

BEFORE THE
LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

In The Matter of:	:	
	:	
WAYNE M. PITRE, M.D.	:	NO. 91-I-006-X
(Certificate No. 013940)	:	
	:	
Respondent	:	CONSENT ORDER

The above-entitled proceeding has been docketed for investigation by the Louisiana State Board of Medical Examiners ("Board"), following receipt of information voluntarily provided by Wayne M. Pitre, M.D. ("Dr. Pitre") in connection with this 1991 application for renewal of his Louisiana licensure indicating that Dr. Pitre currently suffers, and has for some period of time suffered from chronic addiction to mood-altering drugs.

Based on such condition, the Board of Medical Licensure for the State of Mississippi, where Dr. Pitre currently resides and practices, entered into a consent agreement with Dr. Pitre whereby Dr. Pitre admitted "habitual personal use of narcotic drugs or other drugs having addiction-forming or addiction-sustaining liability" in violation of Mississippi Code §75-25-29 (1972) and agreed to certain restrictions on his Mississippi licensure, including, *inter alia*, (1) suspension of Mississippi licensure for three (3) years, which suspension is stayed based upon compliance with probation; (2) surrender of controlled substances permits; (3) treatment and monitoring for chemical dependency; (4) random drug screens to monitor abstinence from use of mood-altering chemicals; (5) participation in Mississippi State Medical Association Impaired Professional Program; and, (6) compliance with all laws governing practice of medicine.¹

Accordingly, inasmuch as Dr. Pitre currently maintains Louisiana licensure as well as Mississippi licensure, and based on the foregoing, the investigating officer assigned hereto on behalf of the Board, John B. Bobear, M.D., has concluded that reasonable cause exists for filing an Administrative Complaint charging Dr. Pitre

¹ See Consent Agreement, "In the Matter of the Physicians License of Wayne Michael Pitre, M.D." (Mississippi State Board of Medical Licensure, December 7, 1990) (photocopy attached hereto).

with "inability to practice medicine ... with reasonable skill or safety to patients because of ... excessive use or abuse of drugs, including alcohol" and "inability to practice medicine ... with reasonable skill or safety to patients ...," providing lawful cause under the Louisiana Medical Practice Act for the suspension or revocation of the physician's license to practice medicine in the state of Louisiana. LSA-R.S. 37:1285A(5),(25). Additionally, based on the Mississippi action, Dr. Pitre could be charged with violation of LSA-R.S. 37:1285A(30), "the revocation, suspension, or other restriction imposed on a license ... issued by such licensing authority which prevents or restricts practice in that state."

On the basis of information provided to the Board with Dr. Pitre's knowledge and consent, the Board is persuaded that the condition from which Dr. Pitre suffers may be susceptible to continued effective medical treatment, resulting in continuation of Dr. Pitre's capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. Pitre strictly observes and complies with reasonable and appropriate restrictions on and conditions to maintenance of his medical licensure. In consideration of this finding, accordingly, and on the recommendation of the investigating officer with respect hereto, 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 medicine, LSA-R.S. 37:1261, will be effectively served by entry of the order set forth hereinafter, by consent.

Dr. Pitre, recognizing his right to have any allegation or charges asserted in an Administrative Complaint adjudicated pursuant to LSA-R.S. 49:955-58, and to a final decision rendered upon findings of fact and conclusions of law, 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.

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 ORDERED that the license of Wayne M. Pitre, M.D., to engage in the practice of medicine in the state of Louisiana, as evidence by Certificate No. 013940, be, and the same is hereby, effective as of the date hereof, **SUSPENDED**, for a period of three (3) years, which said suspension is itself **STAYED**, and his Louisiana licensure placed on **PROBATION**, contingent upon Dr. Pitre's strict compliance with the following enumerated terms, conditions and restrictions, the period of probation referred to herein shall be identical to that imposed by the Board of Medical Licensure for the State of Mississippi, ending if and when Dr. Pitre's license to practice medicine in the state of Mississippi is restored to unrestricted status:

- a) ***Adherence to Mississippi Probation:*** Dr. Pitre shall strictly comply with each and every term and condition of probation imposed by the Board of Medical Licensure of the State of Mississippi in the consent

agreement executed by Dr. Pitre on December 7, 1990, a copy of which is annexed hereto and incorporated herein by reference.

- b) **Board Access to Records:** Dr. Pitre shall permit access by the Board's probation officer or other authorized representative to any investigative file or other records maintained by the Mississippi State Board of Medical Licensure as to which he may otherwise claim privilege, and further agrees to permit Board access to any and all records of any chemical dependency treatment center or program to which he has been or may be sent for further in-patient or out-patient treatment or monitoring.
- c) **Notice of Relocation to Louisiana:** Dr. Pitre agrees, in the event that he elects to relocate to the state of Louisiana for the purpose of practicing medicine in this state, to provide the Board with no less than sixty (60) days written notice of such intention, scheduling an appointment to meet with the Board prior to such relocation for the purpose of practicing medicine in Louisiana, and providing the Board with the opportunity to question Dr. Pitre concerning his compliance with the Mississippi probation, and intentions for medical practice in Louisiana.
- d) **Notice of Current Address:** In the event that Dr. Pitre changes his residential or professional address at any time, he shall provide the Board with written notice of such change of address within thirty (30) days of its occurrence.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms, conditions, or restrictions of this order by Dr. Pitre shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the final revocation of Dr. Pitre's license to practice medicine in the state of Louisiana;

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

New Orleans, Louisiana, this 18th day of April, 1991.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: Elmo J. Laborde M.D.
ELMO J. LABORDE, M.D.
PRESIDENT

ACKNOWLEDGMENT AND CONSENT

I, WAYNE M. PITRE, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 25 day of march, 1991.

Wayne M. Pitre MD
WAYNE M. PITRE, M.D.

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE OF
WAYNE MICHAEL PITRE, M.D.

CONSENT AGREEMENT

WHEREAS, Wayne Michael Pitre, M.D., (hereinafter referred to as "Licensee"), is currently suffering from chemical dependency.

WHEREAS, Licensee is a current holder of License No. 09371 for the practice of medicine in the State of Mississippi;

WHEREAS, pursuant to Subsection 1 of Section 73-25-29, Mississippi Code (1972), Annotated, Licensee is guilty of habitual personal use of narcotic drugs or other drugs having addiction-forming or addiction-sustaining liability for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, may suspend his right to practice for a time deemed proper by the Board, may place his license on probation, the terms of which may be set by the Board or take any other action in relation to his license as the Board may deem proper under the circumstances:

WHEREAS, it is the desire of Licensee to avoid a hearing before the Mississippi State Board of Medical Licensure and in lieu thereof requests that certain restrictions be placed on his license to practice medicine in the State of Mississippi;

NOW, THEREFORE, Licensee does hereby consent to and request the Mississippi State Board of Medical Licensure to suspend his license to practice medicine in the State of Mississippi for a period of three (3) years with the Order of Suspension stayed based upon the following probationary terms and conditions.

1. Licensee shall surrender Schedules II, IIN, III, IIIN, and IV of his Drug Enforcement Administration Controlled Substances Certificate. Thereafter Licensee shall not order, manufacture, distribute, possess, dispense, administer or prescribe any controlled substances listed in Schedules II, IIN, III, IIIN, and IV, or any drug hereafter placed in said schedules. He shall retain Schedule V except for the drug, Buprenex (Buprenorphine). Surrender of controlled substances privileges shall be for an indefinite period of time, provided, Licensee shall have the right to petition for return of privileges in any or all schedules after the expiration of one (1) year.
2. Licensee shall not be permitted to order, manufacture, distribute, possess, dispense, administer or prescribe Stadol (Butorphanol Tartrate) and Nubain (Nalbuphine), or their generic equivalents until such time as Licensee is authorized to do so by the Mississippi State Board of Medical Licensure.

3. Licensee shall not prescribe, dispense or administer to himself or family members any other drug having addiction-forming or addiction-sustaining liability.
4. Licensee shall obtain the services of a primary care physician, approved by the Board, for treatment of simple illnesses and similar medical conditions of himself. Licensee shall not treat himself or family members. Additionally, Licensee shall provide the Board with an authorization to release medical information for the purpose of monitoring any treatment that Licensee may receive from said primary care physician. In the event the primary care physician determines that it is necessary to administer or prescribe to Licensee any drug having addiction-forming or addiction-sustaining liability, the primary care physician shall so notify the Board by telephone or in writing to the attention of its executive officer within twenty-four (24) hours after the administration or prescription. This requirement shall apply to any care rendered to Licensee by a dentist. The responsibility to ensure that the primary care physician or dentist files the required notification rests solely with Licensee.
5. Licensee shall submit to random, unannounced and witnessed urine and/or blood screens to determine

the presence of any mood altering drugs and/or agents for a period of at least two (2) years with the collection and submission to be determined and monitored by Frank J. Morgan, Jr., M.D., Executive Officer of Mississippi State Board of Medical Licensure. Licensee will be responsible for all costs and expenses incurred in relation to the urine and/or blood screens.

6. Licensee shall successfully complete all required phases of treatment at a treatment center approved by the Mississippi State Board of Medical Licensure and shall adhere to all aftercare conditions which the treatment center may impose.

Upon completion of all phases of treatment, Licensee shall immediately affiliate with the Mississippi State Medical Association Impaired Professionals Program. Licensee's affiliation shall be verified in writing to the attention of the Mississippi State Board of Medical Licensure Executive Officer. A copy of any and all aftercare conditions and/or contracts shall be forwarded to the Mississippi State Board of Medical Licensure Executive Officer. Licensee shall adhere to all aftercare conditions imposed upon Licensee by the Mississippi State Medical Association Impaired Professionals Program. In the event Licensee fails to complete all phases of

treatment, fails to comply with any or all aftercare conditions imposed by the Mississippi State Medical Association Impaired Professionals Program or fails to comply with any or all of the conditions imposed by this Consent Agreement, the stay of suspension shall be immediately removed without a hearing, and Licensee shall be prohibited from practicing medicine until such time as the Board determines that Licensee is able to return to the practice of medicine with reasonable skill and safety. Suspension under these conditions shall be indefinite notwithstanding any length of time or term enumerated in this Consent Agreement. All cost of treatment shall be borne by Licensee. Further, Licensee authorizes the approved treatment center, its Administrator, medical staff and personnel, or any other treatment center or hospital to release to the Board all records of any treatment. Additionally, Licensee shall provide the Board with authorization to obtain medical information for the purpose of monitoring and reviewing treatment or therapy that Licensee has received from the approved treatment center.

7. Licensee shall obey all federal, state and local laws and all rules governing the practice of medicine in the State of Mississippi.

8. In the event Licensee should leave Mississippi to reside or to practice outside the State, Licensee shall notify in writing the Board the dates of departure and return. Period of residency or practice outside Mississippi will not apply to the reduction of time periods specified in this Consent Agreement.

Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for release of any or all of the above restrictions after expiration of one (1) year from the date hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals but not less than every twelve (12) months.

This Consent Agreement shall be subject to approval by the Board. If the Board fails to approve the Consent Agreement, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Agreement is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or materials concerning the Licensee prior to or in conjunction with its consideration of the Consent Agreement. Should the Consent Agreement not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Agreement and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from further

participation or consideration of the resolution of the proceedings.

Recognizing his right to a hearing before the Board pursuant to Section 73-25-27, Mississippi Code (1972), Annotated, to be represented therein by legal counsel of his choice and to a final determination rendered upon written findings of fact and conclusions of law, Licensee, nonetheless, authorizes the Mississippi State Board of Medical Licensure to enter an order accepting this Consent Agreement and thereby taking action against his license to practice medicine as enumerated above. THIS, the 7 day of December, 1990.

Wayne Michael Pitre, M.D.
Wayne Michael Pitre, M.D.

D. K. G. OADC
(WITNESS)
Tom Regnier

12-7-90
(DATE)

ACCEPTED AND APPROVED, this the 17th day of JANUARY, 1991, by the Mississippi State Board of Medical Licensure.

J. J. Morgan
EXECUTIVE OFFICER