

Louisiana State Board of Medical Examiners

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No. 10-I-579

In The Matter Of

IRISH FAYE PUGAO, PA
(Certificate No. PA.200174.RX)

CONSENT ORDER
FOR REPRIMAND

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Irish Faye Pugao ("Ms. Pugao ") is a physician assistant ("PA") who at all times pertinent has been licensed by the Louisiana State Board of Medical Examiners (the "Board") to practice in this state under the supervision of a physician. At all times pertinent, Ms. Pugao has been practicing in a multi-clinic dermatology practice and providing services in clinics surrounding the New Orleans metropolitan area.

An investigation conducted in the above-entitled proceeding indicates that Ms. Pugao was managing non-cancerous skin lesions and performing minor cosmetic procedures without appropriate supervision and in violation of various provisions of the Board's rules relative to PAs, *e.g.*, Ms. Pugao's supervising physician ("SP") never visited one of the remote-site clinics where she practiced; she practiced without updated clinical practice guidelines or protocols, which were not available on-site, and the version that she did have did not include the procedures and activities that she commonly performed; she signed operative reports, consent forms and other records on the signature line for "physician" or "doctor" in some instances without clarifying her status; certain patient records of her activities were not counter-signed by her SP; and she prescribed medication in the absence of registration and Board approval of such authority by her current SP.

Investigation of the captioned matter was assigned to the Investigating Officer ("I/O") for the Board. In connection with this matter Ms. Pugao cooperated fully with the investigation, met with the I/O and acknowledged her conduct. On her own behalf she advised that the cited

deficiencies were attributable to the departure of one or more supervising physicians from the practice rather than any malicious intent on her part. Furthermore, she advised that after it became apparent that appropriate physician supervision was not being provided, and before being notified of this investigation, that she severed her relationship with the clinic in question.

While cognizant of Ms. Pugao's efforts toward remediation, as well as the fact that the conduct in question occurred but for a brief period between the departure of her SP and her resignation, the I/O's review and analysis of this matter nevertheless confirms to her satisfaction that the actions identified hereinabove provide probable cause for recommending to the Board that an Administrative Complaint be filed in this matter charging Ms. Pugao with various violations of the Louisiana Physician Assistant Practice Act (the "Act") and Board rules pertaining to physician assistants, La. Rev. Stat. §37:1360.31A(1), 46:XLV.4505E.1, and 4505E.4,¹ La. Adm. C. 46:XLV.4511A.5,² La. Adm. C. 46:XLV.4511B,³ La. Rev. Stat. §37:1360.31A(1) and La. Adm. C. 46:XLV.4505B,⁴ La. Rev. Stat. §37:1360.33(8) and La. Adm. C. 46:XLV.4505E.6,⁵ La. Adm. C. 46:XLV.4511A.4,⁶ La. Adm. C. 46:XLV.4505E.3,⁷ and La. Rev. Stat. §37:1360.33(3) and La. Adm. C. 46:XLV.4513A(16).⁸

As evidenced by her subscription to this Order Ms. Pugao acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Board with the existence of probable cause to pursue

¹Pursuant to La. Rev. Stat. §37:1360.31A(1) and La. Adm. C. 46:XLV.4505E.1, a PA shall not practice without supervision as defined in 37:1360.22(8) and La. Adm. C. 46:XLV.1503, except in life-threatening emergencies" Pursuant to La. Adm. C. 46:XLV.4505E.4, a PA shall not act as or engage in the functions of a physician assistant other than on the direction and under the direction and supervision of his supervising physician"

²LAC 46A:XLV.4511A.5.a. and b. provides that when a PA has a primary practice site that is different from that of the SP that the SP: "a. visits the physician assistant's primary practice site at least weekly during regular office hours . . . ;" and "b. personally sees any patient requiring physician follow-up visits."

³LAC 46:XLV.4511B.2.a, requires a PA to produce upon the Board's request a copy of clinical practice guidelines or protocols prescribed by an SP. Such protocols must contain that "the medical procedures which the supervising physician has authorized the physician assistant to perform;" LAC 46:XLV.4511B.2.b. and "shall be annually reviewed, updated as appropriate, and signed by the physician assistant and supervising physician." LAC 46:XLV.4511B.3.

⁴Pursuant to La. Rev. Stat. §37:1360.31A(1), and La. Adm. C. 46:XLV.4505B, a PA may *assist* in surgery. Emphasis supplied.

⁵Pursuant to La. Rev. Stat. §37:1360.33(8) the Board may take action against the license of a PA who: "(8) [R]epresents himself as a physician." La. Adm. C. 46:XLV.4505E.6 provides a PA shall not "identify himself, hold himself out to the public, or permit any other person to identify him, as "doctor," "medical doctor," "doctor of medicine" or "physician."

⁶La. Adm. C. 46:XLV.4511A.4, provides that "The physician assistant and supervising physician shall: insure that, with respect to each direct patient encounter, all activities, functions, services, treatment measures, medical devices or medication prescribed or delivered to the patient by the physician assistant are properly documented in written form in the patient's record by the physician assistant and that each such entry is countersigned by the supervising physician within ... 72 hours in an office, clinic and all other practice settings."

⁷La. Adm. C. 46:XLV.4505E.3.a., provides that a physician assistant shall not "except to the extent delegated by a supervising physician, as evidenced by approval of registration on file with the board in accordance with §§1507-1527 of the board's rules: a. issue prescriptions for any medication."

⁸Pursuant to La. Rev. Stat. §37:1360.33, the Board may take action against the license of a PA who: "(3) [V]iolates any provision of this Part." The Board's rules provide a similar prohibition, La. Adm. C. 46:XLV.4513A(16).

formal administrative charges against her license for violation of the Act and the Board's Rules pertaining to physician assistants.

Recognizing her right to have notice of such allegations and charges asserted against her, to administrative adjudication of such charges, at which time she would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951 *et seq.*, Ms. Pugao, nonetheless, hereby waives her right to notice of charges and formal adjudication and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Ms. Pugao further acknowledges and waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which otherwise may be afforded to her by law to contest her agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By her subscription hereto Ms. Pugao also hereby authorizes the I/O designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and she waives any objection to such disclosures under La. Rev. Stat. §49:960. Ms. Pugao expressly acknowledges that the disclosure of information to the Board by the I/O shall be without prejudice to the I/O's authority to file a formal Administrative Complaint against her or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the foregoing information, as well as the recommendation of the I/O in this matter, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1360.21, 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 La. Rev. Stat. §37:1360.33 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Irish Faye Pugao, PA is hereby *reprimanded* for the conduct identified hereinabove.

IT IS FURTHER ORDERED that within six (6) months from the effective date of this Order Irish Faye Pugao, PA shall provide evidence to the Board's satisfaction that she has gained an understanding of and is practicing in accordance with the Act and the Board's PA rules. Such evidence may, at the Board's direction, include her preparation of an article for possible dissemination in the Board's *Newsletter* or website, an approved lecture on this subject to her peers, and/or her satisfactory demonstration of her understanding of the Act and the Board's PA rules to a member of the Board's staff.

IT IS FURTHER ORDERED that within one (1) year from the effective date of this Order Irish Faye Pugao, PA shall pay a fine in the amount of One Thousand (\$1000) Dollars.

IT IS FURTHER ORDERED that the failure of Irish Faye Pugao, PA to fully comply with the foregoing terms may give rise to such further action against her license to practice as a physician assistant in this state as the Board may deem appropriate, as if such failure were enumerated among the causes provided in La. Rev. Stat. §37:1360.33.

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

Signed at New Orleans, Louisiana, and effective this 6th day of Dec,
2010.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY: Mark H. Dawson
MARK H. DAWSON, M.D.
President

***Acknowledgement and Consent
on Following Page***


***Acknowledgement and Consent
on Following Page***

STATE OF LOUISIANA

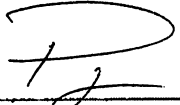
PARISH OF Jefferson

**ACKNOWLEDGMENT
AND CONSENT**

I, IRISH FAYE PUGAO, PA, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 21st day of November, 2010.


IRISH FAYE PUGAO, PA

WITNESSES:


Signature

Reo Puga
Printed Name


4717 WADE PK. / Metairie, LA 70003
Address


Signature

Sung R. Cho
Printed Name

1104 David Dr. Metairie, LA 70003
Address

Sworn to and subscribed before me at Kenner, Louisiana this 21st day of November, 2010, in the presence of the two stated witnesses.


Notary Public (Signature and Seal)

John D. Murphy III 87713
Printed Name/Notary or Bar Number

JOHN D. MURPHY, III
NOTARY PUBLIC, ID # 87713
LOUISIANA BAR ROLL # 31892
STATE OF LOUISIANA
STATEWIDE JURISDICTION
MY COMMISSION EXPIRES AT DEATH