

BEFORE THE
LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

In the Matter Of	:	
HEWITTE A. THIAN, M.D. (CERTIFICATE NO. 007217)	:	No. 90-I-087-A
Respondent.	:	CONSENT ORDER

Hewitte A. Thian, M.D. ("Dr. Thian"), is, as of the date hereof, a physician licensed to practice medicine in the State of Louisiana and principally engaged in the practice of general and thoracic medicine in the Chalmette and New Orleans, Louisiana area, where he has continuously maintained a practice since the year 1954. Predicated upon apparently reliable information, the Board undertook an investigation of Dr. Thian's prescription writing practices for controlled substances over the period of time spanning the year October, 1989 through October, 1990. The results of such investigation indicate that Dr. Thian may have issued controlled substances to certain individuals without legitimate medical justification therefor or in other than a legal or legitimate manner.

As evidenced by his subscription hereto, Dr. Thian acknowledges that such information, if accurate, would provide the Investigating Officer designated by the Board with respect to this investigation with probable cause to initiate formal administrative proceedings against his license pursuant to the Louisiana Medical Malpractice Act, La. Rev. Stat. §§37:1261-92,¹ constituting cause for the revocation, suspension or imposition of such other terms and conditions upon Dr. Thian's license to practice medicine in the State of Louisiana as the Board may deem appropriate.

¹La. Rev. Stat. Ann. §37:1285(A)(6), (12) and (14).

On the basis of the information provided to and received by the Board and with Dr. Thian's knowledge and consent, however, the Board is persuaded that he may maintain his license to practice medicine in the State of Louisiana, *provided, however*, that he strictly observes and complies with appropriate restrictions on and conditions to maintenance of such licensure. In consideration of this finding, accordingly, and on the recommendation of the Board's Investigating Officer respecting the pending investigation, 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 of medicine, La. Rev. Stat §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to have notice of allegations and charges asserted against him to administrative adjudication of such charges, pursuant to La. Rev. Stat. §§49:955-958, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Thian nonetheless hereby waives his right to notice of allegations and charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Thian also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, 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 waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Thian expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer or his counsel shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Hewitte A. Thian, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 007217, be, and the same is hereby placed on *SUSPENSION* for a period of three (3) months from the effective date of the Board's approval hereof; since Dr. Thian has advised the Board that he is retired from the practice of medicine, he shall first appear before the Board, should he resume the practice of medicine. Dr. Thian's medical licensure and his continuing exercise of the rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

(a) *Prescription, Dispensation, Administration of Controlled Substances Prohibited.* Dr. Thian shall not, during his lifetime, prescribe, dispense or administer any controlled substance, as defined, enumerated or included in federal or state statutes or regulations, 21 C.F.R. §1308, La. Rev. Stat. §40:964, or any substance which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statute. This prohibition shall survive the term of suspension ordered herein and remain in effect, so long as Dr. Thian shall hold any formal license or permit to practice medicine in the State of Louisiana.

(b) *Continuing Medical Education.* In view of the fact that Dr. Thian has communicated to the Board that he has retired from the practice of medicine, should he resume the practice of medicine, Dr. Thian shall first appear before the Board and so inform the Board and Dr. Thian shall obtain not less than fifty (50) credit hours per year of continuing education credits ("CME") through attendance at and participation in CME programs accredited by and qualifying for the Physicians Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years from the effective date of his resumption of the practice of medicine. Thereafter, on or before October 1st of each year, should Dr. Thian commence the practice of medicine as discussed hereinabove, he shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

(c) *Cooperation with Board's Probation and Compliance Officer.* Dr. Thian shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers, and he shall direct all matters required pursuant to this Consent Order, including evidence of the CME credits described hereinabove, to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Consent Order.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions and restrictions of this Order as set forth hereinabove, shall be deemed adequate and/or sufficient cause, upon proof of such violation or failure, for the suspension and/or revocation of the medical licensure of Hewitte A. Thian, M.D., or for such other disciplinary action as

the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

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

Signed in New Orleans, Louisiana, and effective on this 3
day of March, 1994.


**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY: 

BERNARD L. KAPLAN, M.D.
President

**ACKNOWLEDGMENT
AND CONSENT**

I, Hewitte A. Thian, M.D., HEREBY ACKNOWLEDGE, APPROVE,
ACCEPT AND CONSENT to entry of the above and foregoing Order, this
____ day of 2 / 19, 1994.


HEWITTE A. THIAN, M.D.


W I T N E S S