

# Louisiana State Board of Medical Examiners

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**In The Matter Of**

**No. 10-I-212**

**BENJAMIN SCOTT MCCURDY, P.A.**

*(License No. 200251.RX),*

*Respondent*

**CONSENT ORDER FOR  
OFFICIAL REPRIMAND**

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The Louisiana State Board of Medical Examiners (the "Board") conducted an investigation of Benjamin Scott McCurdy, PA, ("Mr. McCurdy") who has been licensed in Louisiana since 2009 and practicing in an Emergency Room setting in Alexandria, LA. The Board has developed reliable information indicating that Mr. McCurdy exercised prescriptive authority beyond that authorized by law. In particular, the investigation revealed that Mr. McCurdy issued a prescription for a medication to a co-worker, without his supervising physician's consent and knowledge, and without maintaining a medical record.

Predicated on the foregoing, the Director of Investigation has determined that probable cause exists for recommending to the Board that an Administrative Complaint be filed in this matter charging Mr. McCurdy with violation of the Louisiana Physician Assistant Practice Act, La. Rev. Stat. §37:1360.33(3), ("the Act"),<sup>1</sup> and the Board's Rules pertaining to Physician Assistants, La. Adm. C. 46: XLV§4506 A(2)<sup>2</sup> and La. Adm. C. 46: XLV§4511 A(4).<sup>3</sup>

<sup>1</sup>La. Rev. Stat. §37:1360.33(3) provides: "The Board may, exercising due process, discipline any physician assistant, as provided in R.S.37:1360.34, that :... ( 3) violates any provision of this Part or any regulation adopted by the Board pertaining to this Part."

<sup>2</sup> §4506 A.2 The medical record of any patient for whom the physician assistant has prescribed medication or a medical device, or delivered a bona fide medication sample, shall be properly documented, reviewed and countersigned in accordance with §4511.A.4.

<sup>3</sup> §4511 A.4 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 24 hours with respect to inpatients in an acute care setting and patients in a hospital emergency department; within 48 hours with respect to patients of nursing homes and other sub-acute settings and within 72 hours in an office, clinic and all other practice settings;

As evidenced by his subscription hereto, Mr. McCurdy acknowledges the substantial accuracy of the foregoing information and that proof of such information upon an administrative evidentiary hearing could constitute sufficient cause under the Act for the imposition of such terms, conditions, or restrictions on his license to practice as a physician assistant in the state of Louisiana as the Board may deem appropriate.

Recognizing his right to have administrative adjudication of the matters mentioned above, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his 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.*, Mr. McCurdy nonetheless, hereby waives his right to formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Mr. McCurdy also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.* or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum relating to the matters referred to herein.

By his subscription hereto, Mr. McCurdy also hereby authorizes the Investigating Officer 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 he waives any objection to such disclosures to the Board under La. Rev. Stat. §49:960. Mr. McCurdy expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an administrative complaint against him, or to the Board's capacity to adjudicate such complaint, should the Board decline to accept this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1326 and La. Rev. Stat. § 49:955(D);

**IT IS ORDERED** that Benjamin Scott McCurdy, P.A. is hereby issued an **OFFICIAL REPRIMAND** and that Mr. McCurdy's license to practice as a physician assistant and his continuing exercise of the rights and privileges granted to him thereby, shall be subject to his acceptance and strict compliance with the following terms and conditions:

1. **Payment of Fine.** Mr. McCurdy shall pay a fine of \$1,000.00 to the Board, which payment shall be made within ninety (90) days of the effective date of this Order; and
2. **Demonstration of Understanding-Board's Rules.** Within one hundred eighty (180) days of the effective date of this Order, Mr. McCurdy shall provide evidence to the Board's satisfaction that he has gained an understanding of and is practicing in accordance with the law and the Board's rules and regulations respecting physician assistants; and

**IT IS FURTHER ORDERED** that any violation of the terms and conditions set forth by this Order by Mr. McCurdy shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Ms. McCurdy's license to practice as a physician assistant in the state of Louisiana as the Board may deem appropriate, as if such violation was enumerated among the causes provided in La. Rev. Stat. §37:1360.33(3).

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

New Orleans, Louisiana, this 14 day of March, 2011.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By: Mark H. Dawson MD  
MARK H. DAWSON, M.D.  
*President*

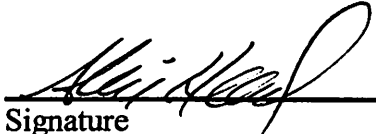
***Acknowledgment and Consent Follows  
on Next Page***

STATE OF LOUISIANA  
PARISH OF RAPIDES

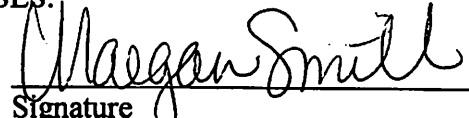
ACKNOWLEDGMENT  
AND CONSENT

I BENJAMIN SCOTT MCCURDY, P.A., hereby acknowledge, approve, accept and consent to entry  
of the above and foregoing Order, this 25<sup>th</sup> day of FEBRUARY, 2011.

  
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BENJAMIN SCOTT MCCURDY, P.A.

  
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Signature  
Alice Head  
\_\_\_\_\_  
Typed Name  
Alexandria, LA  
\_\_\_\_\_  
Address

WITNESSES:

  
\_\_\_\_\_  
Signature  
Maegan Smith  
\_\_\_\_\_  
Typed Name  
Alexandria, La  
\_\_\_\_\_  
Address

Sworn to and subscribed before me at ALEXANDRIA, Louisiana, this 25<sup>th</sup> day of  
FEBRUARY, 2011, in the presence of the two stated witnesses

  
\_\_\_\_\_  
Notary Public (Signature)

SHERRY FRYAR 17952  
\_\_\_\_\_  
Printed Name/Notary #

SHERRY FRYAR  
Notary Public ID Number 17952  
Grant Parish, Louisiana  
Commission is for life