

LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF	*	
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THEODORE ROGER BRUSTOWICZ, M.D.	*	AGREEMENT
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CERTIFICATE NO: 04273R	*	
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In a July 6, 1986 letter sent to the Louisiana State Board of Medical Examiners, S C complained of treatment rendered by her physician, Theodore Roger Brustowicz, M.D., an Obstetrician/Gynecologist, practicing in Covington, Louisiana. Her complaints focused on certain surgical procedures performed by Dr. Brustowicz in 1984 and 1985. It was determined that the complaint demonstrated sufficient grounds to conduct a formal investigation, and an investigative officer, Ike Muslow, M.D., was assigned to the matter. Available medical information concerning S C was obtained, including:

- (1) Lallie Kemp Hospital Records where the complainant was treated on an in-patient and out-patient basis from January through May, 1984 and before her first visit to Dr. Brustowicz;
- (2) Office records of J. W. Simpson & Associates where S C was initially treated by Dr. Brustowicz from July 9, 1984 through December 17, 1984;
- (3) Dr. Brustowicz's office records;

- (4) The following records of Highland Park Hospital:

<u>Dates of Hospitalization</u>	<u>Admitting Physician</u>
7/9/84 - 7/14/84	Dr. Theodore Brustowicz
6/2/85 - 6/6/85	Dr. Theodore Brustowicz
6/7/85 - 6/21/85	Dr. Theodore Brustowicz
8/11/85 - 8/21/85	Dr. Ludwig C. Heintz

These records raised serious doubts regarding the medical justification (as opposed to surgical competence) for the surgical procedures performed by Dr. Brustowicz on July 10, 1984, which included an exploratory laparotomy and total abdominal hysterectomy on the 20 year old complainant, and on June 3, 1985, which included an exploratory laparotomy and extensive adhesiotomy. During this latter procedure, the sigmoid colon was lacerated and sutured. The suture line later ruptured and necessitated further surgical procedures on June 7, 1985, including the resection of the sigmoid colon with formation of end colostomy with Hartmann Pouch. A closure of the colostomy was done on August 13, 1985.

In lieu of proceeding with a formal hearing on the matter, Dr. Brustowicz, together with his undersigned counsel, Frederick R. Bott, hereby waives his rights to the filing of a formal complaint and formal adjudication of the allegations or charges and agrees that his license to practice medicine in the State of Louisiana, as evidenced by Certificate No. 0273R, shall be subject to the following terms, conditions and restrictions:

IT IS AGREED that Dr. Brustowicz's continued exercise of rights and privileges under such licensure shall be expressly subject to the following terms and conditions:

A. For a two year period, from July 1, 1987 through June 30, 1989, Dr. Brustowicz shall seek and obtain a second opinion, from a qualified and competent physician, before performing any and all elective laparotomies, with the exception of C sections.

B. Dr. Brustowicz shall evidence his compliance with the preceding requirement for a second opinion by submitting to the Board, every three months commencing on September 30, 1987, the due date of the first report, a report detailing the patient numbers of his surgical patients, the surgical procedure performed on each patient, the hospital where each procedure was performed, and the name of the physician from whom each second opinion was obtained.

IT IS FURTHER AGREED, that any failure to comply with the terms, conditions and restrictions set forth herein, shall be deemed just cause for the Board to reopen the captioned proceedings, including, but not limited to, additional investigation, filing of an Administrative Complaint, initiating and conducting a formal hearing or adjudication, and other

disciplinary action as the Board deems appropriate.

New Orleans, Louisiana, this 25th day of August,
1987.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

By: Ike Muslow
IKE MUSLOW, M.D.

APPROVED AND ACCEPTED:

Theodore R. Brustowicz
THEODORE ROGER BRUSTOWICZ, M.D.

Frederick R. Bott
FREDERICK R. BOTT
Attorney for
Theodore Roger Brustowicz, M.D.