

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

<p>-----</p> <p style="text-align:center">In The Matter of:</p> <p style="text-align:center">FRANK MANUEL CHALAIRE, M.D. (Certificate No. 008440)</p> <p style="text-align:center">Respondent</p> <p>-----</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p style="text-align:center">NO. 91-I-012-X</p> <p style="text-align:center">CONSENT ORDER</p>
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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board"), following receipt of information indicating that Frank Manuel Chalaire, M.D. ("Dr. Chalaire") had entered into a consent agreement with the Texas State Board of Medical Examiners, whereby his Texas medical licensure was placed on probation for a duration of five (5) years.¹ The Texas action arose from Dr. Chalaire's dispensation of Phentermine, a controlled substance, without maintaining legally required dispensation logs and without performing a specified medical work-up in all cases prior to prescribing the drugs. The consent agreement outlines specific terms and conditions, which include a prohibition on direct dispensation of any controlled substances, and strict outlines for prescribing controlled substances to obesity patients.²

Although Dr. Chalaire currently resides and practices medicine exclusively in the state of Texas, he remains licensed to practice medicine in the state of Louisiana. Accordingly, the investigation of the captioned matter has been assigned to John B. Bobear, M.D., Director of Investigations for the Louisiana State Board of Medical Examiners. Dr. Bobear's review and analysis of the Texas consent agreement confirms to his satisfaction that just cause exists for recommending that a formal administrative complaint be filed against Dr. Chalaire pursuant to the Louisiana Medical Practice Act, LSA-R.S. 37:1261 *et seq.*, charging Dr. Chalaire with "the refusal of a licensing authority of another state to issue or renew a license, permit or certificate to practice medicine or osteopathy in that state or the revocation, suspension or other restriction imposed on a license, permit, or certificate issued by

¹ See Order, "In the Matter of the License of Frank M. Chalaire, M.D.," Before the Texas State Board of Medical Examiners (D-0375, April 21, 1989) (photocopy attached)

² See *id.*

such licensing authority which provides or restricts practice in that state ..." in violation of LSA-R.S. 37:1285A(30), and conceivably with violation of LSA-R.S. 37:1285A(6), which prohibits "prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefore or in other than a legal or legitimate manner."

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. Chalaire, nonetheless, hereby waives his right to formal charges and formal adjudication and, pursuant to LSA-R.S. 49:955D, consents to entry of the order set forth hereinafter.

By his subscription hereto, Dr. Chalaire also hereby authorizes the investigating officer designated by the Board with respect hereto, together with 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.

Based upon the information provided, accordingly, 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. 49:955D;

IT IS ORDERED that the license of Frank Manuel Chalaire, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 008440, be, and the same is hereby, placed on **PROBATION** to run concurrently with the balance of the five (5) year period of probation imposed by the Texas State Board of Medical Examiners, effective as of the date hereof. Under the terms of Dr. Chalaire's probation, he shall strictly comply with and satisfy the following probationary terms, conditions and restrictions:

- a) ***Compliance with Texas Order:*** Dr. Chalaire shall comply fully with the order imposed by the Texas State Board of Medical Examiners dated April 21, 1990, a copy of which is annexed hereto and incorporated herein by reference;
- b) ***Notice of Current Address:*** Dr. Chalaire shall advise the Board of any change of address, mailing or office, with thirty (30) days of such occurrence;
- c) ***Notice of Relocation to Louisiana:*** In the event that Dr. Chalaire decides to return to Louisiana for the purpose of practicing medicine in

this state, he shall provide the Board with at least sixty (60) days advance written notice of such intention, and shall contact the Board office for the purpose of scheduling an informal appearance before the Board to discuss his then-current practice plans and intentions.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms, conditions, or restrictions of this Consent Order by Dr. Chalaire shall, upon proof of such violation or failure, be deemed adequate and sufficient cause, for the suspension and/or revocation of Dr. Chalaire'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.

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

New Orleans, Louisiana, this 11th day of April, 1991.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: Elmo J. Laborde, M.D.
ELMO J. LABORDE, M.D.
PRESIDENT

ACKNOWLEDGMENT AND CONSENT

I, FRANK MANUEL CHALAIRE, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 22nd day of March, 1991.

Frank Manuel Chalaire, M.D.
FRANK MANUEL CHALAIRE, M.D.

D-0375

IN THE MATTER OF) (BEFORE THE
) (
THE LICENSE OF) (TEXAS STATE BOARD
) (
FRANK M. CHALAIRE, M.D.) (OF MEDICAL EXAMINERS

ORDER

On this the 21st day of April, 1990, came on to be heard before the Texas State Board of Medical Examiners ("the Board"), duly in session the matter of the license of Frank M. Chalaire, M.D. ("the Respondent"). On November 3, 1989 Respondent appeared in person with Mr. Egon Tausch, Respondent's counsel, at an Informal Settlement Conference at the offices of the Board in response to the Board's letter of invitation dated October 19, 1989.

The Texas State Board of Medical Examiners was represented at the Informal Settlement Conference on November 3, 1989 by C. Richard Stasney, M.D.. Upon recommendation of said representatives and with the consent of Respondent, the Board hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Frank M. Chalaire, M.D., holds Texas medical license D-0375.
2. The Board has jurisdiction over the subject matter and the Respondent. The Respondent received notice as required by law and by the rules of the Board. The parties agree that all jurisdictional requirements have been satisfied.
3. Dr. Chalaire did dispense medications, (Phentermine) to patients in quantities in excess of their immediate needs until approximately December 15, 1988.
4. Dr. Chalaire did fail to keep complete records concerning purchases and disposal of controlled substances.
5. Dr. Chalaire did not do the requisite medical work-up in all cases when prescribing anorectic drugs to his patients.

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Board concludes that the following sections of article 4495b apply: section 3.08(4)(A), committing an act, record keeping and inventory maintenance, in connection with your practice that is a violation of the laws of Texas, in this case section 481.067 of the Texas Health and Safety Code; section 3.08(4)(B) failing to keep complete and accurate records of purchases and disposals of drugs listed in the Texas Controlled Substances Act; and 5.09(a) supplying drugs to his patients beyond an amount necessary to meet the immediate needs of the patient. These violations allow the imposition of discipline under section 4.12 of article 4495b. Section 4.04(b) authorizes the Board to dispose of this case by agreement.

Based on the above findings of fact and conclusions of law, the Board ORDERS that:

1. The Respondent is placed on probation for five (5) years under the following terms and conditions:
2. The Respondent shall not dispense any controlled substance, except to meet the immediate needs of the patient, for the treatment of any medical condition, but shall provide prescriptions, when and to the degree called for by current medical practice.
3. The Respondent shall not prescribe any controlled substance or dangerous drug for any obesity patient except after completion of the diagnostic work-up specified below:
 - a. Respondent shall obtain personal information, including the circumstances of referral, and any personal medical records reasonably available.

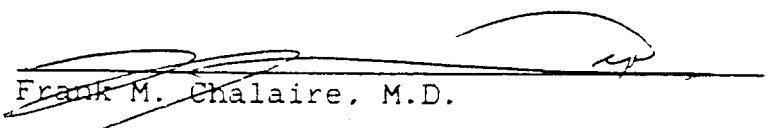
- b. Respondent shall take patient's blood pressure and pulse, for diagnosis of hypertension, hypotension, or cardiovascular difficulties.
- c. Respondent shall obtain specimen for urinalysis, and cause it to be tested for glucose, albumin, and PH factor.
- d. Respondent shall obtain blood specimen for a SMAC - 12 blood chemical profile.
- e. Respondent will use such other tests, consistent with good medical practice, as may be necessary in regard to the individual patient.
- f. If results so indicate, Respondent shall counsel patient for referral to specialist in internal medicine.
- g. Respondent shall obtain patient's complete medical history and review any medical records.
- h. Respondent shall perform stethoscopic examination of heartbeat and lungs, for cardiovascular or pulmonary difficulties.
- i. Respondent shall palpate abdomen for organomegaly; examine reflexes (knees, wrists, elbows) to determine motor and sensory responses; examine eyes for pupil dilation or contraction; and examine vision.
- j. If the foregoing examination leads to the medical judgment that the patient suffers from obesity, that prescription medication would be efficacious and have no adverse effects, Respondent may prescribe appetite suppressants or other medications which are medically approved and accepted for treatment of obesity by the current

edition of Physician's Desk Reference. Respondent may also administer a nutrient deficiency test and review same. Respondent shall then provide counselling concerning a proper diet and a specific exercise program. If supplementary vitamins are indicated, Respondent may provide them along with instructions for use. Patients shall be advised of the necessity for a follow-up appointment to check progress and determine if renewal of the prescription is justified.

4. The Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers, and other employees, to verify that Respondent has complied and is in compliance with this Board Order;
4. The Respondent shall advise the Board of any change of address, mailing or office, within (10) days of such occurrence;
5. The Respondent shall comply with all the provisions of Article 4495b, Texas Revised Civil Statutes Annotated, and other statutes regulating the practice of medicine, as is required by law for physicians licensed by the Board. For the violation of this Order or Article 4495b, Texas Revised Civil Statutes Annotated, the Respondent could be cited to appear before the Board in a formal disciplinary hearing for such violations which could result in cancellation of the Respondent's license to practice medicine.

THIS DOCUMENT IS A PUBLIC RECORD.

Accepted and agreed as to
substance and form:


Frank M. Chalaire, M.D.

29 Mar 1990
Date signed

SIGNED AND ENTERED this 21st day of April, 1989.

Robert L. M. Hilliard M.D.
Robert L. M. Hilliard, M.D.,
President, Texas State Board of
Medical Examiners