

Stat. §37:1360.33(3)³, as well as the Standards of Practice for licensed physician assistants as set forth in Title 46, Part XLV, §4513(16) and (19)⁴ and to pursue the suspension, revocation or imposition of such other terms, conditions or restrictions on his license to practice as a physician assistant in the State of Louisiana as the Board may determine to be appropriate.

Recognizing his right to have administrative adjudication of the charges which have been asserted, at which time he 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. §49:951 *et seq.*, Mr. Braud nonetheless, hereby waives his right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), hereby agrees to this Consent Order set forth hereinafter.

By his subscription hereto, Mr. Braud also acknowledges that he 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 otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein, unless the Board has breached any term and condition relied upon by Mr. Braud in this Consent Order. By his subscription hereto, Mr. Braud also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, 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 to the Board under La. Rev. Stat. §49:960. Mr. Braud expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against him or to the Board's capacity to adjudicate such charges, should the Board decline to accept this Consent Order. In the event the Board declines to accept this Consent Order, any waiver or other agreement that has been set forth in this proposed Consent Order shall be considered null and void, with no legal effect, and Mr. Braud shall have the right to pursue a formal administrative hearing and subsequent legal action.

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);

practice without supervision except in life-threatening emergencies and in emergency situations such as man-made and natural disaster relief efforts." §4505 of the Louisiana Administrative Code relative to Physician Assistants further provides that "[t]he practice of a physician assistant shall include the performance of medical services that are delegated by the supervising physician and are within the scope of the physician assistant's education, training and licensure."

³La. Rev. Stat. §37:1360.33(3) provides that "the board may, exercising due process, discipline any physician assistant, as provided in R.S. 37:1360.34, who ... (3) Violates any provision of [the Physician Assistants Practice Act] or any regulations adopted by the board pertaining to this part."

⁴Section 4513 of the Louisiana Administrative Code relative to Physician Assistants provides that "[t]he Board may refuse to issue, or may suspend, revoke or impose probationary or other restrictions on, any license issued under this Chapter, or issue a private or public reprimand, for the following causes ... (16) violation of any provision of this Chapter, or of rules or regulations on the board or statute pertaining to physician assistants....[or] (19) utilizing prescriptive authority in violation of any of the provisions of §§ 1501-1529 or 4501 – 4513 of the board's rules."

IT IS ORDERED the license of Terry Braud, P.A., to practice as a physician assistant in the state of Louisiana, as evidenced by Certificate No. PA.A10429, be, and the same is hereby, given an **OFFICIAL REPRIMAND** and that Mr. Braud's license to practice as a physician assistant and his continuing exercise of the rights and privileges granted to him thereby, shall be subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Limitation on Prescriptive Authority.** For a period of one (1) year from the effective date of this Consent Order, Mr. Braud shall not apply for or exercise prescriptive authority for controlled substances otherwise available to him under Title 46, Part XLV, §1521 *et seq.*
- (2) **Proof of Knowledge of Rules and Regulations Regarding Physician Assistants.** Within one hundred eighty (180) days from the effective date of this Order, Mr. Braud shall provide evidence to the Board's satisfaction that he has gained an understanding of the law and the Board's rules and regulations respecting PAs. Such evidence may, at the Board's direction, include his preparation of an article for possible dissemination in the Board's *Newsletter* or website, an approved lecture on this subject to his peers, and/or his satisfactory completion of an examination testing his understanding of this subject.
- (3) **Payment of Fine.** Mr. Braud shall pay a fine of \$1,000 to the Board, which payment shall be made within one (1) year of the effective date of this Consent Order.
- (4) **Effective Date.** This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the restrictions set forth by this Order by Mr. Braud shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Mr. Braud's license to practice as a physician assistant in the state of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1360.33.

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

New Orleans, Louisiana, this 15th day of October, 2010.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: Mark Dawson, M.D.
MARK H. DAWSON, M.D.
PRESIDENT

*Acknowledgement and Consent
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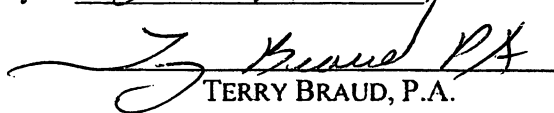
*Acknowledgement and Consent
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STATE OF LOUISIANA


PARISH/COUNTY OF EAST BATON ROUGE

**ACKNOWLEDGMENT
AND CONSENT**

I, TERRY BRAUD, P.A., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 7 day of October, 2010.


TERRY BRAUD, P.A.

WITNESSES:


Signature

Dr. Greg W. Ellis, MD
Typed Name

4545 Bluebonnet Blvd.
Address

Baton Rouge, LA 70809
City/State/Zip Code

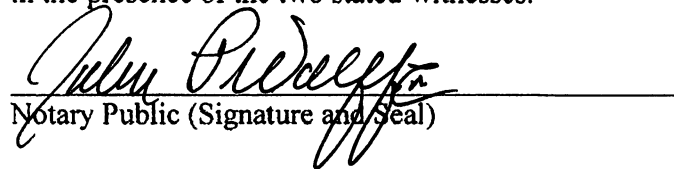

Signature

Diana Berniard
Typed Name

4545 Bluebonnet Blvd.
Address

Baton Rouge, LA 70809
City/State/Zip Code

Sworn to and subscribed before me this 7 day of October, 2010, in the presence of the two stated witnesses.


Notary Public (Signature and Seal)

John P. Wolff, III Bar #14504
Printed Name/Notary or Bar Number