

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.org



Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:

Ext. _____

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In The Matter Of
:
GINA W. BROUILLETTE, M.D.
(Certificate No. 024121) :
:
CONSENT
ORDER
:
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No. 04-I-033

CONSENT
ORDER

An investigation conducted by the Louisiana State Board of Medical Examiners (the "Board") indicates that Gina W. Brouillette, M.D. ("Dr. Brouillette"), a physician who at all times pertinent was licensed to practice medicine in the state of Louisiana and engaged in the practice of medicine in and around Shreveport, Louisiana, suffers from chemical dependency. Dr. Brouillette's history reveals that in August 2003 she voluntarily entered into an evaluation contract with the Physicians' Health Foundation of Louisiana, Inc.'s Physicians' Health Program (the "PHP") and latter that same month voluntarily submitted to inpatient evaluation at the Professional Enhancement Program (the "PEP"), Hattiesburg, Mississippi, where she was diagnosed with opiate dependency, major depression and generalized anxiety. She remained at PEP for residential treatment until discharged to continuing care under the monitoring of the PHP in December 2003. The physician subsequently entered into a five year monitoring agreement with the PHP outlining her commitments to on-going care and therapy. And although Dr. Brouillette has not practiced since August 2003 and it appeared that she was progressing well in her recovery, reports of urine screens positive for alcohol in March and April 2004 prompted the PHP to request that she return to PEP for relapse evaluation. During the course of that evaluation Dr. Brouillette acknowledged her relapse to chemical usage involving alcohol and opiates obtained from a relative's personal prescription. Discharge recommendations included one month of residential treatment, followed by a number of weeks of treatment for several days per week, and on-going monitoring by the PHP. Currently, Dr. Brouillette has advised of her intent to forego the treatment recommended by PEP at this time and instead take a leave of absence from practice to work on her abstinence and spend time with her family.

As evidenced by her subscription hereto Dr. Brouillette acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer herein with probable cause to pursue formal administrative proceedings against her for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1285(A)(5) and (25) respectively, constituting sufficient cause for the suspension or revocation of her license to practice medicine in the state of Louisiana.¹

¹[T]he Board may take action against the license of a physician as a result of: '[H]abitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence, La. Rev. Stat. §37:1285A(5);' and '[I]nability to practice medicine . . . with reasonable skill or safety to patients because of . . . excessive use or abuse of drugs, including alcohol, La. Rev. Stat §37:1285A(25).'

Nevertheless, on the basis of apparently reliable information the Board is persuaded that the conditions from which Dr. Brouillette suffers may be susceptible to effective medical treatment, resulting in the restoration of the physician's capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. Brouillette strictly observes and complies with appropriate restrictions on and conditions to reinstatement and maintenance of her medical license. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer respecting the pending investigation the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter by consent.

Recognizing her right to have administrative adjudication of any charges which may be 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.*, Dr. Brouillette nonetheless, hereby waives her right to formal adjudication and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. By her subscription hereto Dr. Brouillette 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. By her subscription hereto Dr. Brouillette also hereby authorizes the Investigating Officer designated by the Board with respect hereto 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 under La. Rev. Stat. §49:960. Dr. Brouillette expressly acknowledges that the disclosure of information to the Board by the Investigating Officer 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 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 the license of Gina W. Brouillette, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 024121, be, and the same is hereby, effective as of the date hereof, **SUSPENDED**; and

IT IS FURTHER ORDERED that the reinstatement of Dr. Brouillette's license to practice medicine in the state of Louisiana shall be subject to her acceptance of and strict compliance with the following terms and conditions:

(1) **Residential/Outpatient Treatment; Records and Reports.** Dr. Brouillette shall successfully undergo such residential or outpatient treatment as may be recommended by her treating and monitoring physicians and approved by the PHP at PEP or such other treatment facility that may be approved by the Board (the "Treatment Program") until discharged with the consent of her treating physicians. Within five (5) days of her discharge from the Treatment Program, Dr. Brouillette shall give written notice of discharge to the Board and within ten (10) days of discharge she shall authorize and cause the Treatment Program and her treating physicians at such program to provide the Board with a complete copy of her medical records at such program together with a written report by her treating physician as to her discharge diagnosis and prognosis and the prescriptions or recommendations for continuing treatment, therapy and monitoring.

(2) **Participation in Physicians Health Program.** Dr. Brouillette shall enter into such evaluation, treatment and/or monitoring contracts as may be recommended by the PHP to ensure that she is then capable of returning to the practice of medicine with reasonable skill and safety to patients and providing for such ongoing treatment, screening, therapy and monitoring as may be recommended by her treating, evaluating and monitoring physicians and/or the PHP. Dr. Brouillette shall comply with all terms and conditions of such contract(s) and she shall furnish a copy to the Board within five (5) days of its execution. Dr. Brouillette shall, moreover, authorize and cause her treating and monitoring physicians and/or the PHP to submit to the Board written and verbal reports at such intervals as the Board may specify as to her then-current treatment program, diagnosis, prognosis and her compliance with the terms, conditions and restrictions of this Order.

(3) **Suspension of Practice/Reinstatement;** Dr. Brouillette shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves on her a written order reinstating her license to practice medicine. As express conditions to the issuance of such order, in addition to such other conditions as are set forth hereinabove, Dr. Brouillette shall have been discharged from the Treatment Program upon the recommendation of her treating physicians and the Board shall have received the opinion of two (2) physicians acceptable to the Board that her prognosis for continued abstinence from the use of mood-altering substances, as well as the stability of any psychiatric condition from which she may suffer, is good and that Dr. Brouillette is then capable of practicing medicine with reasonable skill and safety to patients, based upon their personal examination, evaluation and diagnosis of Dr. Brouillette.

(4) **Personal Appearances Before Physicians Health Committee of the Board.** In connection with a request for reinstatement of her medical license Dr. Brouillette shall personally appear before the Physicians Health Committee of the Board to permit the Committee to consider her compliance with the terms of this Order and to advise the Committee and the Board of her intentions with respect to the practice of medicine.

IT IS FURTHER ORDERED that upon Dr. Brouillette's compliance with and complete and continuing satisfaction of the terms and conditions hereinabove set forth her license to practice medicine in the state of Louisiana shall be reinstated by the Board on **PROBATION** for a period of five (5) years from the date of reinstatement; *provided, however*, that such reinstatement of license and her continuing exercise of rights and privileges thereunder shall be conditioned upon her acceptance of and strict compliance with the following terms, conditions and restrictions:

(a) **Additional Probationary Terms.** In addition to such other terms and conditions as are placed upon any reinstated license to practice medicine by this Order, Dr. Brouillette hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length and nature thereof including, but not limited to, an additional period of actual suspension of her license, restrictions as to the nature, scope, location and supervision of her practice, additional treatment, reports and evaluations and an extension of her probationary period, which the Board in its sole discretion may deem necessary or appropriate to impose at the time that licensure reinstatement may be sought.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the restrictions set forth by this Order by Dr. Brouillette shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Brouillette's license to practice medicine in the state of Louisiana as well as any right to renewal and/or reinstatement thereof, 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. §37:1285.

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

Signed in New Orleans, Louisiana, and effective on this 7th day of December, 2004.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:

KE LeBlanc MD

KIM EDWARD LEBLANC, M.D., PH.D.

President

In the Matter of:

Gina W. Brouillette, M.D.

Consent Order

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STATE OF LOUISIANA

PARISH OF Orleans

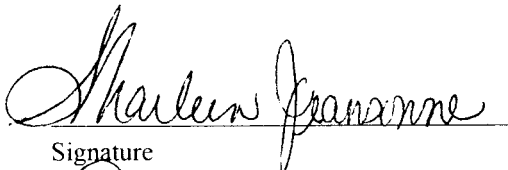
**ACKNOWLEDGMENT
AND CONSENT**

I, GINA W. BROUILLETTE, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 13th day of October, 2004.



GINA W. BROUILLETTE, M.D.

WITNESSES:



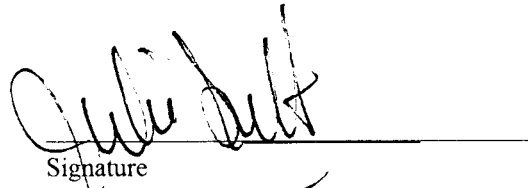
Signature

Sharon Jeanonne

Printed Name

8636 Hwy 107, Mandeville, LA
71350

Address



Signature

Julie Scott

Printed Name

509 Seft McCann Rd Centerville LA
71323

Address

Sworn to and subscribed before me at Cottierport, Louisiana, this 13th day of October, 2004, in the presence of the two stated witnesses.

Cynthia A. Moreau #55127

Notary Public