

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In The Matter Of	:	No. 88-A-010
	:	
SUBHASIS DEY, M.D.	:	
(Certificate No. 07527R),	:	
	:	DECISION
<i>Respondent.</i>	:	_____

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An administrative hearing was convened before the Louisiana State Board of Medical Examiners (Board) on December 8, 1988, to adjudicate alleged violations of the Louisiana Medical Practice Act¹ by Subhasis Dey, M.D. A quorum of the Board was present.² Notwithstanding timely and due notice of the hearing, Dr. Dey was neither present nor represented by legal counsel.

Upon consideration of the evidence admitted, pursuant to La. Rev. Stat. § 49:958, the Board renders the following findings of fact, conclusions of law and decision.

Findings of Fact

1. Respondent, Subhasis Dey, M.D., at all times material to the facts and matters alleged herein, was a physician duly licensed by the Board to practice medicine in the state of Louisiana. Respondent's license lapsed on December 31, 1987 and, by virtue of nonrenewal for 1988, was administratively suspended by the Board,³ and remains suspended as of the date hereof.

¹LA. REV. STAT. ANN. §§ 37:1261-92 (West 1988).

²The hearing panel comprised Drs. Muslow, Bordelon, Laborde, Hackett, LaNasa and Kaplan. Dr. Nunnally took no part in the hearing, consideration or decision of this case.

³The fact that Respondent's license had lapsed and was in administrative suspension on the date the Administrative Complaint herein was filed and as of the date of the hearing does not render this proceeding moot. Pursuant to Board rules and regulations, for a period of four years from the date on which a medical license lapses by virtue of nonrenewal, a physician is entitled to reinstatement subject only to satisfaction

2. Following the issuance of medical licensure by the Board to Dr. Dey in October 1987, Respondent began employment as a physician with the East Louisiana State Hospital ("the Hospital"), Jackson, Louisiana, on or about October 26, 1987.

3. Dr. Dey's employment as a staff psychiatrist with the Hospital was terminated on November 17, 1987, following regular recurrences of unjustified absences from and disregard of professional responsibilities, repeated episodes of bizarre behavior, including inappropriate sexual aggressiveness toward female personnel employed at the Hospital.

4. On the following date, Respondent appeared at the Hospital exhibiting inappropriate, bizarre attire and behavior and expressing suicidal ideation. Later on the same date, security personnel of the Hospital discovered Dr. Dey using and abusing cocaine for non-medical, recreational purposes.

5. Pursuant to a coroner's emergency commitment, Dr. Dey was admitted on November 18, 1987 to Greenwell Springs Hospital where he remained for two days for evaluation. A toxicology screen performed during Respondent's admission tested positively for the presence of cocaine.

6. Dr. Dey suffers from abuse of controlled substances affecting the central nervous system and has also suffered, and is suffering, from an Affective Disorder.

7. The conditions or diseases from which Respondent suffers render Dr. Dey unable to practice medicine with reasonable skill and safety to patients.

Conclusions of Law

Based on the foregoing findings of fact, the Board concludes, as a matter of law, that:

1. Respondent's excessive use or abuse of drugs which affect the central nervous system and which are capable of inducing physiological or psychological dependence has been habitual and recurring. Lawful cause exists, accordingly, for the suspension or revocation of Dr. Dey's license to practice medicine in the state of Louisiana, pursuant to La. Rev. Stat. § 37:1285(A)(5).

2. By virtue of his excessive use and abuse of drugs and the psychiatric condition from which he suffers, Dr. Dey is unable to practice medicine with reasonable skill and safety to patients. Accordingly, lawful cause exists under the Louisiana Medical Practice Act for the suspension or revocation of Respondent's license to practice medicine in the state of Louisiana. La. Rev. Stat. § 37:1285(A)(25).

of specified procedural requirements, such requirements being negligible when application for reinstatement is made within one year of lapse. *See* 3 LA. ADMIN. C. § 46:XLV.419 (Supp. 1987), *as amended*, 14 LA. REG. 86 (Feb. 20, 1988). Adverse administrative action against a lapsed license would, of course, serve to extinguish such entitlement. *See id.* § 46:XLV.419(D).

Decision

Considering the foregoing,

IT IS ORDERED that the license of Subhasis Dey, M.D., to practice medicine in the state of Louisiana, as evidenced by Certificate No. 07527R, be, and the same is hereby, REVOKED and CANCELLED.

New Orleans, Louisiana, this 26 day of January, 1989.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: Ike Muslow
Ike Muslow, M.D.
President