

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In the Matter of  
LASTIE J. BROUSSARD, M.D.

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FINAL DECISION

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A formal administrative hearing was convened before the Louisiana State Board of Medical Examiners ("Board") on March 27, 1986 to adjudicate alleged, specified violations of the Louisiana Medical Practice Act by Lastie J. Broussard, M.D. ("Dr. Broussard"), to-wit: "conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge," La. Rev. Stat., Title 37, Section 1285(1); "prescribing, dispensing or administering habit-forming or other legally controlled substances in other than a legal or legitimate manner," La. Rev. Stat., Title 37, Section 1285(6); "professional or medical incompetency," La. Rev. Stat., Title 37, Section 1285(12); "unprofessional conduct," La. Rev. Stat., Title 37, Section 1285(13); and "immoral conduct in exercising the privileges provided for by license or permit issued under this Part," La. Rev. Stat., Title 37, Section 1285(15). A quorum of the

Board was present. Dr. Broussard was present and was represented by legal counsel, Byron P. Legendre, Esq.

Upon consideration of the evidence presented, pursuant to La. Rev. Stat., Title 49, Section 958, the Board renders the following Findings of Fact, Conclusions of Law, and Decision.

FINDINGS OF FACT

1

Dr. Broussard is a physician duly licensed by the Board to practice medicine in the state of Louisiana. By virtue of state licensure and federal registration, he is authorized, as a practitioner, to prescribe, dispense or administer controlled substances. At all times material to the conduct and activities which this administrative proceeding concerns, Dr. Broussard was so licensed and authorized.

2

Dr. Broussard, through his attorney, admitted to being found guilty of knowingly and willfully failing to keep proper records of the dispensation of controlled substances as required by Title 21, U.S.C., Section 827, and C.F.R. Title 21, Section 1304.03, all in violation of Title 21, U.S.C., Section 842(5).

3

Dr. Broussard, through his attorney, admitted to prescribing, dispensing or administering habit-forming or other legally controlled substances in other than a legal or legitimate manner.

4

M.A., one of Dr. Broussard's patients, testified that she received various prescriptions from Dr. Broussard in return for sexual favors. Specific prescriptions were for Preludin and Desoxyn. She further testified that the prescriptions and medications were given for no apparent medical reason.

5

Trooper First Class ("TFC") CWL testified that she visited Dr. Broussard's office in an undercover capacity in August of 1984. At the time of this investigation, TFC CWL was employed by the Louisiana Department of Public Safety, Office of State Police, Diversion Investigative Unit. TFC CWL explained that Dr. Broussard made sexual advances toward her during the examination. Further, TFC CWL stated that Dr. Broussard only performed a very superficial examination. As a result of her visit, TFC CWL obtained a prescription for Vistaril from Dr. Broussard. The prescription was issued for no apparent medical reason.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law, that:

1

Preludin and Desoxyn are controlled substances under Louisiana and Federal law.

State and Federal law, recognizing the substantial hazards inherent in controlled substances, uniformly condition their use by physicians on strict adherence to statutes and regulations governing records, security, and the form of and cause for prescriptions. Federal regulations, for example, provide that:

A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual scope of his professional practice ... An order purporting to be a prescription not in the usual course of professional treatment ... is not a prescription within the meaning and intent of Section 390 of the Act (21 U.S.C. 829) and the ... person issuing it shall be subject to the penalties provided for by violations of the provisions of law relating to controlled substances.

21 C.F.R., Section 1306.04(a). A virtually identical policy is embraced by Louisiana law.\*

Thus, the law severely circumscribes a physician's privilege to make controlled substances available by explicitly requiring that a prescription may be issued (1) only within the usual scope of a physician's professional practice, (2) only for a legitimate medical purpose, and (3) only when a physician is acting in good faith in the

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\* LSA-R.S. 40:961(30) defines "prescription" as a written request for a drug or therapeutic aid issued by a licensed physician ... for a legitimate medical purpose, for the purpose of correcting a physical, mental, or bodily ailment, and acting in good faith in the usual course of his professional practice.

administration of a bona fide treatment for a physical, mental or bodily ailment. Together, these requirements make it clear that controlled substances licensure and registration do not license a physician to disregard the demonstrated abuse and dependency inducing potential of dangerous drugs. When a physician does so, he can no longer claim that the treatment is bona fide or that his prescription is issued in good faith with medical justification.

3

As a matter of course, Dr. Broussard has indiscriminately issued prescriptions for controlled substances without legitimate medical basis or justification and not in the good faith administration of a bona fide treatment for a physical, mental or bodily ailment. In issuing such prescriptions, Dr. Broussard was prescribing legally controlled substances in other than a legal or legitimate manner, and, therefore, just cause exists for action against his license as provided for by LSA-R.S. 37:1285(6).

4

By being convicted of knowingly and willfully failing to keep proper records of dispensing controlled substances, as required by Title 21, U.S.C., Section 827, and C.F.R., Title 21, Section 1304.03(b), Dr. Broussard has provided just cause for action against his license as provided for in La. Rev. Stat., Title 37, Section 1285(1).

DECISION

Considering the foregoing,

IT IS ORDERED that Dr. Broussard be found guilty of the first two charges against him, namely, La. Rev. Stat., Title 37, Sections 1285(1) and 1285(6). Given the finding on the first two charges, the Board determines that it is unnecessary to make findings of fact, conclusions of law or make disposition of the remaining three charges involving La. Rev. Stat., Title 37, Sections 1285(12), (13) and (15).

IT IS FURTHER ORDERED that Dr. Broussard's license, as evidenced by Certificate No. 006787, be and the same will be hereby suspended until July 1, 1986, following which his license will be on probation for a period of five (5) years with certain terms and conditions as follows:


- 1) It is ordered that Dr. Broussard surrender his federal and state permits to prescribe Schedule II controlled substances and that he shall not, during the period of his probation, and thereafter permanently, apply or reapply for these permits. It is ordered that Dr. Broussard surrender his Drug Enforcement Administration License and state permits as to all schedules. If, after July 1, 1986, Dr. Broussard reapplies for a Schedule III, IV or V license, he agrees only to dispense and/or prescribe said controlled substances under the auspices of another duly licensed medical practitioner.
- 2) Dr. Broussard must not, during the period of probation, or permanently, thereafter, operate a private medical practice, but may practice medicine in a hospital or clinic under conditions approved by the Board.

- 3) Prior to returning to the practice of medicine of any type, Dr. Broussard must return for evaluation and/or treatment to Dr. Sidney Dupuy or such other physician as the Board may determine, for a determination of his fitness to resume medical practice.
- 4) If Dr. Broussard returns to practice in any form, he must attain thirty (30) hours of AMA Catagory I continuing medical education credits per year.
- 5) Dr. Broussard is to attend AA meetings on a regularly scheduled basis.

IT IS FURTHER ORDERED that any violation of the probationary terms, conditions and restrictions set forth herein shall be deemed just cause for the suspension or revocation of the medical license of Dr. Broussard, 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 24 day of April, 1986.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

  
J. MORGAN LYONS M.D.  
Chief Executive Officer and  
Secretary-Treasurer