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IN THE MATTER OF

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FINAL

JEROME MARTIN DUMMER, M.D.

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DECISION

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A formal administrative hearing was conducted before the Louisiana State Board of Medical Examiners (Board) on September 22, 1983, to adjudicate alleged specified violations of the Louisiana Medical Practice Act by Jerome Martin Dummer, M.D. (Dr. Dummer), to-wit: "[r]evocation, suspension or other restriction imposed on a license, permit or certificate . . . which prevents or restricts the practice [of medicine] in [another] state." La. Rev. Stat., Title 37, Section 1285(30), and "[p]rescribing, 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). A quorum of the Board was present.¹ Dr. Dummer was present and was represented by legal counsel, Paul H. Kidd, Sr., Esq., a member of the Bar of the State of Louisiana.

¹ Richard M. Nunnally, M.D. was not present during the administrative hearing and took no part in the consideration of evidence, findings or fact, conclusions of law or decision.

Upon consideration of the evidence presented, both documentary and testimonial,² and the representations of Dr. Dummer's legal counsel, pursuant to LSA-R.S. 49:958 and LSA-R.S. 37:1285, the Board renders the following findings of fact, conclusions of law and decision.

Findings of Fact

1

Dr. Dummer is a physician licensed by the Board to practice medicine in the State of Louisiana. At all times material to the activities which this administrative proceeding concerns, Dr. Dummer was also licensed and authorized and engaged in the practice of medicine at the Southwest Medical Center, in Los Angeles, California.

2

On or about January 9, 1981, an Accusation was filed with the Board of Medical Quality Assurance, for the State of California, charging Dr. Dummer with violations of the Business and Professionals Code, Sections 23995 and 725, relative to the prescribing of excessive prescriptions for dangerous drugs without medical indication. "In the Matter of Accusation Against: Jerome Martin Dummer, M.D.," No. D-2661.

² Records requested from the California State Board of Medical Examiners, concerning an administrative Accusation in which Dr. Dummer was respondent, were identified, introduced and received into evidence by the Board. Such records consisted of an Accusation, Jan. 9, 1981, pp. 1-10 and Surrender of Certificate of Licensure and Formal Acceptance Thereof, Jan. 12, 1983, pp. 1-3. (Before the Division of Medical Quality, Board of Medical Quality Assurance, Department of Consumer Affairs, State of California). "In the Matter of Accusation Against: Jerome Martin Dummer, M.D.," No. D-2661.

3

From January 11 through March 15, 1978, inclusive, said Accusation identifies twenty instances on which Dr. Dummer prescribed excessive prescriptions of dangerous substances³, without medical indication.

4

In response to such charges and, in lieu of formal administrative proceedings, on November 17, 1982, Dr. Dummer surrendered his license to practice medicine in the State of California. On January 12, 1983, such surrender was accepted and made effective by the Board of Medical Quality Assurance.⁴

5

In connection with his surrender of licensure, the physician entered into a written agreement, whereby he stipulated to the accuracy and veracity of the substantive charges underlying the Accusation. More particularly, according to the terms of the surrender Dr. Dummer stipulated that ". . . [t]he Board may institute formal proceedings at which the charges in the Accusation will be deemed true and correct without the necessity of further proof and respondent shall waive all defenses based on any prejudice caused by delay." Furthermore, in surrendering his license, the physician stipulated that he ". . . [r]ecognize[d]

³ The controlled substances enumerated in the Accusation, include: Biphetamine (amphetamine and dextroamphetamine), Empirin Compound with Codeine Phosphate Nos. 1, 2, 3 and 4 (aspirin, phenacetin, caffeine and codeine phosphate), Phenergan Expectorant with Codeine (promethazine hydrochloride with codeine), Preludin (phenmetrazine hydrochloride), Ritalin (methylphenidate hydrochloride), Tuinal (secobarbital sodium, amobobarbital sodium) and Valium (diazepam). "In the Matter of Accusation Against: Jerome Martin Dummer, M.D.," No. D-2661, pp. 1-10.

⁴ See: "In the Matter of Accusation Against: Jerome Martin Dummer, M.D.," No. D-2661 - "Surrender of Certificate of Licensure and Formal Acceptance Thereof," pp. 1-3.

that upon its formal acceptance by the Board, [he] will loss all rights and privileges accorded by [his] certificate."⁵

6

The offenses with which Dr. Dummer was charged arose out of and from the physician's practice of medicine and his exercise of the privileges of medical licensure and, because of the nature of the charges, have a direct and proximate relationship to his qualification and fitness to practice medicine.⁶

7

In his defense, Dr. Dummer testified that although he is now of the opinion that it was poor judgment to prescribe the prescriptions underlying the substantive charges in California, that at the time of issuance he believed the prescriptions were medically justified. The physician further stated that his decision to surrender his California license was predicated upon the fact that he had already relocated in Louisiana at the time that the California proceeding was filed, and that contesting the Accusation would have resulted in an economic hardship.

Conclusion of Law

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

1

Dr. Dummer's California license has been the subject of "[r]evocation, suspension or other restriction imposed on a license, permit or certificate . . .

⁵ The full text of the Surrender of Certificate of Licensure and Formal Acceptance Thereof, was identified, introduced and received into evidence and forms part of the record of the Board's proceedings.

⁶ During the hearing, and by his own admission, Dr. Dummer admitted that during 1977, and prior thereto, he had been addicted to and sought treatment for alcoholism. Since the above-mentioned time, however, the physician states that he has not had any further difficulties with alcohol.

which prevents or restricts the practice in that state," and, therefore, just cause exists for action against his license as provided by La. Rev. Stat., Title 37, Section 1285(30).

2

Dr. Dummer has been guilty of "[p]rescribing, dispensing, or administering habit-forming or other legally controlled substances in other than a legal or legitimate manner," and, therefore, just cause exists for action against his license as provided by La. Rev. Stat., Title 37, Section 1285(6).

Decision

Considering the foregoing:

IT IS ORDERED that the license of Jerome Martin Dummer, M.D., to practice medicine in the State of Louisiana, be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that the foregoing Order of Revocation be, and the same is hereby stayed and an Institutional Temporary Permit, effective as of the date hereof and expiring on the 31st day of December, 1983, unless sooner extended or reissued by the Board, be issued to Jerome Martin Dummer, M.D., allowing his practice of medicine with the Department of Health and Human Resources, for the State of Louisiana (DHHR) and in any of the clinics, hospitals, institutions and treatment centers in connection with his position with the DHHR; PROVIDED, HOWEVER, that such Permit and Dr. Dummer's exercise of the rights and privileges conferred thereunder, shall be expressly subject to the physician's acceptance and strict compliance with the following terms, conditions and restrictions:

- a) Dr. Dummer shall not prescribe, dispense or administer controlled substances as defined, enumerated or included in 21 C.F.R. §§

1308.11-.15 and LSA-R.S. 40:964, or any substance which may hereafter be included in any controlled substance schedule by amendment or revision of the cited regulations or statute. Notwithstanding this condition, however, Dr. Dummer may order the administration of controlled substances to in-patients, or prescribe controlled substances for emergency room out-patients, seen at any hospital, in connection with his position with the DHHR, under such hospital's controlled substances registration and license.

- b) Dr. Dummer shall become an active member of, and participate in, the Impaired Physician's Committee, of the Louisiana State Medical Society, under the sponsorship of Clyde Elliott, M.D. and he shall maintain such participation as directed by Dr. Elliott until relieved of his condition by express order of the Board. In furtherance of this condition, Dr. Dummer shall authorize Dr. Elliott to communicate with the Board as to his progress and respond to such inquiries as the Board may deem necessary.
- c) Dr. Dummer shall immediately advise the Board, in writing, should his employment with the DHHR be terminated for any reason or if and when he may desire to relocate his residence or practice from Monroe, Louisiana.

IT IS FURTHER ORDERED that any violation of the terms, conditions and restrictions set forth hereinabove, shall be deemed just cause for the revocation of the Institutional Temporary Permit issued to Jerome Martin Dummer, M.D., or for such other disciplinary action as the Board deems appropriate, as if such violation were enumerated among the causes set forth in LSA-R.S. 37:1285.

New Orleans, Louisiana, this 6 day of November, 1983.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS


CHARLES B. ODOM, M.D.
President

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