

BEFORE THE LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

In The Matter of:

ROY B. BRASWELL, II, M.D.
(Certificate No. 06140R)

Respondent

CONSENT ORDER

Information was provided to the Louisiana State Board of Medical Examiners ("Board") indicating¹ that Roy B. Braswell, II, M.D., ("Dr. Braswell") has been prohibited from engaging in the practice of medicine in the state of Texas until he has ". . . demonstrated to the Texas State Board of Medical Examiners' ("Texas Board") satisfaction that he can practice medicine with safety to his patients, and that his medical and physical conditions allow him to safely practice medicine."² Among other things, the Texas Board was of the opinion that the Respondent is ". . . mentally impaired, possibly suffering from a psychoneurotic depressive reaction."³

On October 25, 1991, Dr. Braswell met with the Investigative Officer assigned to this proceeding, Elmo J. Laborde, M.D., and the Board's Medical Consultant/Director of Investigations, John B. Bobear, M.D., to discuss his licensure status in Texas, his current practice and the nature of his current treatment program. At that meeting it was suggested that Dr. Braswell undergo complete psychiatric and substance abuse evaluations by a physician approved by the Board. Dr. Braswell acquiesced to these requests and cooperated with the Board's evaluation. In connection therewith, psychiatric and substance abuse evaluations were performed by and at the direction of Francisco A. Silva, M.D., at Dr. Braswell's expense.

As evidenced by a subscription hereto, Dr. Braswell acknowledges that he has suffered from psychoneurotic depression, anxiety and recurrent use of alcohol. Such information along with the action taken by the Texas Board against Dr. Braswell's license would provide the Investigating Officer herein with probable cause to initiate formal administrative proceedings against Dr. Braswell, as a result of "[i]nability to practice medicine . . . with reasonable skill or safety to patients because of . . . excessive use of . . . alcohol"; and the restriction imposed on Dr. Braswell's license ". . . which prevents or restricts practice in [Texas]," constituting cause for suspension or revocation of the physician's license to practice medicine in the state of Louisiana.⁴

¹ On his application for the renewal of his 1991 license to practice medicine in Louisiana, Dr. Braswell specifically called the restrictions imposed upon his Texas license to the attention of the Louisiana State Board of Medical Examiners. (See 1991 Application for License/Certificate Renewal, P.2).

² *In the Matter of the license of Roy B. Braswell, II, M.D.*, No. G-2915, Order, Texas State Board of Medical Examiners, P.2, Paragraph 1.

³ See Order, Texas State Board of Medical Examiners, P.1, Paragraph 6.

⁴ La. Rev. Stat. §37:1285A(5), (25) and (30).

On the basis of apparently reliable information, however, the Board is persuaded that the conditions from which Dr. Braswell suffers may be susceptible to effective medical treatment, resulting in the maintenance or restoration of the physician's capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. Braswell strictly observes and complies with appropriate restrictions on and conditions to maintenance of his medical licensure. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer respecting his pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to have notice of allegations and charges asserted against him, to administrative adjudication of such charges pursuant to La. Rev. Stat. §§49:955-958, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Braswell, nonetheless, hereby waives his right to notice of charges and 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. Braswell also hereby authorizes the Investigating Officer designated by the Board with respect hereto, and/or his agents including legal counsel, 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.

Accordingly, in consideration of the foregoing, and pursuant to the authority invested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Roy B. Braswell, II, M.D., to practice medicine in the State of Louisiana, shall be placed ON PROBATION, for a period of five (5) years from the date of the Board's acceptance of this Consent Order; *provided, however*, that Dr. Braswell's continuing exercise of the rights and privileges hereunder shall be conditioned upon his acceptance and strict compliance with the following terms, conditions and restrictions:

- (a) ***Continuing Psychiatric Treatment/After Care Reports.*** Dr. Braswell shall submit to such continuing outpatient treatment and monitoring as may be prescribed or recommended by his treating physician, and any other physician, acceptable to the Board, to whom he may be referred for subsequent, continuing or follow-up therapy. Dr. Braswell shall authorize and cause such physician to submit to the Board, not less frequently than quarterly until such requirement is waived by the Board in writing, written reports on Dr. Braswell's then-current treatment program, diagnosis, prognosis and his compliance with the terms and conditions of this Order and any after care agreement he may execute hereafter.
- (b) ***Treatment Contract.*** Dr. Braswell shall enter into and execute a treatment contract with the Impaired Physician's Committee of the Louisiana State Medical Society, providing for his continuing monitoring and treatment under the care of a specified treating physician acceptable to the Board and under the supervision of a monitoring physician designated by such Committee.
- (c) ***Board Access to Treatment Records and Reports.*** Dr. Braswell hereby authorizes any physician under whose care he may come during the course of his treatment to provide the Board with copies of all medical records relating to his history, examination, evaluation, diagnosis, treatment and prognosis, and to provide the Board with written and verbal reports relative thereto.

(d) **Reports from Supervising Physician as to his Professional Performance.** It shall be Dr. Braswell's responsibility to cause his supervising physician at any institution, health care or treatment facility at which he is employed, or any other persons supervising and directing his professional activities, to submit to the Board a written report, not less frequently than semiannually or at such other times as the Board may request, as to Dr. Braswell's professional performance in his employment.

(e) **Continuing Medical Education.** Dr. Braswell shall obtain not less than fifty (50) credit hours per year for three (3) years through attendance and participation in Continuing Medical Education (CME) programs accredited and qualifying for the Physician's Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years from the date hereof. On or after June 1, 1992, 1993 and 1994, Dr. Braswell shall cause to be submitted to the Board a written certification of the CME programs and credits completed by him during the preceding twelve (12) months; and

(f) **Cooperation with Board's Probationary Officer.** Dr. Braswell shall immediately notify the Board's probationary officer of any change in his current home and professional addresses and telephone numbers and he shall direct all reports required pursuant to this Consent Order to the attention of the probationary officer. In light of the Board's concern over Dr. Braswell's past use of alcohol, Dr. Braswell may expect scheduled and/or unscheduled visits by the probationary officer at any time during the period of his probation and shall cooperate with him in all matters, including random drug screens for the presence of drugs or alcohol and/or any other inquiries pertinent to the conditions of probation.

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 licensure of Roy B. Braswell, II, M.D., or for such other disciplinary action as the Board deems appropriate, as if such violation were enumerated among causes provided in La. Rev. Stat. §37:1285.

IT IS FURTHER ORDERED that the receipt by the Board of any reports from any of Dr. Braswell's treating physicians indicating non-compliance with his treatment directive shall be deemed adequate and sufficient cause, upon proof of such noncompliance, for the revocation of Dr. Braswell's license to practice medicine in the state of Louisiana or for such other action as the Board deems appropriate.

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

New Orleans, Louisiana, this 30 day of August, 1991.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: 

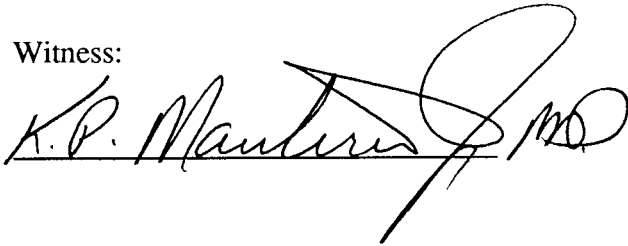
BERNARD L. KAPLAN, M.D.
Vice-President

ACKNOWLEDGEMENT AND CONSENT

I, ROY B. BRASWELL, II, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 31st day of July, 1991.


ROY B. BRASWELL, II, M.D.

Witness:


K.P. Mantura, M.D.