

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In the Matter Of	:	No. 87-I-138-D
DAVID RICHARD DAVIS, II, M.D.	:	
(CERTIFICATE NO. 008977),	:	CONSENT
	:	ORDER
Respondent.	:	_____
	:	

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Information was provided to the Louisiana State Board of Medical Examiners ("Board") indicating that David Richard Davis, II, M.D. ("Dr. Davis"), was charged with violation of the Pennsylvania Medical Practice Act of 1985, Section 41, Act of December 20, 1985, No. 112, pertaining to alcohol abuse. Pursuant to a stipulation agreement entered between the Pennsylvania State Board of Medicine and Dr. Davis, the Pennsylvania Board entered an order dated January 29, 1986, granting Dr. Davis' application for licensure subject to probationary terms and conditions.¹

Following entry of the Pennsylvania Order, and on March 18, 1987, the California Board of Medical Quality Assurance filed an accusation against Dr. Davis, arising from and pertaining to the disciplinary action taken by the Pennsylvania Board in its January 29, 1986 order.²

¹Order "State Board of Medicine v. David R. Davis, II, M.D.," (January 29, 1986). A copy of the Order, pp. 1-2 inclusive, is attached hereto as Exhibit "A."

²Accusation "In the Matter of the Accusation Against David R. Davis, II, M.D.," (No. D-3620, March 18, 1987). A copy of the Accusation, pp. 1-3 inclusive is attached hereto as Exhibit "B."

In lieu of formal hearing on the charges and allegations contained in the California accusation, Dr. Davis entered into a stipulation with the California Board of Medical Quality Assurance, agreeing to abide by the restrictions imposed under the Pennsylvania order, together with further restrictions in the event Dr. Davis chose to actively practice in the state of California.³

The Board is advised that Dr. Davis has complied fully with the probationary terms and restrictions set forth in the Pennsylvania order and California stipulation.

Alternative to the institution of formal investigative and adjudicatory proceedings under the Louisiana Medical Practice Act.⁴ The Board determined that the public interest may be properly and adequately served by Dr. Davis' execution of a consent order by virtue of which the physician's Louisiana license would be subject to the conditions provided hereunder. As evidence by his subscription hereto, Dr. Davis has accepted the disposition proposed by the Board in lieu of formal administrative proceedings.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to LSA-R.S. 49:955-58, to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Davis, nonetheless, hereby waives his right to notice and formal adjudication of charges, pursuant to LSA-R.S. 49:959D and acknowledges, accepts and consents to entry of the following orders.

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. 49:955B,

³Stipulation "In the Matter of the Accusation Against David R. Davis, II, M.D.," (No. D-3620, September 16, 1987).

⁴LSA-R.S. 37:1261-91. The Board is empowered to suspend, revoke or impose probationary conditions on the license of any physician for "[h]abitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence." LSA-R.S. 37:1285A(5). Likewise, the Board is authorized to suspend, revoke or restrict the license of a physician whose license to practice medicine in another state has been restricted by the licensing authority of that state. LSA-R.S. 37:1285A(30).

IT IS ORDERED that, until and unless this Order is modified or rescinded by written order of the Board:

- a) Notification of relocation and personal appearance:
Should Dr. Davis at any time decide to relocate his practice of medicine to the state of Louisiana, he shall, in that instance, provide written notification to the Board at least sixty (60) days prior to his relocation to practice medicine in the state of Louisiana. Further, Dr. Davis shall also personally appear before the Board prior to the time that he commences the practice of medicine in the state of Louisiana.
- b) Participation in Impaired Physicians Program:
Should Dr. Davis at any time decide to relocate his practice of medicine to the state of Louisiana, he shall, in that instance, voluntarily participate in the Impaired Physicians Program sponsored by the Medical Society of the parish in which he practices, for a period of one (1) year, to commence within sixty (60) days of said relocation.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms and conditions of this consent order by Dr. Davis shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the suspension or revocation of the medical license of David Richard Davis, II, M.D. 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 16 day of September, 1988.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS



IKE MUSLOW, M.D.
PRESIDENT

ACKNOWLEDGEMENT AND CONSENT

I, DAVID RICHARD DAVIS, II, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 07 day of October, 1988.

WITNESS:

[Signature]

[Signature]
DAVID RICHARD DAVIS, II, M.D.