

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF :

LEONARD DANIEL BALL, M.D. : NO. 89-A-032
(Certificate No. 011789)

Respondent : DECISION

An administrative hearing was convened before the Louisiana State Board of Medical Examiners (the Board) on Thursday, September 14, 1989, to adjudicate alleged violations of the Louisiana Medical Practice Act by Dr. Leonard Daniel Ball, M.D. (the Respondent). Present representing the Board was a quorum of its membership including Drs. Muslow, LaNasa, Bordelon, Laborde, Kaplan and Nunnally. Also present were the respondent who chose not to be represented by counsel and James J. Thornton, independent counsel for the Board. Dr. Hackett took no part in either the hearing or the decision of the Board.

After consideration of the evidence which consisted of documentary evidence and sworn testimony by Respondent, the Board renders the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent was all times pertinent to the allegations and charges brought by the Board a physician licensed by the Board to practice medicine in the State of Louisiana as evidenced by Certificate No. 011789.

2. On February 17, 1989, the Mississippi State Board of Medical Licensure (Mississippi Board) issued a Summons and Order of Temporary Disciplinary Action Without Hearing charging Respondent with violations of the laws of the State of Mississippi.

3. The complaint lodged by the Mississippi Board charged Respondent with administering, dispensing or prescribing narcotic drugs or other drugs having addiction-forming or addiction-sustaining propensity other than in the course of legitimate professional practice. The Mississippi Board charged Respondent with unprofessional dishonorable and unethical conduct calculated to deceive, defraud, or harm the public.

4. During the pendency of the Mississippi Board's temporary disciplinary action, Respondent was prohibited from treating or otherwise offering any medical advice to female patients. Appendaged to the Summons and Order of Temporary Disciplinary Action, was the affidavit of Richard P. Allison, Chief Investigator of the Mississippi Board, who asserted the following allegations against Dr. Ball, to-wit:

"I.

That between October, 1982, and January, 1988, Leonard Ball, M.D., hereinafter referred to as 'Licensee', did prescribe the following controlled substances to patient Mrs. J.D., 772 Cove Drive, Biloxi, Mississippi, without entering into the patient record documentation of any prior examination and/or evaluation and without documentation of a diagnosis and reason for prescribing said drugs, without entering into the patient record the name, dose, strength, quantity of the controlled substance and the date the controlled substance was prescribed:

DATE	MEDICATION	QUANTITY	RX NUMBER
10/11/82	Xanax 0.25 mg	36	015917
10/30/82	Xanax 0.25 mg	30	015917(R)
08/17/83	Xanax 0.50 mg	15	024735
11/12/86	Ativan 0.50 mg	30	060750
12/24/86	Ativan 0.50 mg	30	060750(R)
09/02/87	Ativan 0.50 mg	50	104102
11/16/87	Ativan 0.50 mg	50	104102(R)
01/04/88	Ativan 0.50 mg.	50	104102(R)

II.

That between July, 1981 through September, 1987, Licensee did, while maintaining a therapeutic, doctor/patient

relationship with J.D., engage in sexual activity with said patient, including exposure of genitals, masturbation in front of patient, lewd and indecent telephone calls, and sexual intercourse.

III.

That between July, 1982 and October, 1986, Licensee did, while maintaining a therapeutic, doctor/patient relationship with M.K.L., did engage in sexual activity with said patient, including exposure of genitals and masturbation in front of patient.

IV.

That on or about July 26, 1984, Licensee did, while maintaining a therapeutic doctor/patient relationship with P.D'A., now P.D.D., engage in sexual activity with said patient, including exposure of genitals and masturbation in front of patient.

V.

That during May, 1988, Licensee did proposition K.M.M., a Marital and Family Therapist and co-worker of Licensee at the Gulfcoast Mental Health Center, to engage in sexual activity by witnessing Licensee's exposure of genitals and masturbation.

VI.

That the medical records of Licensee for patients J.D., M.L., and P.D'A.(now P.D.D.) fails to document the therapeutic process chosen by Licensee, and fails to establish a diagnosis, treatment plan or progress."

5. On April 14, 1989, the Respondent entered into a consent agreement with the Mississippi Board, whereby he voluntarily surrendered his license to practice medicine in the state of Mississippi. The Respondent was, however, given the right to petition the Mississippi Board for reinstatement of his license upon satisfaction of the following terms and conditions, to-wit:

1. Licensee shall take steps to submit to and complete a comprehensive psychiatric and psychological evaluation by Gene Abel, M.D.,

Behavioral Medicine Institute of Atlanta, Atlanta, Georgia, with follow-up treatment and care. Licensee must provide the Board a written confirmation of the date for admission to the Behavioral Medicine Institute of Atlanta. Dr. Abel must be apprised of Dr. Ball's situation with the Board and provided all information in the Board's possession prior to the evaluation/treatment. The report of comprehensive evaluation/treatment shall be submitted in writing by Dr. Abel to the Mississippi Board, attention Frank J. Morgan, Jr., M.D., Executive Officer, and the Board shall have access to all material used during the evaluation and/or treatment by Dr. Abel and staff at the Behavioral Medicine Institute of Atlanta.

2. Following the comprehensive evaluations, Licensee must adhere to and comply with all treatment recommendations of Dr. Abel.

3. The petition for licensure reinstatement by Licensee shall be accompanied by a written statement from Gene Abel, M.D., verifying that Licensee is capable of returning to the practice of medicine with reasonable skill and safety to patients either on a restricted or unrestricted basis. Licensee shall appear personally before the Board in relation to his petition. In the event of licensure reinstatement, the Board, in its sole discretion, shall have the right to place whatever restrictions it deems necessary to carry out the recommendations of Gene Abel, M.D.

4. During any treatment and/or follow-up care and therapy of any form, quarterly progress reports shall be submitted by Dr. Abel, his staff, or designee to the Mississippi Board.

6. Respondent refused to follow the conditions set out by his consent decree with the Mississippi Board; specifically

he refused to accept the psychiatric treatment prescribed by Dr. Abel and, instead, placed himself under the treatment of Dr. Alvin M. Rouchell who is on the psychiatric staff of Ochsner Clinic in New Orleans.

7. The Board makes no finding of fact on the charges and allegations made by the Mississippi Board. If the events complained of occurred, they took place in the State of Mississippi, and the witnesses and complainants are beyond the subpoena power of the Board. The Board cannot go behind the consent decree entered into between Respondent and the Mississippi Board.

8. The Board may suspend or revoke or impose probationary conditions or restrictions on any license when the licensing authority of another state revokes, suspends or imposes restrictions and conditions on a license or certificate issued by the licensing authority in the other state, or the surrender of a license by the issuing state when charges are made or pending against its holder. See R.S. 37:1285.

CONCLUSIONS OF LAW

Based on the evidence, the testimony and the foregoing finding of facts, the Board concludes as a matter of law that:

1. By his consent decree with the Mississippi Board under the provisions of which Respondent surrendered his license pending his successful completion of the conditions of the probation as set out, Respondent is in violation of the Louisiana Medical practice Act, and more specifically of Title 37, Section 1285A(29) of the Louisiana Statutes.

2. Respondent is in violation of the conditions of his probation under the consent decree between him and the Mississippi Board.

DECISION

Considering the foregoing:

IT IS ORDERED that the license of Leonard Daniel Ball, M.D. to practice medicine in the State of Louisiana as evidenced by Certificate No. 011789 is suspended.

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IT IS FURTHER ORDERED that the license of Leonard Daniel Ball, M.D. to practice medicine in the state of Louisiana as evidenced by Certificate No. 011789 shall remain suspended until Respondent's license to practice medicine in Mississippi has been restored and reinstated at which time Respondent may petition the Louisiana State Board of Medical Examiners for reinstatement of his license to practice medicine in Louisiana.

New Orleans, Louisiana, this
20 day of October, 1989

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

By She M. M. M. M. M.