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IN THE MATTER OF

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FINAL

JOHN LUKE PEPE, M.D.

*

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 Luke Pepe, M.D. ("Dr. Pepe"), to-wit: "[e]ntry of a plea of . . . nolo contendere 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. Despite notice of the hearing, duly and timely served, however, Dr. Pepe did not appear. In his absence, accordingly, the Board received and admitted several documents into evidence.

Upon consideration of the evidence presented, 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 January 13, 1984, a federal grand jury superseding indictment was returned against Dr. Pepe, charging him with seven (7) 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 superseding indictment, more particularly, alleged that between April 14, 1983 and June 16, 1983, inclusive, Dr. Pepe, being a registrant authorized to dispense controlled substances, knowingly and intentionally issued prescriptions for or dispensed Fastin (phentermine) on seven 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 7, 1983, Dr. Pepe appeared before the Honorable A. J. McNamara, District Judge, and entered under oath a plea of nolo contendere to each of the seven (7) counts of the said superseding indictment.

4.

On January 25, 1984, pursuant to his plea of nolo contendere, and adjudication of guilty thereon, Dr. Pepe was placed on supervised probation for a period of three (3) years, during which period, and as a special provision

thereof, Dr. Pepe was ordered not to engage in the practice of medicine. A monetary fine of \$2,000.00 as to each of the said seven (7) counts, for a total of \$14,000.00, was also assessed by the Court. Imposition of an actual prison term was suspended.

5.

The criminal offenses to which Dr. Pepe entered pleas of nolo contendere 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 Luke Pepe, M.D. entered a plea of nolo contendere, upon which he was adjudicated guilty, and has been convicted of a crime, and therefore, just cause exists for action against his licensure as provided for by LSA-R.S. 37:1285(1).

2.

John Luke Pepe, 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).

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Decision

Considering the foregoing;

IT IS ORDERED that the license of John Luke Pepe, M.D.
to practice medicine in the State of Louisiana be, and the
same is hereby, REVOKED.

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

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

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