

# Louisiana State Board of Medical Examiners

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: **09-I-671**  
**In The Matter Of** :  
: **CONSENT ORDER**  
**JEROME E. KURPEL, M.D.** :  
*(Certificate No. 015697),* :  
*Respondent.* : \_\_\_\_\_  
:   
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An investigation was initiated by the Louisiana State Board of Medical Examiners (the "Board") of the medical practice of Jerome E. Kurpel, M.D. ("Dr. Kurpel"), a physician licensed to practice medicine in the State of Louisiana. Dr. Kurpel is an emergency room physician by training and at all pertinent times has practiced medicine in and around Laplace, Louisiana.

The investigation followed the receipt of apparently reliable information indicating that Dr. Kurpel was allowing a nurse practitioner to perform procedures that are not delegable to a non-physician by prescription, direction or order and may only be performed in this state by a Louisiana licensed physician. In particular, such information indicated that Dr. Kurpel was referring patients to a nurse practitioner, with whom he had a collaborative practice agreement, to perform interventional pain management procedures for complaints of chronic pain. Medical records obtained during the investigation confirmed the accuracy of the information received. The collaborative practice agreement between the physician and nurse practitioner was also obtained and was devoid of any mention of the procedures in question; rather, it was limited in scope to the practice of a general family nurse practitioner. Finally, the Investigation Officer ("I/O") met with Dr. Kurpel who acknowledged that he had made the referrals in question, that he had no formal training in interventional chronic pain management, and that the procedures were sometimes performed while he was not present.

Predicated upon the information outlined above the I/O has concluded that reasonable cause exists for recommending that administrative charges be filed against Dr. Kurpel asserting various violations of the Louisiana Medical Practice Act (the "Act").<sup>1</sup>

<sup>1</sup> Pursuant to La. Rev. Stat. §37:1285A, the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of: (13)

Upon notice of the investigation Dr. Kurpel discontinued the conduct in question, as did the nurse practitioner, who confirmed her intent to cease and desist from the unauthorized practice of medicine. On his own behalf, the physician expressed remorse for his conduct, cooperated with the investigation, and acknowledged that he would refrain from making similar referrals in the future.

As evidenced by his subscription hereto, Dr. Kurpel acknowledges the substantial accuracy of the foregoing information and that such information and acknowledgement would constitute probable cause for the institution of administrative proceedings against his medical license pursuant to Administrative Complaint, and that proof of such information upon an administrative evidentiary hearing could establish grounds under the Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate.

Recognizing his right to have notice and administrative adjudication of such charges, at which time Dr. Kurpel would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §§ 49:955-965, Dr. Kurpel, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. § 49:955(D), consents to entry of the Order set forth hereinafter. Dr. Kurpel also acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which he may be afforded by any other law to contest his agreement to or the force and effect of the Board's investigation or this Consent Order in any court or other forum. By his subscription hereto, Dr. Kurpel also hereby authorizes the I/O designated by the Board with respect hereto, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Kurpel expressly acknowledges that the disclosure of such information to the Board by the I/O shall be without prejudice to the IO's authority to proceed with the filing and adjudication of an administrative complaint against him, or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

**IT IS ORDERED** that Jerome E. Kurpel, M.D., who is licensed to practice medicine in the state of Louisiana, as evidenced by license number 015697, is hereby *officially reprimanded* for the conduct identified hereinabove.

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"[U]nprofessional conduct;" (14) "[C]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state;" and (18) "[k]nowingly performing any act which, in any way, assists an unlicensed person to practice medicine, or . . . lending one's name to an illegal practitioner."

**IT IS FURTHER ORDERED** that Dr. Kurpel shall not enter into a collaborative or supervisory practice agreement with a mid-level provider, *i.e.*, nurse practitioner or physician assistant, to render care to his patients. This condition shall remain in force and effect so long as Dr. Kurpel holds a license to practice medicine in this state or until and unless modified by subsequent written order of the Board. This condition shall not, however, preclude Dr. Kurpel from employing nurses or other medical personnel to assist him in his practice, as long as he is present and directing their activities appropriate to their level of their expertise and ability.

**IT IS FURTHER ORDERED** that within six (6) months of the effective date of this Order Dr. Kurpel shall attend and successfully complete a course approved in advance by the Board relative to medical ethics and professionalism.

**IT IS FURTHER ORDERED** that within six (6) months of the acceptance of this Order Dr. Kurpel shall pay a fine of \$5,000 to the Board.

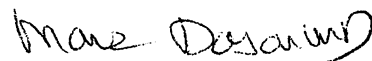
**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms and conditions set forth by this Order by Dr. Kurpel shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such further action against Dr. Kurpel's license to practice medicine in the state of Louisiana as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

**IT IS FURTHER ORDERED** that this Consent Order shall be, and shall be deemed to be, a public record.

Signed in New Orleans, Louisiana, on and effective this 15<sup>th</sup> day of October,  
2010.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By:



Mark H. Dawson, M.D.

*President*

STATE OF LOUISIANA  
PARISH OF St. John the Baptist

**ACKNOWLEDGMENT  
AND CONSENT**

I, JEROME E. KURPEL, M.D., hereby acknowledge, approve, accept and consent to entry  
of the above and foregoing Order, this 24 day of September, 2010.

  
\_\_\_\_\_  
JEROME E. KURPEL, M.D.

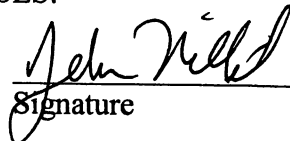
WITNESSES:

  
\_\_\_\_\_  
Signature

Laverne Harry  
\_\_\_\_\_  
Typed Name

1101 W. Airline Hwy. Ste. D  
\_\_\_\_\_  
Address

Laplace, LA. 70068  
\_\_\_\_\_  
City/State/Zip Code

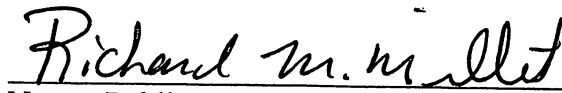
  
\_\_\_\_\_  
Signature

John Millet  
\_\_\_\_\_  
Typed Name

1101 W. Airline Hwy Ste F  
\_\_\_\_\_  
Address

Laplace La 70068  
\_\_\_\_\_  
City/State/Zip Code

Sworn to and subscribed before me this 24 day of September, 2010, in the  
presence of the two stated witnesses.

  
\_\_\_\_\_  
Notary Public (Signature and Seal)

**RICHARD M. MILLET #33770**  
**NOTARY PUBLIC**  
**ST. JOHN THE BAPTIST PARISH, LA**  
**BAR ROLL #19064**  
\_\_\_\_\_  
Printed Name/Notary or Bar Number