Ditta, Dr. Armstrong prescribed abnormally high levels of narcotic medications, absent any circumstances that could medically legitimate such prescribing. Furthermore, there have been other instances wherein Dr. Armstrong's prescriptions of controlled substances have exceeded normally accepted parameters.
- (b) Upon administrative complaint and formal evidentiary hearing, such facts would establish lawful cause under the Medical Practice Act for the Board to revoke Dr. Armstrong's license to practice medicine in the state of Louisiana, on the grounds of his having prescribed, dispensed, or administered habit-forming or other legally controlled substances in other than a legal or legitimate manner. LSA-R.S. 37:1285(6).

- (c) Pursuant to the Louisiana Medical Practice Act and the Louisiana Administrative Procedure Act, Dr. Armstrong would be entitled, prior to disciplinary action against his medical licensure, to notice and specification of the charges against him and evidentiary hearing on such charges. At such hearing Dr. Armstrong 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 on written findings of fact and conclusions of law, pursuant to the applicable provisions of the Administrative Procedure Act, LSA-R.S. 49:955-965.

2. Waiver of Rights and Consent to Entry of Order  
Notwithstanding his right to formal notice of charges, administrative hearing and a decision thereon, as provided by LSA-R.S. 49:955, in recognition of the stipulations set forth hereinabove, toward final disposition of the investigation now pending in this matter and in lieu of the institution and prosecution of formal administrative proceedings, Dr. Armstrong hereby waives his right to notice by administrative complaint and formal evidentiary hearing and hereby consents to the entry by the Board of the following order:

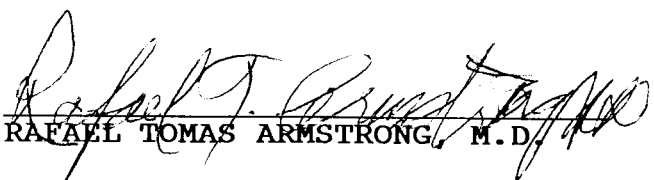
- A. IT IS HEREBY ORDERED that Dr. Armstrong shall not prescribe, dispense or administer any Schedule II controlled substance as defined, enumerated or included in 21 C.F.R. §1308.11-.15 and LSA-R.S. 40:964, or any substance which may hereafter be included in Schedule II of controlled substances by amendment or revision of the cited regulations or statute.
- B. IT IS FURTHER ORDERED that Dr. Armstrong shall not prescribe, dispense or administer the following substances, in addition to those set forth in the preceding paragraph: Stadol (brand of butorphanol tartrate); Soma (brand of carisoprodol); Soma Compound (brand of carisoprodol and codeine phosphate); any and all anorectic substances, including, but not limited to sympathomimetic amines.

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- C. IT IS FURTHER ORDERED that Dr. Armstrong shall complete a minimum of 50 hours of Continuing Medical Education (CME) approved by the American Medical Association and shall provide written documentation of satisfaction of this requirement on the anniversary date of this Order, each and every year until Dr. Armstrong retires from the active practice of medicine.
- D. IT IS FURTHER ORDERED that any violation of the terms, conditions and restrictions set forth hereinabove, shall be deemed just cause for the suspension or revocation of the medical license of Rafael Tomas Armstrong, M.D., or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided for in LSA-R.S. 37:1285.

3. Acceptance By Board; Effect of Agreement Subject to and upon acceptance and execution of this Stipulation and Agreement for Disposition of Adjudicatory Matter and Consent Order by the Board, the investigation presently pending shall, pursuant to LSA-R.S. 49:955(D), be concluded, without prejudice, by order of the Board.


IN WITNESS WHEREOF, Rafael Tomas Armstrong, M.D. has subscribed to this Stipulation and Agreement for Disposition of Adjudicatory Matter in duplicate original, this 12<sup>th</sup> day of September, 1988.

  
RAFAEL TOMAS ARMSTRONG, M.D.

ACCEPTANCE AND ORDER

APPROVED, ACCEPTED ORDERED by the Louisiana State Board of Medical Examiners, this 29<sup>th</sup> day of September, 1988.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY:   
IKE MUSLOW, M.D.  
President