

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In The Matter Of

No. 92-A-013

Lovell John Mayeux, Jr., M.D.
(CERTIFICATE NO. 014179)

DECISION

Respondent.

An administrative hearing was convened before the Louisiana State Board of Medical Examiners ("Board") on Thursday, February 25, 1993. Present representing the Board was a quorum of its membership including Drs. Mary Lou Applewhite, Ike Muslow, and Keith C. Ferdinand, with Dr. Ferdinand presiding. Also present were Judge Frederick S. Ellis, Independent Counsel for the Board; L. Thomas Styron, Attorney at Law, representing the complainant. Respondent was present represented by Camille Gravel, Jr. Attorney at Law.

Lovell John Mayeux, M.D. was before the Board pursuant to an Administrative Complaint in which he was charged with prescribing controlled substances to ten patients, which, in quantity and duration exceeded any legitimate medical justification in violation of R.S. 37:1285 (A)(6); and which constitutes continuing and recurring medical practice which fails to satisfy accepted medical standards, in violation of R.S. 37:1285 (A)(14), and professional and medical incompetence in the administration of the controlled substances, in violation of R.S. 37:1285(A)(12).

The evidence reveals that Dr. Mayeux is a family practitioner in Marksville, Louisiana. In addition to his private practice, Dr. Mayeux is the Coroner of Avoyelles Parish, and performs the duties of that office. He is also the jailhouse physician, and takes care of all prisoners therein, as well as a substantial number of Immigration and Naturalization Service detainees who are housed in Avoyelles Parish.

The evidence produced by the complainant includes the pharmacy records of the patients involved in the complaint, as well as Dr. Mayeux's charts on those patients. Dr. John

(Mayeux; March, 1993)

Joseph Palermo, a family practitioner from the Baton Rouge area, testified as an expert witness on behalf of the complainant. His testimony was based on the charts and the information contained in the Administrative Complaint.

With respect to patient, Brenda B., Dr. Palermo testified that the narcotic medications prescribed for her complaints of pain had an additive depressive effect on her central nervous system; that the analgesic effect of these drugs decreases with use in a period of weeks; and that prescribing these drugs for a period of three years is improper, because it can lead to both physical and psychological addiction.

Dr. Mayeux testified that he felt her migraine headaches justified the use of Fiorinal. He stated that he discussed the possible synergistic effect of the drug with the patient, and that, during the period of treatment, she had no problem with addiction.

Ray B. was being treated by Dr. Mayeux for chronic severe back pain following an industrial accident, in which he was totally disabled. Dr. Mayeux prescribed Percocet, in quantities of 100 tablets. Dr. Palermo felt that the quantities were too large, making it possible for the patient to take it too often, and pointed out that discontinuing the medication could cause significant withdrawal symptoms.

Dr. Mayeux testified that Ray B. was in severe pain, and would continue to suffer severe pain. He stated that the medication was necessary for the pain, and that he had no reason to believe that Ray B. was addicted.

During the hearing Dr. Mayeux was not questioned about any of the other patients involved in this inquiry, either by his own counsel or by the Board.

Terrell D. and Susan F. were being treated for weight control, and were given 60 Phentermine tablets, 37.5 mg., per month by Dr. Mayeux, for a period of four months. Dr. Palermo stated that the dosage given is double the recommended dose, and that only a few weeks of use is recommended by the literature, as the appetite suppressant function diminishes after that time. Dr. Palermo found the dosage not justified either in magnitude or duration.

Barbara D. was being treated by Dr. Mayeux for headaches and back pain, with Fiorinal and Valium, and some other drugs. Dr. Palermo testified that her chart indicates that Dr. Mayeux was aware that another doctor was prescribing drugs for her, and that he should have suspected drug abuse.

Lisa F. was being treated by Dr. Mayeux for numerous complaints, including sinusitis, body pain, and headaches. Dr. Palermo testified that she was maintained on Hydrocodone and Oxycodone for four years, both of which were addictive. He found no medical justification for these medications over a four year period. He was also concerned that these medications were prescribed along with Halcion, because of the synergistic effect.

Patient, Amy G., had numerous complaints of pain. She got barbiturates and opioid narcotics from Dr. Mayeux for about eight years. Dr. Palermo testified that there is no medical justification of these medications for such a long period of time because of the high potential for addiction.

Eulalie M. was treated for a variety of complaints, principally back pain, for over three years. She received Percodan during that time. Dr. Palermo found no medical justification for prescribing this medication for that length of time.

Dr. Palermo testified that Sheila M. was treated for general pain and asthma, with drugs such as Fiorinal, Percocet, and Valium, for a period of eleven years. He testified that the chart shows that Dr. Mayeux was aware that the patient was abusing drugs as early as 1981, when she had an positive drug screen, and was admitted to the emergency room several times for complications arising out of the abuse of alcohol and drugs. Dr. Palermo testified Dr. Mayeux continued to prescribe the drugs despite his knowledge of the patients drug problems, which is not a legitimate medical use of the drugs.

Cary V. was treated by Dr. Mayeux between February and August, 1990, for foot and back pain. During that time he received Percocet and Valium. The chart reveals that the patient was admitted to the emergency room because of an overdose of Valium in April, 1990. Dr. Mayeux continued his prescribing practices after the patient was detoxified and released. Dr. Palermo testified that this was not proper practice, and that the length of time during which the drugs were prescribed was excessive.

On cross examination, Dr. Palermo stated that, except in the case of Terrell D., the individual doses prescribed were proper, and that the drugs given by Dr. Mayeux were appropriate, but only if given short term. He also stated that he knew of no written guidelines for administration of the drugs which were violated by Dr. Mayeux.

The Board recognized that Dr. Mayeux is a respected member of his community who performs valuable services above and beyond his medical practice.

However, it is clear that Dr. Mayeux's prescribing practices, as set forth herein, were not medically justified, nor did they satisfy accepted medical standards. The Board therefore finds Dr. Mayeux guilty of the first two counts of the Administrative Complaint.

The Board finds Dr. Mayeux to be not guilty of the third count, medical incompetency.

The Board notes that Dr. Mayeux's testimony reveals that he is, and has been, aware of the problems arising from his prescribing practices. During the two years that this investigation has been conducted, Dr. Mayeux has not only changed his prescribing practices, but has instituted changes in his office procedures, and in his record keeping, so as to prevent the recurrence of circumstances such as those outlined in the above cases. Copies of the new procedures have been furnished to the Board, and we find them to be adequate. The Board finds it unlikely that there will be any further substandard prescribing in Dr. Mayeux's practice.

DECISION

Considering all of the above circumstances, the Board is of the opinion that the following sanctions are appropriate:

- 1) Dr. Mayeux shall pay a fine of \$5,000.00, and all costs of this proceeding.
- 2) Dr. Mayeux license to practice medicine in Louisiana is suspended for a period of one year from the date of this Decision.
- 3) The above suspension is stayed, and Dr. Mayeux is placed on probation for a period of two years from the date of this Decision.
- 4) Dr. Mayeux shall obtain not less than 50 credit hours per year through attendance at and participation in continuing medical education programs (CME) accredited by and qualifying for the Physician's Recognition Award of the American Medical Association. On or before January 1st of each year, he shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding months.
- 5) Dr. Mayeux is required to attend a pain seminar approved by the Board, and to present a certificate of completion thereof.

New Orleans, Louisiana, this 26th day of March, 1993.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By Keith C. Ferdinand
Keith C. Ferdinand, M.D.
Secretary-Treasurer

(Mayeux; March, 1993)