

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In The Matter Of	:	No. 90-A-009
Arnold Griffith Barker, Jr., M.D.	:	DECISION
Certificate No. 009206	:	_____
Respondent.	:	

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An administrative hearing was convened before the Louisiana State Board of Medical Examiners (the Board) on Friday, October 26, 1990, to adjudicate alleged violations of the Louisiana Medical Practice Act by Arnold Griffith Barker, Jr., M.D. (the Respondent). Present representing the Board was a quorum of its membership including Drs. Elmo J. Laborde, Ike Muslow, Richard M. Nunnally, Gerald R. LaNasa, and F. P. Bordelon, Jr., with Dr. Laborde presiding. Also present were the Respondent represented by counsel, Mr. Quentin Kelly; Mr. James J. Thornton, Independent Counsel for the Board; and Mr. Philip O. Bergeron, Attorney for the Board. Dr. Bernard L. Kaplan, the Investigating Officer, took no part in either the hearing or the decision of the Board.

After consideration of the evidence and the sworn testimony of Dr. F. Brobson Lutz and Respondent, the Board renders the following findings of fact and conclusions of law.

Findings of Fact

1. At all times material to the allegations in the Administrative Complaint, Respondent was a physician duly licensed by the Board to practice medicine in the State of Louisiana, as evidenced by Certificate No. 009206.
2. At all times material to the allegations in the Administrative Complaint, Respondent was engaged in the practice of medicine in the Monroe and Shreveport, Louisiana areas.
3. During the years 1988 and 1989 Respondent practiced as a physician in the Doctors Quick Trim Clinics in Shreveport and

Monroe, Louisiana. Respondent's practice was solely related to the diagnosis and treatment of individuals purportedly desirous of and seeking medically assisted weight control.

4. At the Doctors Quick Trim Clinics in Shreveport and Monroe, Louisiana, uniformly each patient treated was placed on a treatment regimen of Phentermine 30 mg and Phentermine 37.5 mg, both controlled substances. From time to time some patients received injections of human chorionic gonadotropin (HCG). The majority of the controlled substances dispensed by Respondent at the respective clinic locations at which he practiced, were ordered by an individual other than Respondent, employing Respondent's federally assigned Drug Enforcement Administration (DEA) number.

5. At all times material to the allegations of the Administrative Complaint, Respondent was neither licensed nor registered with the Board as a dispensing physician.

6. During the year 1988 Respondent saw and undertook to treat fifty patients seeking medically assisted weight control at the Shreveport and Monroe Doctors Quick Trim Clinics. In all the fifty cases, Respondent prescribed for the patients Phentermine in such strength and quantities and with such frequencies and durations as to be far in excess of any medical justification. Medical charts revealing the names of the patients and the dates and quantities of the dosages form a part of the evidence introduced at this proceeding.

7. Without exception, the medical charts pertaining to the patients are void of any medical history whatsoever. Only thirteen of the charts contain a brief medical questionnaire reporting information previously absent from Respondent's medical records, and contain, inter alia, a history of hypertension, diabetes, heart disease, angina pectoris, thyroid disease, cysts of the breast or ovaries, epilepsy, substance abuse, alcoholism, migraine headaches, or psychiatric illness. Indeed, the medical charts maintained by Respondent simply recorded the dates on which the visits occurred, together with each patient's weight, blood pressure and medication received on each separate visit.

8. A comparison between Respondent's dispensing logs and the fifty patient records reveal discrepancies as well. Specifically, on five instances, the patient charts evidence dispensation of controlled substances not contained in the dispensing log; in three instances the dispensing logs evidence dispensation of controlled substances not contained in the patient charts; in another four instances there are discrepancies in the information contained in the dispensing logs and the patient charts; and in another six instances the patient charts reflect that "all/inj" were dispensed to the patients, whereas the dispensing log reveals that controlled substances were in fact distributed to the patients.

9. Respondent's uniform practice of prescribing one dosage unit of Phentermine 30 mg and a second dosage of Phentermine 37.5 mg daily is far in excess of any legitimate therapeutic daily dosage and, accordingly, is without medical justification.

10. Respondent's practice of dispensing an anorectic sympathomimetic amine (Phentermine) to all patients as a primary treatment modality in the same quantity and strength, without adequate medical tests and histories, lacks any medical justification.

11. Under consistent practice of dispensing central nervous system stimulants (Phentermine) and, in some cases, central nervous system depressants (Phenobarbital) concomitantly for the alleged purpose of weight reduction lacks medical justification.

Conclusions of Law

1. Respondent's dispensation of controlled substances in the absence of authority from the registration with the Board is a violation of the Louisiana Medical Practice Act, Louisiana Revised Statutes, Title 37, § 1285A(29).

2. Respondent's dispensation of controlled substances was not in accordance with the rules and regulations governing proper recordations and is violative of the Louisiana Medical Practice Act, Louisiana Revised Statutes, Title 37, § 1285A(29).

3. Respondent's dispensation practices of controlled substances in the frequency, amount and duration, in excess of any medical justification, in contravention of the warnings and contraindications pertinent to the medications, and in the absence of proper histories and proper medical examinations and tests, are all violations of the Louisiana Medical Practice Act, Louisiana Revised Statutes, Title 37, § 1285A(6).

4. Respondent's dispensation and administration of controlled substances without medical justification and in contravention of the warnings and dangers pertinent to the medications evidences professional and medical incompetency in violation of the Louisiana Medical Practice Act, Louisiana Revised Statutes, Title 37, § 1285A(12).

Decision

IT IS ORDERED that Respondent's medical license as evidenced by Certificate Number 009206 is suspended for six months beginning November 30, 1990.

IT IS FURTHER ORDERED that Respondent's license shall be on supervised probation for a five year period, beginning June 1, 1991. The conditions of the probation shall require that:

1. Respondent shall undertake continuing medical education of fifty hours a year for three years and shall earn the American Medical Association's Physicians Recognition Award.

2. Respondent shall immediately surrender his Drug Enforcement Administration (DEA) permit for life. This restriction shall not, however, be deemed to prohibit Respondent from ordering the administration of controlled substances for inpatients of hospitals at which Respondent holds clinical privileges, under authority of the hospital's controlled substances license and registration and in accordance with hospital and medical staff procedures governing the ordering of controlled substances for administration to inpatients.

3. Respondent shall pay all costs of this proceeding in an amount to be assessed by the Board and shall pay additionally a fine of Two Thousand (\$2,000.00) Dollars. Respondent shall make arrangements for these payments with the Executive Director of the Board.

4. Respondent shall schedule an appearance before the Board prior to the termination of his period of probation.

5. Respondent shall take and pass the SPEX examination prior to the end of the period of the suspension of his medical license.

6. Any knowing or deliberate violation by Respondent of any condition of his probation may, at the option of the Board, result in the permanent revocation of his license to practice medicine in the state of Louisiana.

Lafayette, Louisiana

20th November 1990

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By Elmo J. Laborde
Elmo J. Laborde, M.D.
President