

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In Re: :
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Application of :
JOHN PAUL O'BRIEN, JR., M.D. :
For Medical Licensure :
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**CONSENT ORDER
FOR ISSUANCE OF
MEDICAL LICENSURE
ON PROBATION**

This matter comes before the Louisiana State Board of Medical Examiners (the "Board") on the application of John P. O'Brien, Jr., M.D. for a license to practice medicine in the state of Louisiana, on the basis of reciprocity. Dr. O'Brien is a 1992 graduate of the University of Kentucky College of Medicine, Lexington, Kentucky, and completed internship and residency programs in psychiatry at the University of Kentucky Chandler Medical Center and the University of Cincinnati Medical Center.¹ He currently holds medical licensure in good standing in Kentucky and Ohio. If licensed in Louisiana, it is Dr. O'Brien's intention to continue postgraduate training in a psychiatry residency at the Louisiana State University School of Medicine in New Orleans.

While it appears from information available to the Board, as supplied by Dr. O'Brien's application and otherwise, that the physician is generally qualified for reciprocity licensure, it also appears that Dr. O'Brien has suffered from major depression and alcohol dependency, which warrant continuing treatment, evaluation and monitoring—conditions which Dr. O'Brien acknowledged during his appearance before the Physicians Health Committee of the Board on September 17, 1997.² The physician indicated that he had contacted the Physicians Health Program (the "PHP") of the Louisiana State Medical Society and expressed his willingness, if licensed in Louisiana, to promptly establish an ongoing therapeutic relationship with a psychotherapist in Louisiana. Based on such representations and on the information relevant to his application, the Physicians Health Committee has recommended that medical licensure be issued to Dr. O'Brien condi-

¹ Prior to entering medical school, Dr. O'Brien had received a law degree (J.D.) from the University of Kentucky College of Law and had actively practiced law in Kentucky for approximately eight years.

² Information supplied to and reviewed by the Board indicated that Dr. O'Brien had received treatment for depression while a medical student at the University of Kentucky and that, while on active duty as a medical officer in the United States Navy, he was ordered to undergo inpatient psychiatric evaluation, resulting to a diagnosis of major depression and alcohol dependency/abuse in November 1993, by virtue of which his military clinical privileges were revoked and he was honorably discharged for medical reasons in June 1994. Thereafter, he was referred by the Kentucky Board of Medical Licensure for evaluation by and participation in the Impaired Physicians Program of the Kentucky Physicians Health Foundation, which confirmed the Navy's diagnosis in early 1995, concluding that "long-term psychotherapy...would be an important ongoing aspect of his treatment." Letter, D. M. Brady, M.D., Med. Dir., Impaired Phys. Prog., Ky. Phys. Health Found., to Mrs. P. Mensen, La State Bd. Med. Exam. (Aug. 5, 1997). Since then, he has been under outpatient therapy in the care of Bernard Foster, M.D., a Cincinnati, Ohio, psychiatrist.

tioned on his continuing treatment, participation in the Louisiana PHP, and other appropriate terms, conditions and restrictions.

Upon the information and circumstances presented, the Board is persuaded that the public interest will be properly protected and served by the issuance to Dr. O'Brien of a license to practice medicine on probation, subject to his acceptance of and compliance with appropriate terms and conditions relating to his continuing treatment. And by his subscription hereto, Dr. O'Brien hereby consents to entry of the order set forth below and to issuance of licensure pursuant thereto. Accordingly,

IT IS ORDERED that a license to practice medicine in the state of Louisiana shall be issued to JOHN PAUL O'BRIEN, JR., M.D., ON PROBATION, for a term of five years from the date hereof; *provided, however*, that the issuance of such license and Dr. O'Brien's continuing maintenance of and exercise of privileges thereunder shall be expressly conditioned upon and subject to his acceptance of and strict compliance with the following probationary terms, conditions and restrictions:

(a) Continuing Psychotherapy. Promptly following issuance of this Order and prior to engaging in the practice of medicine in any form in the state of Louisiana, including participation in any medical residency training program, Dr. O'Brien shall establish a physician-patient relationship with a psychiatrist acceptable to the Board and shall submit to ongoing treatment under the care of such psychotherapist. Dr. O'Brien shall further be responsible for authorizing and causing such psychotherapist to submit to the Board, not less frequently than quarterly until such requirement is waived by the Board in writing, written reports on Dr. O'Brien's then-current diagnosis, treatment program, prognosis, and his compliance with the terms and conditions of this Order.

(b) Participation in Physicians' Health Program. Within 10 days of the date of this Order, Dr. O'Brien shall enter into and execute a treatment contract with the Physicians Health Program of the Louisiana State Medical Society, for a term of not less than five years, designating both a primary treating physician and a monitoring physician acceptable to the Board and providing for his submission to continuing psychotherapy for depression and his periodic evaluation for alcohol dependence. Dr. O'Brien shall cause a copy of such contract to be furnished to the Board within five days of its execution and he shall authorize and cause his treating and monitoring physicians to submit to the Board, not less frequently than quarterly during the term of probation ordered hereby, written reports on Dr. O'Brien's then-current diagnosis, treatment program, prognosis, and his compliance with the terms, conditions and restrictions of this Order.

(c) Restriction of Practice to Residency. Until further order of the Board, Dr. O'Brien shall not engage in the practice of medicine in the state of Louisiana other than within the course and scope of his medical residency training program in psychiatry at the Louisiana State University School of Medicine in New Orleans.

(d) Maintenance of Abstinence. Dr. O'Brien shall maintain complete and total abstinence from the use of alcohol and all other mood-altering substances, except as may be prescribed, administered or dispensed for him by a duly licensed and authorized practitioner, other than himself, for a legitimate medical purpose.

(e) Personal Appearances Before Physicians Health Committee. Dr. O'Brien shall make arrangements to and shall personally appear before the Physicians Health Committee of the Board at its meeting preceding expiration of the probationary term hereunder.

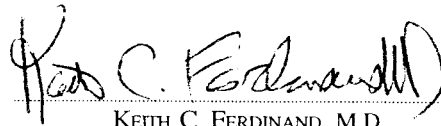
IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the restrictions set forth in this Order by Dr. O'Brien shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation of Dr. O'Brien's license to practice medicine in the state of

Louisiana, or for such other disciplinary action as the Board may deem appropriate, as if such violation were enumerated among the causes provided by La. Rev. Stat. § 37:1285(A).

IT IS FURTHER ORDERED that this Order is and shall be deemed to be and treated as a public record in all respects.

New Orleans, Louisiana, this 24 day of September, 1997.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: 
KEITH C. FERDINAND, M.D.
President

**ACKNOWLEDGMENT
AND CONSENT**

I, JOHN P. O'BRIEN, JR., M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 23rd day of September, 1997.


JOHN P. O'BRIEN, JR., M.D.