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* * * * *
In the Matter Of
DAVID J. SILAS, M.D.
* * * * *

FINAL
DECISION

By Notice of February 16, 1982, the Louisiana State Board of Medical Examiners ("Board") charged David J. Silas, M.D. ("Dr. Silas") with "[h]abitual or recurring use of morphine, opium, cocaine, or other drugs having a similar effect," LSA-R.S. 37:1285(5), "[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), and "[i]nability to practice medicine with reasonable skill or safety to patients because of . . . excessive use or abuse of drugs," LSA-R.S. 37:1285(25). Pursuant to the same Notice, invoking its authority under LSA-R.S. 37:1285 and LSA-R.S. 49:961C, the Board suspended Dr. Silas' license to practice medicine in the State of Louisiana pending formal administrative hearing which was scheduled

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for March 9, 1982.

Upon motion of the physician, the hearing was continued by the Board and was successfully scheduled and convened on June 24, 1982. A quorum of the Board was present.* Dr. Silas was present in proper person, having waived representation by legal counsel, and testified under oath at his own election. Several additional exhibits were received by the Board.

Upon consideration of the evidence presented and Dr. Silas' sworn statements and representations, pursuant to LSA-R.S. 49:958, the Board renders the following Findings of Fact, Conclusions of Law, and Decision.

Findings of Fact

1

At all times pertinent to the matters involved in this hearing, Dr. Silas was a physician duly licensed

* J. Morgan Lyons, M.D., Ike Muslow, M.D., F. P. Bordelon, Jr., M.D., Anthony J. Hackett, Jr., M.D. and Gerald R. Lanasa, M.D. participated in the hearing and decision in this proceeding.

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by the Board to practice medicine in the State of Louisiana and was so engaged in the practice of medicine in this state until 1980. Beginning in 1980, and subsequent thereto, Dr. Silas was duly licensed to practice medicine in the State of Tennessee and was principally engaged in the practice of medicine in that state.

2

By his own admission, Dr. Silas has illicitly obtained, used and has suffered from habitual use and/or abuse and physical and psychological dependency on Demerol (meperidine hydrochloride) and Talwin (pentazocine) on a regular basis and for a substantial period of time prior to February 16, 1982.

3

As a result of his chemical dependency and addiction, Dr. Silas entered into a Consent Agreement with the Tennessee Board of Medical Examiners whereby he voluntarily surrendered his license to practice medicine in the State of Tennessee for a period of at least 3 months, beginning on January 1, 1982. As one of the several other conditions and terms of the Consent Agreement, Dr. Silas was required to surrender his Federal registration to prescribe, dispense or administer controlled substances. Pursuant

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to such Consent Agreement, Dr. Silas was required to surrender his Tennessee license to practice medicine in that state, as well as his Federal controlled substances registration, on January 1, 1982.

4

Dr. Silas' license to prescribe controlled substances in the State of Louisiana expired on December 31, 1981, and a new permit was not issued until January 25, 1982. From January 1, 1982 through January 25, 1982, Dr. Silas was unauthorized by State licensure and, subsequent to January 1, 1982, he was unauthorized by Federal registration to issue prescriptions for controlled substances. Nevertheless, during the above-mentioned period of time, and, with full realization that he was unauthorized by both State and Federal laws, Dr. Silas wrote numerous prescriptions for controlled substances in the State of Louisiana. The substances for which prescriptions were issued included injectable Demerol, injectable Talwin and Quaalude.

5

From November, 1981 through February, 1982, inclusive, Dr. Silas wrote and caused to be filled 10 prescriptions in the State of Louisiana. These prescriptions were

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issued in the names of Jimmie Griffin, Bobby LeBrun and Evelyn Simms, for varying amounts of injectable Demerol and injectable Talwin. By Dr. Silas' own admission, the above-mentioned patient names were employed by Dr. Silas for the sole purpose of obtaining the controlled substances for his own personal use and/or for the use of persons other than the person in whose name the prescriptions were issued.

6

During the months of October and December, 1981, Dr. Silas wrote and caused to be filled 8 prescriptions for various amounts of injectable Demerol and injectable Talwin at various Louisiana pharmacies. These prescriptions were written and issued in the name of David J. Silas and were, in fact, obtained and employed by Dr. Silas for his own personal use in furtherance of his chemical addiction and dependency on such substances. During the material period of time, Dr. Silas used substantial quantities of injectable Demerol and injectable Talwin obtained by prescription for self-administration. Such personal use was without medical justification and is indicative of and consistent with Dr. Silas' acknowledged dependence on and abuse of the substances.

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7

Both prior and subsequent to surrender of his controlled substances permit, and while in the State of Louisiana, Dr. Silas wrote and caused to be filled 4 prescriptions in the name of Sandi Silas for Quaalude (methaqualone) for the purpose of obtaining the substance for his own personal use.

8

On February 15, 1982, Dr. Silas entered the Medical Association of Georgia's Disabled Doctors Program, Ridgeview Institute, Smyrna, Georgia, under the direction of G. Douglas Talbott, M.D., for the treatment of his disease and chemical dependency.

9

With Dr. Silas' consent, the Board has reviewed progress and narrative reports relative to his rehabilitative treatment at the Disabled Doctors Program. In expressing his medical opinion to the Board, G. Douglas Talbott, M.D., Director of the Disabled Doctors Program, concludes that "We are all quite please with the progress Dr. Silas is making at this time and anticipate a good recovery. He is tentatively scheduled for discharge

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from our treatment by mid-June and at that time will sign a commitment for two years of after care in his home community. We feel Dr. Silas' prognosis to be favorable." In line with Dr. Talbott's report, Dr. Silas was discharged from the above-mentioned program on June 15, 1982.

Conclusions of Law

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

1

Demerol (meperidine hydrochloride), Talwin (pentazocine)* and Quaalude (methaqualone) are all controlled substances under state and federal law. 21 C.F.R. §§ 1308.12, 1308.14; LSA-R.S. 40:964.

2

In obtaining controlled substances by prescription for self-administration, without medical justification in each instance, and in issuing prescriptions in the names of persons for whom the medications were not intended,

* Talwin is a Schedule II controlled substance under Louisiana law and a Schedule IV controlled substance under Federal law.

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Dr. Silas prescribed, dispensed or administered 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).

3

Dr. Silas has suffered from habitual and recurring use of controlled substances including physiological and psychological dependency similar to the effect of morphine, opium or cocaine, and, therefore, just cause exists for action against his license as provided for by LSA-R.S. 37:1285(5).

4

In the absence of both Federal and State controlled substances permits, Dr. Silas was not authorized to issue prescriptions for controlled substances. In issuing the prescriptions for controlled substances, material to this proceeding, Dr. Silas was prescribing legally controlled substances in other than a legal or legitimate manner and, therefore, just cause also exists for action against his license as provided for by LSA-R.S. 37:1285(6).

5

From the quantities and nature of the controlled substances obtained by Dr. Silas and the frequency and

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dosages for his personal use, the Board concludes that at the time of the issuance of its Notice of Summary Suspension of Licensure, Dr. Silas was unable to practice medicine with reasonable skill and safety to patients because of excessive use or abuse of drugs. Nevertheless, in view of all of the medical circumstances adduced at the hearing of this matter, the Board finds that the evidence does not mandate a finding that Dr. Silas is now unable to practice medicine with reasonable skill or safety to patients because of excessive use or abuse of controlled substances.

Decision

Considering the foregoing,

IT IS ORDERED that the license of David J. Silas, M.D. to practice medicine in the State of Louisiana, as evidenced by Certificate No. 11255, be, and the same is hereby, Suspended, for a period of three (3) years from the date hereof.

IT IS FURTHER ORDERED that the foregoing Order of Suspension be, and the same is hereby, suspended; PROVIDED, HOWEVER, that Dr. Silas accept and comply with the

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following probationary terms, conditions and restrictions:

- A. David J. Silas, M.D. shall, if he has not already done so, surrender to the issuing authorities his federal registration and state license to prescribe, administer and dispense controlled substances;
- B. David J. Silas, M.D. shall not at any time hereinafter, without limitation as to the terms of probation hereinabove ordered, prescribe, administer or dispense controlled substances, as defined, enumerated or included in §§ 1308.11-.15 or LSA-R.S. 40:964, and any substance which may hereinafter be included in any controlled substance schedules by amendment or revision of the hereinabove cited regulations and statutes; nor shall he attempt to obtain any new, reinstated or duplicate federal or state registration or license to prescribe, dispense or administer controlled substances without having made prior application and approval by the Board;
- C. Dr. Silas shall, for a period of two (2) years from the date hereof, participate in the Medical Association of Georgia's Disabled Doctors Program's After Care System under the guidance of G. Douglas Talbott, M.D., or such other treatment program and physician as may be approved by the Board, and he shall comply with all the requirements of such After Care System, including yearly evaluations by Dr. Talbott, for a period of two (2) years, continuing counseling, psychiatric evaluation, treatment and therapy,

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support meetings and periodic drug screens and any other requirement of the After Care Treatment System of the Disabled Doctors Program. Incident with his enrollment in the After Care System of the Disabled Doctors Program, Dr. Silas shall authorize any approved treating, evaluating and/or support physicians to submit, and he shall cause to be submitted to the Board, any written or oral evaluations setting forth such physician's findings relative to Dr. Silas' diagnosis, prognosis, treatment, fitness and capacity to practice medicine with reasonable safety and skill;

- D. Dr. Silas shall submit for a period of three (3) years from the date hereof or such shorter period as the Board determines, to monthly psychiatric evaluations by a physician appointed or approved by the Board, and Dr. Silas shall cause to be submitted to the Board, a monthly written evaluation setting forth the physician's findings and evaluations regarding Dr. Silas' fitness and capacity to practice medicine with reasonable skill and safety;
- E. Dr. Silas shall submit, for a period of three (3) years from the date hereof or such shorter period as the Board determines, to monthly, spontaneous and unannounced drug screens by a physician appointed or approved by the Board and Dr. Silas shall cause to be submitted to the Board a monthly written evaluation setting forth the physician's findings and evaluations with regard to such drug screen tests;

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- F. Dr. Silas shall not personally obtain and/or use any legally controlled substance except for valid medical purposes on the legal prescription or order of another physician licensed to practice medicine;
- G. Dr. Silas shall comply with all probationary terms and conditions entered into between the physician and the State Board of Medical Examiners for the State of Tennessee, by way of a Consent Agreement, confected in December, 1981 or any such later Consent Agreement entered into between Dr. Silas and the State Board of Medical Examiners for the State of Tennessee.

IT IS FURTHER ORDERED that any violation of the probationary terms, conditions and restrictions set forth herein shall be deemed just cause for the suspension or revocation of the medical license of David J. Silas, M.D., or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in LSA-R.S. 37:1285.

IT IS FURTHER ORDERED that the Summary Suspension of licensure, entered in this matter on February 16, 1982, be and the same is hereby, rescinded.

New Orleans, Louisiana, this 20 day of July, 1982.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

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