

**BEFORE THE LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

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In The Matter Of	:	
	:	
JAMES R. BRUNER, M.D.	:	
(Certificate No. 008793),	:	
	:	CONSENT ORDER
<i>Respondent.</i>	:	_____
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An investigation was conducted on behalf of the Louisiana State Board of Medical Examiners ("Board") which developed information indicating that James R. Bruner, M.D. ("Dr. Bruner"), a physician licensed to practice medicine in the state of Louisiana, and practicing bariatric medicine as well as cardiovascular surgery in the Bossier City, Louisiana area, had, between 1987 and 1990, routinely dispensed legally controlled dangerous substances, principally Phentermine, to weight-control patients, dosed one per day, for a period of time in excess of twelve consecutive weeks.¹

As evidenced by his subscription to this Order, Dr. Bruner admits issuance of prescriptions to patients for anorectic medications well in excess of the Board's guidelines and further admits dispensation of medications without the required registration to do so.² Accordingly, based on the foregoing admissions, Dr. Bruner further admits violation of the Louisiana Medical Practice Act, LSA-R.S. §37:1261-92, to-wit: "[p]rescribing, dispensing or administering legally controlled substances or any dependency-inducing

¹The Board initially issued a statement of position on February 1, 1984, indicating, *inter alia*, that the prescription of anorectics for a period in excess of twelve weeks would, consistent with the medical authorities, be considered by the Board as conclusive evidence of prescribing anorectics illegitimately. See *Statement by the Louisiana State Board of Medical Examiners Concerning the Prescription of Anorectics* (Amphetamines and Sympathomimetic Amines), February 1, 1984.

This prohibition was repeated in a digest of the 1984 Statement appearing in the June, 1987 Newsletter published by the Board and forwarded to all Louisiana licensees. Additionally, in a Statement of Position dated July 20, 1990, the Board reiterated its prohibition on prescribing anorectic medication to a patient in excess of a twelve-week term of administration. Both the original 1984 Position Paper and the 1990 Statement were forwarded to all physicians licensed to practice medicine in Louisiana, together with their Application for Licensure Renewal.

²The Board's regulations concerning registration for dispensation of medications appear in Louisiana Administrative Code, Title 46:part XLV: subpart 3:chapter 65, Sec. 6501-6561.

medication without legitimate medical justification therefor or in other than a legal or legitimate manner," LSA-R.S. §37:1285A(6).

Additionally, by virtue of his admission of violation of the Board's Rules regarding dispensation of medications by a physician, Dr. Bruner admits violation of LSA-R.S. §37:1285A(29), which authorizes sanctions by the Board against the licensure of a physician for "[V]iolation of any rules and regulations of the board."

Recognizing his right to have any allegation or charge asserted in a formal Administrative Complaint, pursuant to LSA-R.S. §§49:955-58, and to a subsequent adjudication and Final Decision rendered upon findings of fact and conclusions of law, Dr. Bruner, nonetheless hereby waives his right to formal charges and formal adjudication and, pursuant to LSA-R.S. §49:955(D), consents to entry of the Order set forth hereinafter.

By his subscription hereto, Dr. Bruner also hereby authorizes the Investigating Officer designated by the Board with respect hereto, John B. Bobear, M.D.,³ to present this Consent Order, with the assistance of legal counsel, to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation.

Based upon the information provided, accordingly, with Dr. Bruner's full knowledge and consent, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to LSA-R.S. §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 LSA-R.S. §37:1285 and LSA-R.S. §49:955(D);

IT IS ORDERED that the license of James R. Bruner, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 008793, shall, and the same is hereby **SUSPENDED** for a period of one (1) year, said suspension to be effective beginning August 1, 1991;

IT IS FURTHER ORDERED that the foregoing Order of suspension will itself be suspended as of November 1, 1991, at which time the licensure of Dr. Bruner shall be placed ON PROBATION, for a period of four and three-quarter (4-3/4) years or until August 1, 1996. However, the issuance of Dr. Bruner's medical licensure and the resumption of his practice of medicine following the three-month period of active suspension referred to hereinabove, shall be expressly conditioned on Dr. Bruner's strict compliance with and satisfaction of the following probationary terms, conditions and restrictions:

(a) *Dispensation of Medication:* Dr. Bruner may not, at any time following the date of execution hereof, and for the duration of his medical career, actually dispense

³John B. Bobear, M.D., is the Board's Director of Investigations.

or request registration for the purpose of dispensing any medication, other than a *bonafide* medication sample in the usual and ordinary course of his medical practice for a legitimate medical purpose.

(b) *Prohibition on Prescribing, Dispensing or Administering Anorectics:* Dr. Bruner shall not, for the duration of his medical career, prescribe, dispense or administer any anorectic (amphetamines or sympathomimetic amines) which are classified as controlled substances under state or federal law. These substances are defined, enumerated or included in 21 C.F.R. §1308 and/or LSA-R.S. §40:964, and this prohibition extends to any anorectic substance which may hereinafter be included in such Schedule, by amendment or revision of the cited regulations or statutes.

(c) *Continuing Medical Education:* Dr. Bruner shall obtain not less than fifty (50) credit hours per year for each of the five (5) years (August 1, 1991 - August 1, 1996) through attendance at and participation in continuing medical education ("CME") programs accredited by and qualifying for the Physicians Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years of the date hereof. On or before August 1, 1992, 1993, 1994, 1995, and 1996, Dr. Bruner shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

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

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. Bruner shall, upon proof of such violation or failure, be deemed adequate and/or sufficient cause, upon proof of such violation or failure, for the suspension and/or revocation of Dr. Bruner's medical license, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in LSA-R.S. §37:1285.

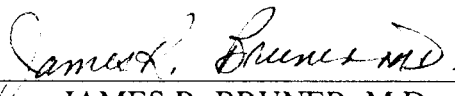
New Orleans, Louisiana, this 26th day of July, 1991.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

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

**ACKNOWLEDGEMENT
AND CONSENT**

I, JAMES R. BRUNER, M.D., HEREBY ACKNOWLEDGE, APPROVE, ACCEPT AND
CONSENT to entry of the above and foregoing Order this 30th day of
June, 1991.



JAMES R. BRUNER, M.D.