

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In The Matter Of
STEPHEN C. KASTL, M.D.
(Certificate No. 013806)
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NO. 94-I-027

CONSENT ORDER

The Louisiana State Board of Medical Examiners (the "Board"), has developed apparently reliable information which indicates that Stephen C. Kastl, M.D. ("Dr. Kastl"), a physician licensed to practice medicine in the state of Louisiana, may have dispensed medication in violation of the Board's rules and regulations pertaining to dispensing physicians, failed to maintain patient and dispensing records documenting medical justification for the dispensation of controlled substances and may have issued controlled substances without legitimate medical justification therefor or in other than a legal or legitimate manner.

More particularly, such information reveals that Dr. Kastl, a physician with a date of birth of October 15, 1950, who until his retirement in June, 1991, was engaged in the practice of obstetrics-gynecology and who is neither now nor has he ever been registered with the Board as a dispensing physician,¹ ordered, received at his home and dispensed a variety of controlled substances.² Such information indicates that Dr. Kastl did not maintain complete and accurate dispensing records or inventories of the medication which he received, dispensed or distributed to himself, or to others. Dr. Kastl, conversely, contends that he was unaware of the registration requirement for dispensing physicians, and he denied any illegitimate use of such substances, most

¹As of December, 1987, all physicians ordering medications to be dispensed in the course of their practice are required to be registered with the Board as a dispensing physician and to maintain complete and accurate records of medication purchases, acquisitions, inventories and dispensation, La. Adm. Code, Title 46, subpart 3, §6501, *et seq.*

²Between January, 1993 and February, 1994, such information indicates that Dr. Kastl ordered and received at his home in Louisiana, shipments of various controlled substances, totaling in excess of 10,000 dosage units of medication, including varying dosages of Dalmane, Darvocet, Diazepam, Didrex, Clorazepate, Fastin, Flurazepam, Hydrocodone, Lorcet and Propoxyphene.

of which he contends were employed for self-administration to alleviate complaints of pain which he attributes to various medical complaints which are ongoing. Dr. Kastl admits, however, that he did not maintain sufficient records regarding the controlled substances in question or documentation of the distribution of such medications.

As evidenced by his subscription hereto, Dr. Kastl acknowledges the substantial accuracy of the foregoing information. Such acknowledgment and the reported information would provide the Investigating Officer of the Board with probable cause to initiate formal administrative proceedings against Dr. Kastl, charging him with violation of the Board's Dispensing Rules, La. Adm. Code §65:6501-6561, as well as the Louisiana Medical Practice Act, La. Rev. Stat. §37:1261-92.³

Recognizing his right to have notice of the allegations and charges asserted against him, to administrative adjudication of such charges, pursuant to La. Rev. Stat. §§49:955-958, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Kastl nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Kastl acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act 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 relating to the matters referred to herein. Dr. Kastl also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or legal counsel assisting him in that capacity, 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. Kastl 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 file a formal 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 the license of Stephen C. Kastl, M.D. to practice medicine in the state of Louisiana shall be placed **ON PROBATION** for a period of three (3) years, from the effective date of this order; *provided, however*, that Dr. Kastl's license to practice medicine in the state of Louisiana shall be subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

³ Pursuant to La. Adm. Code, Title 46, subpart 3, §6507, '[V]iolation of the prohibitions set forth in §6505 shall be deemed to constitute just cause for the suspension or revocation of a physician's license to practice medicine in the state of Louisiana, or for other administrative action as the board may in its discretion determine to be necessary or appropriate, under La. Rev. Stat. §37:1285A(6) and 1285A(30).' Pursuant to La. Rev. Stat. §37:1285A(6) the Board may take action against the license of a physician as the result of '[P]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner.' Pursuant to La. Rev. Stat. §37:1285A(30), the Board may take action against the license of a physician as the result of '[V]iolation of any rules and regulations of the board, or any provisions of the Part.'

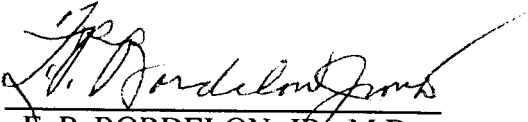
- a) **Controlled Substances: All Schedules:** Concurrent with the commencement of his probationary period referred to hereinabove, Dr. Kastl shall not prescribe, dispense or administer any controlled substance which may be classified, defined, enumerated, or included in 21 C.F.R. §1308.11-.15, La. Rev. Stat. §40:964, or any substance which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statute, for a period of three (3) years. This prohibition shall not, however, extend to medications ordered or prescriptions written by Dr. Kastl for institutional or hospital in-patients under the permit or license of said institution or hospital.
- b) **Continuing Medical Education:** Dr. Kastl shall obtain not less than fifty (50) credit hours per year for each of the three (3) years of his probationary period as set forth hereinabove of continuing medical education ("CME") through attendance at and participation in CME qualifying for the Physician's Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years from the effective date hereof. On or before February 1st of each year during the term of probation ordered hereby, Dr. Kastl shall cause to be submitted to the Board written certification of the CME completed by him during the preceding twelve (12) months.
- c) **Self Treatment Prohibited:** Dr. Kastl shall not, for the remainder of his medical career, undertake to treat himself for any medical condition from which he now or may subsequently suffer, nor shall he self-administer or dispense to himself any controlled substance of any nature whatsoever, in treatment of any such condition, leaving such treatment instead to one or more physicians of his own selection.
- d) **Cooperation with the Board's Probation/Compliance Officer:** Dr. Kastl shall immediately notify the Board's Probation/Compliance Officer of any change in his current home and professional addresses and telephone numbers. Moreover, Dr. Kastl shall direct any and all matters required in connection with this Consent Order, including his CME certification, to the attention of the Board's Probation Officer and Compliance Officer, with whom he shall cooperate on all matters and inquires pertaining to his compliance with the terms, conditions and restrictions with this Consent Order.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with the terms, conditions and restrictions set forth by this Order by Dr. Kastl shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Kastl's license to practice medicine in the state of Louisiana or for such other disciplinary action as the Board deems appropriate, as if such violation 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.

New Orleans, Louisiana, this 2nd day of March, 1995.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS


BY: 
F. P. BORDELON, JR., M.D.
President

ACKNOWLEDGMENT
AND CONSENT

I, STEPHEN C. KASTL, M.D., hereby acknowledge, approve, accept and consent to entry
of the above and foregoing Order, this 20 day of February, 1995.


STEPHEN C. KASTL, M.D.

APPROVED AS TO FORM


LEWIS O. UNGLESBY, Esq.
Unglesby and Koch
246 Napoleon Street
Baton Rouge, LA 70802
Counsel for
Stephen C. Kastl, M.D.

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