

Before The
Louisiana State
Board of Medical Examiners

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In The Matter Of :
: **MARK JAMES HONTAS, M.D.**
(Certificate No. 15471) :

No. 86-A-[015]

Respondent

FINAL DECISION

DUE TO APPEAL, ORDER DID NOT
BECOME EFFECTIVE UNTIL 10/15/87

On February 20, 1987 a hearing was conducted before a quorum¹ of the Louisiana State Board of Medical Examiners ("Board"), to consider and adjudicate alleged violations of the Louisiana Medical Practice Act, LSA-R.S. 37:1261-92, and more specifically, violations of Section 1285 of the Act.

Appearing on behalf of the Respondent, Dr. Mark J. Hontas, were Messrs. Sonny Garcia and Bazile Uddo, both members of the Bar of the State of Louisiana. Also in attendance at the hearing was Mr. John Hontas, the father of the Respondent. Presenting the evidence to the Board was Mr. Louis C. LaCour, Jr., of the law firm of Adams and Reese.

¹ The following members were present at the hearing of the referenced Administrative Complaint: Dr. Ike Muslow, who presided over the hearing, Dr. Anthony J. Hackett, Dr. Gerald R. Lanasa, and Dr. Elmo P. Laborde. Drs. Richard Nunnally, J. Morgan Lyons and F. P. Bordelon took no part in the hearing or decision of this matter.

FINDINGS OF FACT

1. At the commencement of the hearing counsel for the Board and for the Respondent advised the Board that a Stipulation of Fact had been executed between the Board and Dr. Hontas, whereby certain facts were stipulated as truthful on the part of Respondent. The Board finds that the stipulation was freely and knowingly given, and incorporates said Stipulations of Fact as Findings of Fact herein, as follows:

a. Between September 23, 1985 and November 22, 1985 Respondent was associated with two "Diet-Aid" clinics, one located at 2010 Woodmere Blvd. in Harvey, Louisiana, and the other being located at 6601 Veterans Blvd. in Metairie, Louisiana.

b. On twenty-one (21) separate occasions, agents of the Louisiana State Police visited the clinics described above, and were issued prescriptions according to the following schedule:

Patient Name: *L.H.* Location: 2010 Woodmere Blvd.

<u>DATE</u>	<u>PRESCRIPTION</u>	<u>QUANTITY</u>
10/3/85	Fastin	10
10/10/85	Fastin	10
10/17/85	Fastin	10
10/25/85	Fastin	10
11/13/85	Fastin	10
11/22/85	Fastin	10

Patient Name: *T.D.* Location: *6601 Veterans Blvd.*

<u>DATE</u>	<u>PRESCRIPTION</u>	<u>QUANTITY</u>
9/26/85	Fastin	10
10/4/85	Fastin	10

10/10/85	Fastin	10
10/21/85	Fastin	10
10/25/85	Ionamin	10
11/12/85	Ionamin	10
11/22/85	Ionamin	10

Patient Name: *F.S.*

Location:

<u>DATE</u>	<u>PRESCRIPTION</u>	<u>QUANTITY</u>
10/17/85	Tenuate Dospan	10
10/25/85	Fastin	10
11/12/85	Fastin	10
11/22/85	Fastin	10

Patient Name: *W.W.*

Location:

<u>DATE</u>	<u>PRESCRIPTION</u>	<u>QUANTITY</u>
10/18/85	Tenuate Dospan	10
10/25/85	Tenuate Dospan	10
11/13/85	Tenuate Dospan	10
11/22/85	Tenuate Dospan	10

c. With respect to the twenty-one separate visits by undercover officers of the Louisiana State Police described above, Respondent acknowledges that at no time did he see, examine or question the patient with respect to the issuance of prescriptions for the drugs set forth.

d. Respondent further acknowledges that he willingly and knowingly allowed staff members of the "Diet-Aid" clinics to issue to the patients described above pre-signed prescriptions, bearing his signature, or a copy thereof.

e. At no time did Respondent query the patients described above with respect to their use of the medications prescribed or investigate the possibility of misuse or abuse of those medications.

f. Respondent knowingly and willingly allowed unlicensed practitioners to issue prescriptions bearing his signature without the benefit of his personal examination of the patients involved.

g. Although all patients were initially seen by a medical doctor, subsequent visits to the clinics were conducted by a staff member who would hand to the patient a pre-signed prescription.

h. The director of these two Diet Aid clinics is Dr. J.R. , and Respondent acknowledges that Dr. R is not a medical doctor, yet was used as an intermediary concerning requests for modification of prescriptions.

i. Respondent certifies that he freely and knowingly stipulates to the foregoing, after consultation with counsel, and does not dispute or contest the accuracy or validity of the foregoing stipulations.

2. Testimony was presented by the Respondent himself, and his father, which described Respondent's appreciation of the operation of the "Diet Aid" clinics in question.

3. Based on this testimony the Board finds that while the Respondent had no criminal intent in connection with his affiliation with the clinics in question, nonetheless, by allowing others to utilize his pre-signed prescriptions for controlled substances, he knowingly jeopardized the health, safety and welfare of the citizens of the state of Louisiana.

4. The Board finds and acknowledges that the drugs prescribed in connection with the operation of the clinics set forth above are controlled substances, within the intendment of the laws of the state of Louisiana and the United States.

5. The Board further finds that Fastin (phentermine hydrochloride) is a sympathomimetic amine with pharmacologic activities similar to the amphetamines.

6. The Board further finds that Ionamin (phentermine hydrochloride) is a sympathomimetic amine with pharmacologic activities similar to the amphetamines.

7. The Board further finds that Tenuate Dospan (diethylpropion hydrochloride) is a sympathomimetic amine with pharmacologic activities similar to the amphetamines.

8. The Board also finds, based on its experience, that while there may be some difference between amphetamines and non-amphetamine anorectics, such anorectics are, in fact, also subject to abuse.

9. Based on the stipulations of fact and the testimony presented by the Respondent, the Board finds that the prescribing of non-amphetamine anorectics in this instance was without proper supervision of a licensed physician and that a serious potential for abuse and misuse of the compounds prescribed existed, and further, that the Respondent was fully aware that these non-amphetamine

anorectics were being prescribed by unlicensed personnel by utilization of his pre-signed prescriptions.

10. Based on the testimony given by Respondent it was apparent that staff members of the "Diet Aid" clinics, who were not licensed physicians, registered nurses or other licensed health care professionals, were handing pre-signed prescriptions to patients during their visits to the Diet Aid Clinic.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, as established through the Stipulations of Fact by, and the testimony of the Respondent, the Board reaches the following conclusions of law:

1. By allowing unlicensed individuals to deliver pre-signed prescriptions for Fastin, Ionamin and Tenuate Dospan, Respondent has violated the Louisiana Medical Practice Act in that he has prescribed, dispensed, or administered habit-forming or other legally controlled substances in other than a legal or legitimate manner.

2. Respondent has engaged in unprofessional conduct.

3. Respondent has engaged in continuing and recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state.

4. Respondent has knowingly performed an act which assists an unlicensed person to practice medicine, and has

had a professional connection with and lent his name to an illegal practitioner.

DECISION

Considering the foregoing Findings of Fact and Conclusions of Law, the Board does hereby **SUSPEND** Respondent's license to practice medicine in the state of Louisiana, as evidenced by Certificate No. 15471, for a period of **SIX (6) MONTHS**, said suspension to commence one calendar month from the date of signing of this decision.

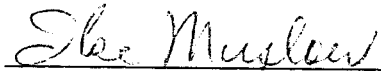
It is further **ORDERED** that all but the first three (3) months of the foregoing suspension of licensure itself be suspended, on the condition that Respondent comply with the following conditions of suspension:

a. Respondent shall devise, construct and plan, in conjunction with Dr. _____, a program of education to be presented to the house officers of Charity Hospital. Said program of education shall have as its purpose elucidation of the inherent dangers and pitfalls associated with the prescribing of controlled substances. This program of education shall be presented to Dr. J. Morgan Lyons for approval within forty-five (45) days from the date of signing of this decision, and shall be presented as described above at least annually, for a period of five years.

b. Respondent shall also perform at least ten (10) hours of community service per month, for a twelve (12)

month period, and shall prepare and submit to Dr. J. Morgan Lyons for approval this plan of community service. Said community service shall commence within sixty (60) days of the signing of this Order.

New Orleans, Louisiana, this 12 day of March, 1987.



IKE MUSLOW, M.D.
Vice-President,
Louisiana State Board
of Medical Examiners

Forwarded by Certified Mail, Return Receipt Requested, this 13 day of March, 1987.


MS. DELMAR RORISON
Executive Administrative Assistant