

BEFORE THE  
LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

<p>-----</p> <p style="text-align:center">In The Matter of:</p> <p style="text-align:center">JOSEPH K. NEWSOM, M.D. (Certificate No. 008801)</p> <p style="text-align:right">Respondent</p> <p>-----</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p style="text-align:center">NO. 93-I-011-X</p> <p style="text-align:center"><b>STIPULATION AND AGREEMENT</b></p>
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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board"), following receipt of information indicating that Joseph K. Newsom, M.D. ("Dr. Newsom") had entered into a consent agreement with the South Carolina Board of Medical Examiners, whereby his South Carolina medical licensure was placed on probation for a duration of six (six) months.<sup>1</sup> The South Carolina action arose from Dr. Newsom's failure to properly supervise the activities of his physician's assistant and failure to acknowledge the difference between a physician and a physician's assistant. The consent agreement outlines specific terms and conditions of probation, which include, *inter alia*, a prohibition on employing or supervising a physician's assistant at any time in the future.<sup>2</sup>

Although Dr. Newsom currently resides and practices medicine exclusively in the state of South Carolina, he remains licensed to practice medicine in the state of Louisiana. Accordingly, the investigation of the captioned matter has been assigned to John B. Bobear, M.D., Director of Investigations for the Louisiana State Board of Medical Examiners. Dr. Bobear's review and analysis of the South Carolina consent agreement confirms to his satisfaction that just cause exists for recommending that a formal administrative complaint be filed against Dr. Newsom pursuant to the Louisiana Medical Practice Act, LSA-R.S. 37:1261 *et seq.*, charging Dr. Newsom with "the refusal of a licensing authority of another state to issue or renew

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<sup>1</sup> See Stipulation of Dismissal of Appeal and Agreement, "*Joseph K. Newsom, Sr. , M.D. v. State Board of Medical Examiners*," Before the South Carolina Board of Medical Examiners (No. 91-834, July 17, 1992) (photocopy attached). The probationary period has been successfully completed, and Dr. Newsom's South Carolina medical license is now fully restored and unrestricted.

<sup>2</sup> See *id.*

a license, permit or certificate to practice medicine or osteopathy in that state or the revocation, suspension or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state ..." in violation of LSA-R.S. 37:1285A(30).

Recognizing his right to have any allegation or charge asserted in a formal administrative complaint, pursuant to LSA-R.S. 49:955-58, and to a subsequent adjudication and final decision rendered upon findings of fact and conclusions of law, Dr. Newsom, nonetheless, hereby waives his right to formal charges and formal adjudication and, pursuant to LSA-R.S. 49:955D, consents to entry of the order set forth hereinafter.

By his subscription hereto, Dr. Newsom also hereby authorizes the Investigating Officer designated by the Board with respect hereto, together with legal counsel, to present this Stipulation and Agreement to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation without prejudice to any future formal proceedings which may arise should this Stipulation and Agreement not be accepted by the Board in its present form.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to LSA-R.S. 37:1261, will be effectively served by entry of the order set forth hereinafter, by agreement.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by LSA-R.S. 37:1285 and LSA-R.S. 49:955D;

**IT IS STIPULATED** that the license of Joseph K. Newsom, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 008801, shall remain unrestricted, subject to Dr. Newsom's voluntary agreement to the following stipulations:

- a) *Notice of Current Address:* Dr. Newsom shall advise the Board of any change of address, mailing or office, with thirty (30) days of such occurrence;
- b) *Notice of Relocation to Louisiana:* In the event that Dr. Newsom decides to return to Louisiana for the purpose of practicing medicine in this state, he shall provide the Board with at least sixty (60) days advance written notice of such intention, and shall contact the Board office for the purpose of scheduling an informal appearance before the Board to discuss his then-current practice plans and intentions.

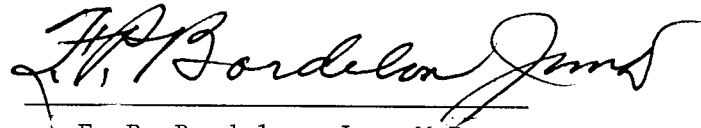
IT IS FURTHER STIPULATED that any violation of or failure of strict compliance with any of the terms, conditions, or restrictions of this Stipulation and Agreement by Dr. Newsom shall, upon proof of such violation or failure, be deemed adequate and sufficient cause, for the suspension and/or revocation of Dr. Newsom's medical license or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in LSA-R.S. 37:1285.

IT IS FURTHER STIPULATED that this Stipulation and Agreement shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 27~~th~~ day of May, 1993.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

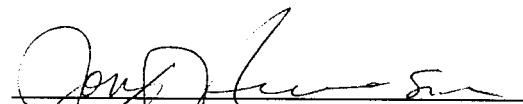
BY:



F. P. Bordelon, Jr., M.D.  
Vice-President

ACKNOWLEDGMENT AND CONSENT

I, JOSEPH K. NEWSOM, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 25 day of April, 1993.

  
JOSEPH K. NEWSOM, M.D.

11-11-92  
The Supreme Court of South Carolina

Joseph K. Newsom, Sr., M.D.,

Respondent,

v.

State Board of Medical Examiners,

Appellant.

No. 91-834

ORDER OF DISMISSAL

It appearing to the satisfaction of the Court that the above entitled case has been fully and finally settled by agreement between the parties,

IT IS ORDERED that the above captioned appeal be and hereby is dismissed.

DAVID W. HARWELL, CHIEF JUSTICE

By *David W. Harwell*  
CLERK

Columbia, South Carolina

July 22, 1992

Copy to: The Honorable Elizabeth V. Eddins  
Richard P. Wilson, Esquire  
James R. Gilreath, Esquire  
Henry Hammer, Esquire  
John C. Lindsay, Jr., Esquire  
C. Anthony Harris, Esquire

CERTIFIED TRUE COPY

*104* of *January 23, 93*  
*Angela L. Williams*  
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires *3-13-97*

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM CHESTERFIELD COUNTY  
Court of Common Pleas

Edward B. Cottingham, Circuit Court Judge

Case No. 89-CP-13-0365

Joseph K. Newsom, Sr., M.D.

Respondent

vs.

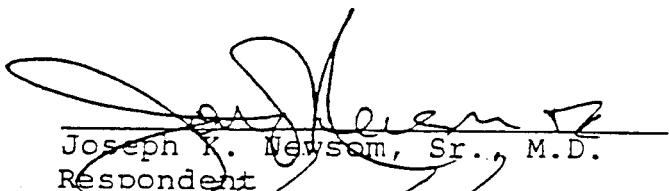
State Board of Medical Examiners,

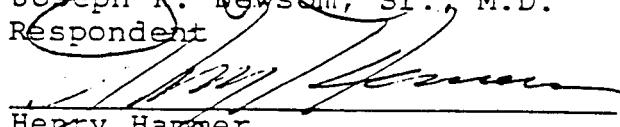
Appellant.

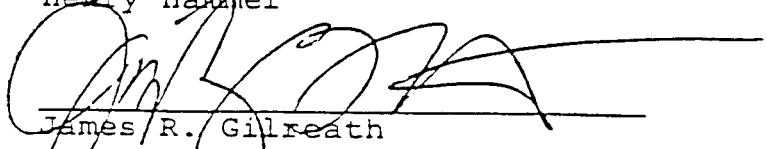
STIPULATION OF DISMISSAL OF APPEAL

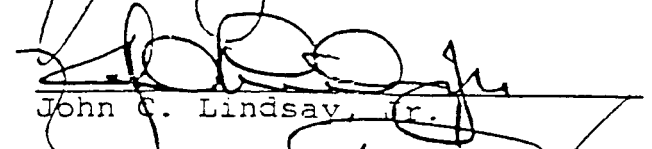
The above matter having been settled by agreement,

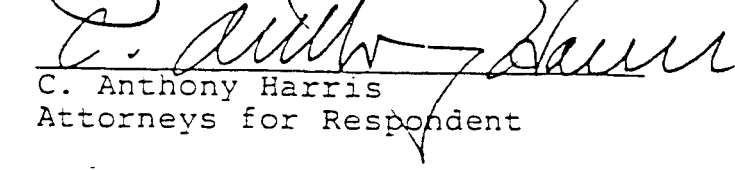
It is hereby stipulated by and between the parties that the  
above appeal be dismissed, each party to bear its own costs.

  
Joseph K. Newsom, Sr., M.D.  
Respondent

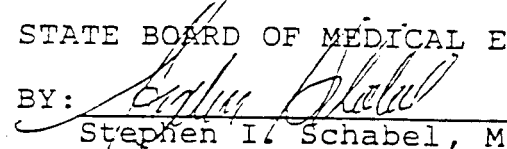
  
Henry Hamner

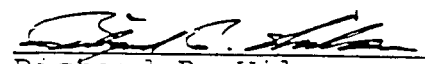
  
James R. Gilreath

  
John C. Lindsay, Jr.

  
C. Anthony Harris  
Attorneys for Respondent

STATE BOARD OF MEDICAL EXAMINERS

BY:  7/17/92  
Stephen I. Schabel, M.D.  
President of the Board

  
Richard P. Wilson  
Assistant Attorney General  
Attorney for the Board

( AGREEMENT )

It appearing that the Final Order of the South Carolina Board of Medical Examiners having been reversed by the Circuit Court from which the Board appealed to the Supreme Court.

It is hereby agreed by and between the parties that the Appeal be dismissed, and that in lieu of the previous Orders issued in this matter, an Order be issued by the Board as follows:

The Board finds, from the evidence presented, that Dr. Joseph K. Newsom, Sr., has violated the provisions of Section 40-47-200 of the 1976 Code of Laws for South Carolina, as amended, by failing to properly supervise the activities of his physician's assistant as required by Section 81-100 of the Rules and Regulations of the Board of Medical Examiners, and failed to acknowledge the difference between a physician and a physician's assistant.

Therefore, it is ordered that:

1. Dr. Newsom's license to practice medicine in this State is hereby placed on probation for six (6) months from the date of this Order; and
2. Dr. Newsom shall pay a fine of \$10,000.00 to the Board within thirty (30) days from the date of this Order; failure to make timely payment shall result in the immediate temporary suspension of Dr. Newsom's license to practice medicine until the further Order of the Board; and
3. Dr. Newsom shall not employ or supervise a physician's assistant at any time in the future.

4. During said period of probation, Dr. Newsom Shall comply with the following terms and conditions of probation:

(a) Dr. Newsom shall appear and report to the Board every six (6) months or as requested by the Board.

(b) Dr. Newsom shall comply with all applicable statutes, rules, regulations, and other provisions of law relating to the practice of medicine in this State.

5. Failure by Dr. Newsom to abide by any of the aforementioned conditions of probation during said period shall warrant the immediate revocation of probation and the immediate suspension of his license to practice medicine in this State pending a hearing into the matter and until further Order of the Board.

6. Dr. Newsom shall cooperate with the Board, its attorneys, investigators, and other employees in the investigation of his practice and his compliance with the provisions of this Amended Final Order. It is Dr. Newsom's responsibility to demonstrate compliance with each and every condition of said probation. While on probation, Dr. Newsom may be required to furnish the Board with additional letters from attending physicians or any other information relating to Dr. Newsom during his probation as deemed necessary by the Board or its representatives. In addition to such requests, the Board, in its discretion, may require Dr. Newsom to submit any further documentation regarding Dr. Newsom's practice, and it is Dr. Newsom's responsibility to fully comply with all such requests

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM CHESTERFIELD COUNTY  
Court of Common Pleas

Edward B. Cottingham, Circuit Court Judge

Joseph K. Newsom, Sr., M.D., ..... Respondent,

vs.

State Board of Medical Examiners, ..... Appellant.

PROOF OF SERVICE

I, Richard P. Wilson, Assistant Attorney General, Counsel for the Appellant, State Board of Medical Examiners, certify that I have served the within Stipulation of Dismissal of Appeal and Agreement on Respondent, Joseph K. Newsom, Sr., M.D., by depositing a copy of the same in the United States Mail, postage prepaid, addressed to his attorneys of record:

James R. Gilreath, Esquire  
PO Box 2147  
Greenville, SC 29602

John C. Lindsay, Jr., Esquire  
PO Drawer 250  
Bennettsville, SC 29512


Henry Hammer, Esquire  
PO Box 1421  
Columbia, SC 29202

C. Anthony Harris, Esquire  
PO Box 884  
Cheraw, SC 29520

I further certify that all parties required by Rule to be served have been served.

This the 20th day of July, 1992.

BY:



RICHARD P. WILSON  
Assistant Attorney General  
P. O. Box 11549  
Columbia, SC 29211  
(803) 734-3679

ATTORNEY FOR APPELLANT.



in a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this Order.

July 17, 1992

STATE BOARD OF MEDICAL EXAMINERS  
OF SOUTH CAROLINA

BY: Stephen I. Schabel  
Stephen I. Schabel, M.D.  
President of the Board

AGREED:

Joseph K. Newsom, Sr., M.D.  
Respondent

BY: Stephen I. Schabel  
Stephen I. Schabel, M.D.  
President of the Board

Henry Hammer

Richard P. Wilson  
Richard P. Wilson  
Assistant Attorney General  
Attorney for the Board

James R. Gilreath

John C. Lindsay, Jr.

C. Anthony Harris

ATTORNEYS FOR JOSEPH K. NEWSOM, SR.