

BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

In The Matter of:

JONATHAN A. ROUNDTREE, M.D.
(Certificate No. 020082)

Respondent

NO. 90-I-077-X

CONSENT ORDER

Upon receipt of apparently reliable information implicating Jonathan A. Roundtree, M.D. (Dr. Roundtree) as a physician at a weight loss clinic involved in the alleged unlawful and imprudent dispensation of controlled substances to weight control patients, the Louisiana State Board of Medical Examiners (Board) docketed this matter for investigation and assigned the case to its Director of Investigations, John B. Bobear, M.D.¹

Analysis of clinic dispensation records and patient charts revealed that Dr. Roundtree worked part-time at the clinic while he was in a residency program at Earl K. Long Hospital in Baton Rouge, Louisiana. Under the clinic procedures, Dr. Roundtree was not listed as the physician responsible for and actually dispensing controlled substances, although he was in fact the dispensing physician. Rather, clinic records erroneously indicated that the medications were being dispensed by the clinic's medical director, Dr. Joe Rice Ferguson. Clinic records further revealed that patients at the clinic, including patients seen by Dr. Roundtree, were routinely given twice the maximum daily therapeutic dosage of the anorectic drug phentermine, a Schedule IV controlled substance under federal law, and a Schedule

¹ The involved clinic was the "Med-Health Weight Loss Clinic" in 1988 and 1989. The clinic had locations in Baton Rouge, Baker, Morgan City and Monroe, Louisiana. Sometime in 1989, the clinics were renamed "Aspen Clinics." The clinics are referred to interchangeably herein as "the clinic(s)."

II controlled substance under state law.² Specifically, patients were given one dosage unit of phentermine 37.5 milligrams for morning use, and one dosage unit of phentermine 30 milligrams for evening use. Clinic records also revealed questionable regard paid to patients' blood pressure and responsiveness to anorectic treatment.

Investigation also revealed that Dr. Roundtree disassociated himself from the clinic operation upon becoming convinced that the clinic operation was not lawful and proper.³

As evidenced by his subscription hereto, Dr. Roundtree acknowledges that the foregoing information, if established at a formal evidentiary hearing, would establish cause for disciplinary action pursuant to the Louisiana Medical Practice Act, to-wit: "prescribing, dispensing or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner," LSA-R.S. 37:1285A(6) as well as LSA-R.S. 37:1285A(29), which prohibits "violation of any rules and regulations of the Board, or any provision of the part."⁴ Dr. Roundtree further acknowledges that such information, if established at a formal hearing, may form the basis for a finding of professional or medical incompetency in violation of LSA-R.S. 37:1285A(12) or 37:1285A(14), which prohibits "continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state."

Recognizing his right to have such allegations or charges reduced to writing in a formal administrative complaint followed by a formal hearing thereon and a

² 21 C.F.R. §13.08, LSA-R.S. 40:964.

³ Specifically, Dr. Roundtree quit upon being asked to transfer controlled substances from one clinic to another without appropriate registration to do so.

⁴ The rules and regulations of the Board require dispensing physicians to be registered as such by the Board, and set forth specific procedural requirements for lawfully dispensing medications. See Louisiana Administrative Code Title 46 §6501 et. seq.

written decision including findings of fact and conclusions of law, Dr. Roundtree, nonetheless, hereby waives his right to formal charges and adjudication and, pursuant to LSA-R.S. 49:955(d), consents to entry of the order set forth hereinafter. By his subscription hereto, Dr. Roundtree also hereby authorizes the Investigating Officer designated by the Board with respect hereto, to present this Consent Order to the Board, with the assistance of legal counsel, for its consideration and to fully disclose to and discuss with the Board, the nature and result of the investigation, without prejudice to any future, formal proceedings which may result should this Consent Order not be accepted in its present form.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to LSA-R.S. 37:1261, will be effectively served by entry of the order set forth hereinafter, by consent.

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 Jonathan A. Roundtree, M.D., be, and the same is hereby placed on **PROBATION** for a period of three (3) years from the effective date hereof, and that the continued exercise of the rights and privileges thereunder shall be specifically conditioned upon Dr. Roundtree's strict compliance with the following terms, conditions and restrictions of probation:

- a. ***Continuing Medical Education:*** Dr. Roundtree shall obtain no less than fifty (50) credit hours per year for each of the three (3) years of probation, through attendance and participation in continuing medical education programs (CME) accredited by and qualified for the Physician's Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years from the date hereof. On or before September 1st of each year during the term of probation ordered hereinabove, Dr. Roundtree shall cause to be submitted to the Board through its probation and compliance officer,

written certification of the CME programs and credits completed by him during the preceding twelve (12) months;

- b. *Notice of Current Address:* Dr. Roundtree shall notify the Board's Probation and Compliance officer of his current personal and business address, as well as any changes therein, within sixty (60) days of such 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. Roundtree, shall, upon proof of such violation or failure, be deemed adequate and sufficient cause, for the revocation and cancellation of Dr. Roundtree'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 28 day of October, 1993.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: 

BERNARD KAPLAN, M.D.
PRESIDENT

ACKNOWLEDGMENT AND CONSENT

I, JONATHAN A. ROUNDTREE, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 17th day of September, 1993.


JONATHAN A. ROUNDTREE, M.D.