

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



830 Union Street, Suite 100
Telephone: (504) 524-6763
FAX (504) 568-8893
New Orleans, LA 70112-1499

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: No. 94-A-020
In The Matter Of :
: MICHAEL ANTHONY BALLARD, M.D.
(Certificate No. 09071R), :
Respondent. : **CONSENT
ORDER**
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An investigation conducted on behalf of the Louisiana State Board of Medical Examiners (the "Board") developed apparently reliable information indicating that, effective December 28, 1992, the United States Drug Enforcement Agency (the "DEA") revoked the controlled substances Certificate or Registration which it had issued to Michael A. Ballard, M.D. ("Dr. Ballard"), a physician licensed by the Board to practice medicine in the state of Louisiana.¹ Such revocation was predicated principally upon the DEA's determination that Dr. Ballard issued prescriptions to several companions and possessed controlled substances himself, without legitimate medical reason. Such information also indicates that Dr. Ballard failed to advise the Board of the existence or extent of the DEA action on his 1993 and 1994 renewal applications for his Louisiana medical license.²

As evidenced by his subscription hereto, Dr. Ballard acknowledges the substantial accuracy of the foregoing information. Such acknowledgment and the reported information would provide the Investigating Officer of the Board with probable cause to initiate formal administrative proceedings against Dr. Ballard charging him with violations of the Louisiana Medical Practice Act.³ a

Recognizing his right to have notice of the allegations and charges asserted against him, to administrative adjudication of such charges, at which time Dr. Ballard 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, pursuant to La. Rev. Stat. §§ 49:955-958, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Ballard 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 herein after. By his

¹Revocation of Registration, Michael A. Ballard, M.D., Docket No. 91-27, 57 FED. REG. 55571, *et seq.* (Nov. 25, 1992).

²Application for License/Certificate Renewal, 1992 through 1993, Michael A. Ballard, M.D. (Nov. 15, 1992); Affidavit of Michael A. Ballard, M.D., 1994 Application for License/Certificate Renewal (Dec. 27, 1993).

³La. Rev. Stat. § 37:1285(A)(6) & (3).

subscription hereto, Dr. Ballard 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. Ballard expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his counsel shall be without prejudice to the Investigating Officer's authority to pursue this investigation via a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint 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 Michael A. Ballard, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 09071R, be, and the same is hereby, **PLACED ON PROBATION** for a period of three (3) years from the date hereof, during which period Dr. Ballard's continuing exercise of rights and privileges under such licensure shall be conditioned upon and subject to his acceptance of and strict compliance with the following probationary terms, conditions and restrictions:

(a) Prescription, Dispensation, Administration of Controlled Substances Prohibited. Dr. Ballard shall not, during the term of probation ordered hereby, prescribe, dispense or administer (i) any controlled substance, as defined, enumerated or included in Federal or State statutes or regulations, 21 C.F.R. §§ 1308.11-.15, La. Rev. Stat. § 40:964, or any substance which may hereafter be designated a controlled substance by amendment or supplementation of the cited regulations and statute; or (ii) any drug or medication which affects the central nervous system or which is capable of producing physiological or psychological dependence. This prohibition shall not prohibit Dr. Ballard from ordering controlled substances and other prescription medications for administration to patients of and at a hospital or similar institution where he may be employed or exercise staff and clinical privileges under the controlled substance license and registration of such institution and in accordance with such institution's prescribed policies and procedures governing the administration of controlled substances.

(b) Payment of Fine. Dr. Ballard shall pay to the Board a fine in the amount of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) within 90 days of the date of this Order.

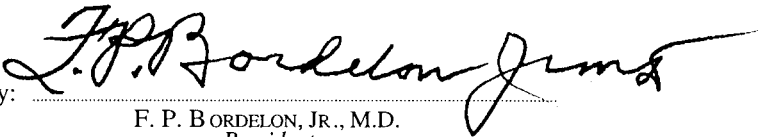
(c) Cooperation with the Board's Probation Officer. Dr. Ballard shall immediately notify the Board's Probation Officer of any change in his current home and professional addresses and telephone numbers. Moreover, Dr. Ballard shall direct any and all matters or inquiries in connection with this Consent Order, including the monetary fine imposed hereby, to the attention of the Board's Probation Officer, with whom Dr. Ballard shall cooperate on all matters in connection with this Consent Order.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the restrictions set forth by this Order by Dr. Ballard shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the suspension or revocation of Dr. Ballard's license to practice medicine in the state of Louisiana or for such other disciplinary sanction as the Board may deem appropriate, as if such violation were enumerated among the causes provided by La. Rev. Stat. § 37:1285(A).

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


New Orleans, Louisiana, this 2 day of March, 1995.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

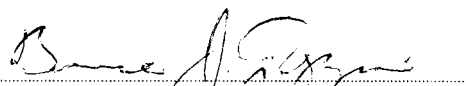
By: 
F. P. B ORDELON, JR., M.D.
President

ACKNOWLEDGMENT
AND CONSENT

I, MICHAEL A. BALLARD, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 2nd day of March, 1995.


MICHAEL A. BALLARD, M.D.

Approved as to Form:


BRUCE J. TOPPIN
Jones, Walker, Waechter, Poitevant,
Carrere & Denegre
Place St. Charles
201 St. Charles Avenue
New Orleans, Louisiana 70170-5100