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* * * * *
IN THE MATTER OF *

JOHN H. OVERTON, M.D. *
* * * * *

FINAL
DECISION

A formal hearing was convened before the Louisiana State Board of Medical Examiners ("Board") on April 12, 1984 to adjudicate alleged, specified violations of the Louisiana Medical Practice Act by John H. Overton, M.D. ("Dr. Overton"), to-wit: "[e]ntry of a plea of guilty . . .to a criminal charge," LSA-R.S. 37:1285(1); and "[p]rescribing, dispensing or administering habit-forming or other legally controlled substances in other than a legal or legitimate manner," LSA-R.S. 37:1285(6).

A quorum of the Board was present. Dr. Overton was present and was represented by legal counsel, Milton E. Brenner, Esq., a member of the Bar of the State of Louisiana.

After receipt and consideration of the evidence and the statements of Dr. Overton and his counsel, pursuant to LSA-R.S. 49:958, the Board renders the following Findings of Fact, Conclusions of Law and Decision.

Findings of Fact

1.

On or about December 2, 1983 a federal grand jury superseding indictment was returned against John H. Overton, M.D., charging him with eighteen counts of violating Section 841(a)(1) of Title 21 of the United States Code, each count charging the commission of a felony.

2.

Said indictment, more particularly, alleged that between February 21, 1983 and June 28, 1983, inclusive, Dr. Overton, being a registrant authorized to dispense controlled substances, knowingly and intentionally issued prescriptions for or dispensed Preludin (phenmetrazine), Desoxyn (methamphetamine hydrochloride) or Fastin (phentermine), on eighteen occasions, each and all of which were not in the course and scope of his professional practice and not for a legitimate medical purpose.

3.

On December 19, 1983, Dr. Overton appeared before the Honorable Edward J. Boyle, Sr., District Judge, and entered under oath a plea of guilty to Counts 1, 2 and 17 of the said superseding indictment.

4.

On January 17, 1984, pursuant to his plea of guilty, John H. Overton, M.D. was placed on probation for a period

of three years, during which period and as a special parole condition thereof, Dr. Overton was ordered to refrain from dispensing and/or prescribing any Scheduled II or Schedule IV controlled drugs. A monetary fine of \$5,000.00, was imposed as to Count 1 of the said indictment but imposition of an actual prison term was suspended by the Court.

5.

The criminal offenses acknowledged by Dr. Overton, and for which he now stands convicted and sentenced, arose out of and from his practice of medicine in the State of Louisiana and his exercise of the privileges of medical licensure and, because of the nature thereof, has a direct and proximate relationship to his qualification and fitness for continued practice.

Conclusions of Law

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law, that:

1.

John H. Overton, M.D. entered a plea of guilty to and has been convicted of a crime, and, therefore, just cause exists for action against his license as provided for by LSA-R.S. 37:1285(1).

2.

John H. Overton, M.D. has prescribed, dispensed or administered habit-forming or other legally controlled substances in other than a legal or legitimate manner, and, therefore, just cause exists for action against his license as provided for by LSA-R.S. 37:1285(6).

Decision

Considering the foregoing;

IT IS ORDERED that the license of John H. Overton, M.D., to practice medicine in the State of Louisiana be, and the same is hereby, SUSPENDED, for a period commensurate with the probationary term imposed by the United States District Court in the matter of United States v. John H. Overton, M.D., C. A. No. 83-474 (U.S. Ct., E.D. La.); that is, three years from January 17, 1984, or until January 17, 1987.

IT IS FURTHER ORDERED that the foregoing Order of Suspension be, and the same is hereby, suspended, except as to the period beginning June 1, 1984 and ending August 31, 1984, inclusive, as to which such suspension shall have full force and effect; PROVIDED, HOWEVER, that Dr. Overton accept and comply with the following probationary terms, conditions and restrictions.

Dr. Overton shall, if he has not already done so, surrender to the issuing authorities his federal and state registrations and licenses to dispense, administer or prescribe controlled substances and

he shall not, from June 1, 1984 to January 17, 1987, inclusive, prescribe, administer, dispense or distribute controlled substances as defined or enumerated in 21 C.F.R. §§1308.11-.15 and LSA-R.S. 40:964, and any substance which may hereafter be included in any controlled substance schedule by amendment or revision of the cited regulations or statute; nor shall he attempt to obtain any new, reinstated or duplicate federal or state registration or license to prescribe, administer, dispense, or distribute controlled substances from June 1, 1984 to January 17, 1987, inclusive; provided, however, that notwithstanding the above-enumerated conditions, Dr. Overton may recommend the prescription, administration or dispensation of controlled substances to in-patients or emergency room out-patients, seen by him in connection with his position with any hospital, provided that such prescription, administration or dispensation is made under the controlled substances registration and license of such hospital.

IT IS FURTHER ORDERED that any violation of the terms, conditions and restrictions setforth hereinabove, shall be deemed just cause for the suspension or revocation of the medical licensure of John H. Overton, M.D., or for such other disciplinary action as the Board deems appropriate, as if such violation were enumerated among the causes provided in LSA-R.S. 37:1285.

New Orleans, Louisiana, this 24th day of May, 1984.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

BY: Charles B. Odom MD
CHARLES B. ODOM, M.D.
President

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