

Louisiana State Board of Medical Examiners

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In the Matter Of
ABIGAIL PLAISANCE

PENEGUY, P.A.
(License No. PA.200027),
Respondent

NO. 08-I-901

CONSENT ORDER

Respondent, Abigail Plaisance Peneguy, P.A. ("Ms. Peneguy" or "Respondent") is currently licensed by the Board to practice as a physician assistant in the State of Louisiana, (Certificate No. PA.200027), pursuant to the Louisiana Physician Assistant Practice Act, La. Rev. Stat. §§37:1360.21-1360.38. At all times pertinent, Ms. Peneguy was employed by Louisiana Spine & Sports Medicine in Baton Rouge, Louisiana with Dr. John Clark, M.D. as her supervising physician.

Investigation and review of patient records revealed that Ms. Peneguy frequently exceeded the scope of practice for physician assistants in connection with the clinical evaluation and renewal of controlled substances medications for chronic pain patients whose care and treatment was subject to the Board's Rules regarding "Medications Used in the Treatment of Non-Cancer-Related Chronic or Intractable Pain"¹ This practice was evidenced by findings in the medical record in which Ms. Peneguy completed the assessment of the patient and made treatment recommendations without evidence that the Supervising Physician had concurred with or even signed the progress note.

As evidenced by her subscription hereto, Ms. Peneguy acknowledges deficiencies in the medical records reviewed, but maintains that her practice was in compliance with the applicable rules regarding supervision and scope of practice. However, she acknowledges that the foregoing information would provide the Investigating Officer herein with probable cause to pursue formal

¹ La. Admin. Code Title 46, Part XLV, Chapter 69, Subchapter B "Medications Used in the Treatment of Non-Cancer Related Chronic or Intractable Pain."

administrative proceedings against her pursuant to La. Rev. Stat. §37:1360.31², and La. Rev. 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 her license to practice as a physician assistant in the State of Louisiana as the Board may determine to be appropriate.

Recognizing her right to have administrative adjudication of the charges which have been asserted, at which time she would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her 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.*, Ms. Peneguy nonetheless, hereby waives her right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), hereby agrees to this Consent Order set forth hereinafter.

By her subscription hereto, Ms. Peneguy also acknowledges that she waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951 *et seq.* or which otherwise may be afforded to her by law, to contest her 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 Ms. Peneguy in this Consent Order. By her subscription hereto, Ms. Peneguy also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as her legal counsel assisting her 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 she waives any objection to such disclosures to the Board under La. Rev. Stat. §49:960. Ms. Peneguy expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or her legal counsel shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against her 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 Ms. Peneguy shall have the right to pursue a formal administrative hearing and subsequent legal action.

² LSA-R.S. 37:1360.31 provides in pertinent part that "[a] physician assistant performs medical services when such services are rendered under the supervision of a supervising physician...A physician assistant shall not 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."

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 the license of Abigail Plaisance Peneguy, P.A., to practice as a physician assistant in the state of Louisiana, as evidenced by Certificate No. PA.200027, be, and the same is hereby, given an **OFFICIAL REPRIMAND** and that Ms. Peneguy's license to practice as a physician assistant and her continuing exercise of the rights and privileges granted to her thereby, shall be subject to her 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, Ms. Peneguy shall not apply for or exercise prescriptive authority for controlled substances otherwise available to her 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, Ms. Peneguy shall provide evidence to the Board's satisfaction that she 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 her preparation of an article for possible dissemination in the Board's *Newsletter* or website, an approved lecture on this subject to her peers, and/or her satisfactory completion of an examination testing her understanding of this subject.
- (3) **Payment of Fine.** Ms. Peneguy 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 Ms. Peneguy shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Ms. Peneguy'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 H. Dawson
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, ABIGAIL PLAISANCE PENEGUY, P.A., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 7th day of October, 2010.

Abigail Plaisance Peneguy P.A.
ABIGAIL PLAISANCE PENEGUY, P.A.

WITNESSES:

Dr. Greg W. Ellis
Signature

Dr. Greg W. Ellis, MD
Typed Name

4545 Bluebonnet Blvd.
Address

Baton Rouge, LA 70809
City/State/Zip Code

Diana Berniard
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.

John P. Wolff
Notary Public (Signature and Seal)

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