

In The Matter of:

**LOWELL KENT AUGUSTINE, M.D.**  
(Certificate No. 07894R)

No. 92-I-042

An investigation conducted on behalf of the Louisiana State Board of Medical Examiners ("Board") of Lowell Kent Augustine, M.D. ("Dr. Augustine"), a physician licensed to practice medicine in the state of Louisiana, and engaged in the practice of medicine in Kenner, Louisiana during the year 1991, developed information relating to the method by which Dr. Augustine attracted his patient population and obtained medical histories, managed and treated his patients, and billed for services rendered in connection therewith.

Predicated upon the information received during the course of its investigation, the above-entitled and numbered proceeding was noticed and docketed for hearing before the Board upon Administrative Complaint, specifying alleged violations of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1261-92, charging Dr. Augustine with: "[P]rofessional or medical incompetency," "[C]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state," and "[M]aking or submitting false, deceptive or unfounded claims, reports, or opinions to any . . . governmental authority for the purpose of obtaining anything of economic value."<sup>2</sup>

<sup>1</sup> La. Adm. Code §46:XLV.419.

acknowledges that the information set forth hereinabove, if accurate, would constitute probable cause for the institution of administrative proceedings against his medical licensure pursuant to the 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 Louisiana or for such other action as the Board might deem appropriate, pursuant to La. Rev. Stat. §37:1285.

Recognizing his right to have the allegations and charges asserted in the aforementioned Administrative Complaint adjudicated, pursuant to La. Rev. Stat. §§49:955-58, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Augustine 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. Augustine also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or legal counsel assisting him in that capacity 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 waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Augustine 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 the formal Administrative Complaint against Dr. Augustine, or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the information provided, accordingly, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to 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 Lowell Kent Augustine, M.D., or any right or entitlement to seek reinstatement or renewal of such license to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 07894R, be, and the same is hereby **SUSPENDED** for a period of one (1) year, said suspension to be effective as of the date on which the Board may, pursuant to La. Adm. Code 46: XLV.419, approve reinstatement of Dr. Augustine's license to practice medicine in the state of Louisiana.

**IT IS FURTHER ORDERED** that the foregoing order of suspension shall, following the conclusion of six (6) month's active suspension, be stayed and the physician's license placed *on probation* for three and one half (3 1/2) years, provided that Dr. Augustine shall strictly observe and comply with the following probationary terms, conditions and restrictions:

- (a) **Similar Practice Prohibited.** Dr. Augustine shall not, at any time following the reinstatement of his license to practice medicine in the state of Louisiana, engage in, participate, affiliate or associate himself with, those aspects of his medical practice which are alleged in the Administrative Complaint referred to hereinabove to be in violation of the Louisiana Medical Practice Act.

- (b) ***Payment of Monetary Fine.*** Dr. Augustine shall pay to the Board a fine in the amount of \$2,500.00 within twelve (12) months from such time as the Board may approve reinstatement of his license to practice medicine in the state of Louisiana.
- (c) ***Community Service*** - Dr. Augustine shall perform such community service as may be previously approved by the Board in writing, in the amount of eight (8) hours per week for (6) continuous months, for a total of 192 hours, within twelve months following reinstatement of any such license as may be issued to him by the Board. Dr. Augustine shall, moreover, submit or cause to be submitted to the Board written certification of his completion of 192 hours of Board approved community service from the supervisor or director of the facility where such community service has been performed.
- (d) ***Absence from State - Effect on Suspension.*** Should Dr. Augustine, at any time during the six (6) month active suspension ordered hereinabove, be absent from the state of Louisiana, relocate to and/or take up residency in another state, for a period of thirty (30) days or more, then, in such instance, the suspension period ordered hereinabove shall be deemed interrupted and shall not commence to run until Dr. Augustine returns to and takes up residency in the state of Louisiana. In such instance, Dr. Augustine shall not receive credit toward the suspension period for the time which he was absent from the state of Louisiana, regardless of whether or not Dr. Augustine actually practiced medicine in such other state during the period of his absence.

**IT IS FURTHER ORDERED** that effective as of the date on which this Consent Order is approved by the Board, Dr. Augustine shall strictly observe and comply with each of the following additional probationary terms and conditions: :

- (a) ***Cooperation with the Bureau of Health Services Financing, Louisiana Department of Health and Hospitals.*** Within ten (10) days, Dr. Augustine shall initiate contact with the Bureau of Health Services Financing, Louisiana Department of Health and Hospitals, to whom he shall make himself available to, cooperate and comply with any matters in furtherance of any investigation or action which it may undertake regarding the making or submitting of unfounded claims, statements and/or reports referred to hereinabove and more particularly in the Administrative Complaint.
- (b) ***Continuing Medical Education.*** Dr. Augustine shall obtain not less than fifty (50) credit hours per year for each of the next three (3) years through attendance at and participation in Continuing Medical Education ("CME") programs accredited by and qualifying for the Physician's Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years of the date on which the probationary period described hereinabove commences. Dr. Augustine shall, moreover, cause to be submitted to the Board annually, written certification of the CME programs and credits completed by him during each year of his probationary period.

- (c) **Cooperation with the Board's Probationary Officer.** Dr. Augustine shall immediately advise the Board's Probationary Officer of any change in his personal and/or professional addresses and telephone numbers. Moreover, Dr. Augustine shall direct any matters or documents required pursuant to this Consent Order to the attention of the Probationary Officer, including verification of his CME credits and the Physician's Recognition Award, the payment of his fine, any request for authority to perform community service at a given location and certification of the successful completion of such community service. Dr. Augustine shall, moreover, cooperate with the Probationary Officer in all respects and inquiries which relate in any fashion to the terms, conditions or restrictions of this Order.

**IT IS FURTHER ORDERED** that nothing herein shall be continued as conveying upon Dr. Augustine any guarantees that any application by him for reinstatement of Louisiana licensure will be granted in whole or part.

**IT IS FURTHER ORDERED** that any violation of or failure of strict compliance with any of the terms, conditions or restrictions of this Order by Dr. Augustine shall, upon proof of such violation or failure, be deemed adequate and/or sufficient cause, upon proof of such violation or failure, for the further suspension and/or revocation and cancellation of Dr. Augustine's license, or any right or entitlement to seek reinstatement or renewal of such license to practice medicine in the state of Louisiana, 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.

**IT IS FURTHER ORDERED** that the Administrative Complaint identified hereinabove shall be, and the same is hereby dismissed.

New Orleans, Louisiana, this 4 day of December, 1992.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY:

  
BERNARD L. KAPLAN, M.D.  
PRESIDENT

ACKNOWLEDGMENT AND CONSENT

I, LOWELL KENT AUGUSTINE, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 16 day of December, 1992.

  
LOWELL KENT AUGUSTINE, M.D.

WITNESS:



\*

\*

\*