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In the Matter Of	:	No. 88-I-032-C
ROBERT MERRITT WENTZ, M.D.	:	
(CERTIFICATE NO. 009424),	:	CONSENT
Respondent.	:	ORDER
	:	_____

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Information was provided to the Louisiana State Board of Medical Examiners ("Board") indicating that Robert Merritt Wentz, M.D. ("Dr. Wentz"), was charged with several violations of the Code of Laws of South Carolina arising out of allegedly excessive prescriptions for Ativan (lorazepam) and Prelu-2 (phendimetrazine tartrate), given to a patient who subsequently committed suicide. The charges were adjudicated before the State Board of Medical Examiners of South Carolina, which, following formal administrative hearing, rendered a Final Order, including findings of fact, conclusions of law and decision.¹ The South Carolina Board of Medical Examiners found Dr. Wentz to be in violation of

¹Final Order "In the Matter of Robert M. Wentz, M.D." (May 12, 1987). A copy of the Final Order, pages 1-5 inclusive, is attached hereto as Exhibit "A".

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three sections of the Code of Laws of South Carolina.² Accordingly, the South Carolina Board issued an Order reprimanding the respondent physician, and placing his license to practice medicine in the state of South Carolina on indefinite probation, under specified terms and conditions.³

Alternative to the institution of formal investigative and adjudicatory proceedings under the Louisiana Medical Practice Act,⁴ the Board determined that the public interest may be properly and adequately served by Dr. Wentz's execution of a Consent Order by virtue of which the physician's Louisiana license would be placed on probation consistent with the specified terms and conditions imposed by the state of South Carolina. As evidenced by his subscription hereto, Dr. Wentz has accepted the disposition proposed by the Board in lieu of formal administrative proceedings.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to LSA-R.S. 49:955-58, to be represented therein by legal counsel of his choice and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Wentz,

²Dr. Wentz was found in violation of Section 40-47-200(7) (violating principles of ethics adopted by the Board), 40-47-200(8) (engaging in unprofessional conduct likely to deceive, defraud, or harm the public), and Section 40-47-200(12) (violating principles of ethics, including dispensing or applying of drugs, remedies, or appliances not in the best interest of the patient entrusted to his care).

³See Exhibit "A".

⁴LSA-R.S. 37:1261-91. The Board is empowered to suspend, revoke or impose probationary conditions on the license of any physician for "[p]rescribing, 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). Likewise, the Board is authorized to suspend, revoke or restrict the license of a physician whose license to practice medicine in another state has been restricted by the licensing authority of that state. LSA-R.S. 37:1285A(30).

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nonetheless, hereby waives his right to notice and formal adjudication of charges, pursuant to LSA-R.S. 49:959D and acknowledges, accepts and consents to entry of the following Orders.

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, until and unless this Order is modified or rescinded by written order of the Board:

- A. Robert M. Wentz, M.D. shall comply in each and every respect with the probationary terms and conditions contained in the Final Order rendered by the Board of Medical Examiners of the State of South Carolina, executed by the South Carolina Board on May 12, 1987;⁵
- B. Consistent with this Order, Dr. Wentz hereby authorizes and directs the State Board of Medical Examiners of South Carolina to report and respond to the Board's inquiries concerning compliance with the terms and conditions set forth in its May 12, 1987 Final Order; and,
- C. Dr. Wentz will immediately notify the Board in writing if (1) he is relieved of any of the specified terms and conditions of the said Final Order or (2) he relocates to the state of Louisiana for the purpose of engaging in the practice of medicine. Upon notice of either of the above-mentioned by Dr. Wentz, the Board may undertake to reimpose and supervise the terms and conditions of the said Final Order on its own behalf.

IT IS FURTHER ORDERED that any violation of the terms, conditions, and restrictions set forth hereinabove, shall be deemed just cause for the suspension or revocation of the medical license of Robert M. Wentz, M.D., or for such

⁵Attached hereto as Exhibit "A" and incorporated herein by reference.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

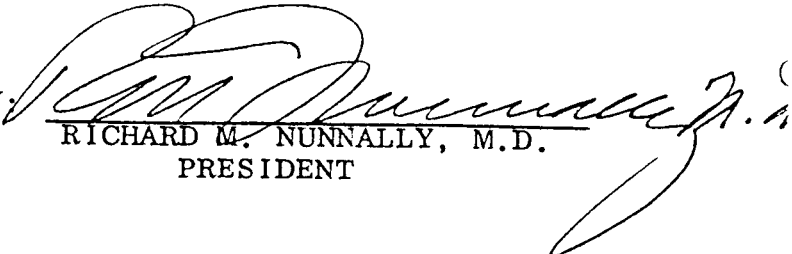
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other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in LSA-R.S. 37:1285.

New Orleans, Louisiana, this 23rd day of June, 1988.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY:


RICHARD M. NUNNALLY, M.D.
PRESIDENT

I HEREBY acknowledge, approve, accept and consent to entry of the above and foregoing Consent Order, and the terms, conditions and restrictions set forth therein, this 16 day of June, 1988.


ROBERT MERRITT WENTZ, M.D.


CERTIFIED TRUE COPY

Mrs. Delmar Rorison, Executive Director
Louisiana State Board of Medical Examiners

Date 6/28/88

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE BOARD
OF MEDICAL EXAMINERS
OF SOUTH CAROLINA

In the Matter of:)
ROBERT M. WENTZ, M.D.,)
Respondent.)

FINAL ORDER

STATEMENT OF THE CASE

On or about January 22, 1987, the Executive Director of the State Board of Medical Examiners (the Board) filed and served a Notice and Complaint against Robert M. Wentz, M.D. (Respondent), who is a physician duly-licensed by the Board to practice medicine in South Carolina. On April 1, 1987, after proper notice, a Hearing was held before a Panel of members of the Medical Disciplinary Commission pursuant to Section 40-47-200 and Regulations No. 81-15 and 81-16 of the 1976 Code of Laws of South Carolina, as amended. Following receipt of the Hearing Panel's Report, a Final Order Hearing was noticed and scheduled for Thursday, April 30, 1987, at the Omni Hotel, Charleston, South Carolina. The Respondent appeared at that time and was represented by counsel, Ronald H. Colvin, Esquire. The State was represented by Richard P. Wilson, Assistant Attorney General. After considering the testimony and exhibits presented, the statements of the Respondent, and the arguments of the parties, the Board does hereby make the following Findings of Fact and Conclusions.



FINDINGS OF FACT

The Board finds:

1. The Respondent is a physician duly licensed by the Board to practice medicine in South Carolina. He currently practices medicine in Union County, South Carolina.

2. Between approximately May, 1984, and March, 1986, the Respondent was the primary physician providing medical services to Patricia Wood, until her death by suicide on or about March 18, 1986.

3. During that period and prior thereto, Respondent was responsible for prescribing very large quantities of Ativan and Prelu-2, among other things, for Patricia Wood.

4. Expert opinions of two physicians in support of the Complaint established that the aforementioned quantities of Ativan and Prelu-2 were excessive given the documented medical facts regarding her condition and that Respondent's prescribing practice in this case was outside of the standards of medical care in this State.

5. Based upon the evidence and testimony presented, Respondent did prescribe Ativan and Prelu-2 in excessive quantities over an extended period of time without documented medical justification.

6. The Board further finds that Respondent should have known that prescribing the aforementioned controlled substances over this extended period of time had substantial potential for contributing to or prolonging the patient's dependence upon those substances.

7. Lastly, Respondent failed to exercise that supervision and control of the patient's medical situation which is expected of a licensed practitioner in this State.

CONCLUSIONS OF LAW

The Board concludes:

1. The Respondent has violated Section 40-47-200 (7) of the 1976 Code of Laws of South Carolina, as amended, in that he has violated the Principles of Ethics adopted by the Board.

2. The Respondent has violated Section 40-47-200 (8) of the amended Code in that he has engaged in unprofessional conduct likely to deceive, defraud, or harm the public.

3. The Respondent has violated Section 40-47-200 (12) of the amended Code in that he has violated the following provisions of the Principles of Ethics:

- A. Regulation 81-60 (A), in that his treatment of this patient did not reflect service to humanity with full respect for the dignity of man and did not merit the confidence this patient entrusted to his care.
- B. Regulation 81-60 (G), in that Respondent's dispensing or supplying of drugs, remedies, or appliances was not in the best interest of this patient entrusted to his care.

THEREFORE, IT IS ORDERED:

(1) Respondent hereby be issued a PUBLIC REPRIMAND.

(2) Respondent's license to practice medicine in this State shall be placed on indefinite probation, and Respondent must report to the Board every six (6) months or as required by the Board. Additionally, Respondent shall abide by the following conditions of probation:

- (a) Respondent shall annually acquire fifty (50) hours of Category I Continuing Medical Education credits approved by the Academy of Family Physicians.
- (b) Respondent must appear every six (6) months and provide to the Board at such appearances, copies of all controlled substances (Class I, II, and III) prescriptions, either issued in writing or by telephone.
- (c) Respondent shall comply with all applicable statutes, rules, regulations, and other provisions of law relating to the practice of medicine in this State.

(3) It is the Respondent's responsibility to comply with every condition of probation. While on probation, the Respondent may be required to furnish the Board with letters from attending physicians and/or reference letters or any information relating to the Respondent

during his probation as deemed necessary by the Board. In addition to these requests, the Board may make other written requests for documentation regarding the Respondent's practice and it is the Respondent's responsibility to comply with all such requests in a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this Order.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS
OF SOUTH CAROLINA

BY: 

J. ERNEST LATHAM, M.D.
President of the Board

May 12, 1987.