

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
www.lsbme.la.gov



Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:

(504) _____

IN THE MATTER OF

BARBARA ANN BRUCE, MD

(Certificate No. 15123R),

Respondent

No. 19-A-012

CONSENT ORDER

X
:
:
:
:
:
:
:
:
:
:
X

An investigation was initiated when the Louisiana State Board of Medical Examiners (the “Board”) received information indicating that Dr. Bruce was indicted by a federal grand jury sitting in the United States District Court for the Eastern District of Louisiana, for violation of the Federal Controlled Substances Act. The superseding indictment charged Respondent with one (1) count of conspiring with others over a period beginning prior to 2004 through the filing of charges, to distribute and dispense Schedule II-IV controlled dangerous substances outside the scope of professional practice and not for a legitimate medical purpose, in violation of Title 21 U.S.C. §§841(a)(1), 841(b)(2) and 846. Respondent was also charged with nine (9) counts of knowingly and intentionally distributing Schedule II and IV controlled substances during the years 2014-2015, in violation of 21 U.S.C. §§841(a)(1), 841(b)(2), 841(b)(1)(C) and 18 U.S.C. §2. All counts constitute felony charges under the laws of the United States.¹

In January 2017, Respondent entered into a Plea Agreement with the United States Government wherein she plead guilty to one (1) count of conspiracy to illegally dispense controlled substances in violation of 18 U.S.C. §371, in exchange for the dismissal of the remaining counts against her.² As a result of her plea, she was sentenced to be imprisoned for thirty (30) months and upon release from imprisonment, she was to be on supervised release for two (2) years.³ Respondent served her sentence and is now on supervised release.⁴

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists to file formal charges against Dr. Bruce for violation of the Louisiana Medical Practice Act (the “Act”), pursuant to La. Rev.

¹Superseding Indictment for Violations of the Federal Controlled Substances Act, *United States of America vs. Barbara Bruce, M.D., et al*, CR Action No. 15-138, “G” (May 13, 2016).

²Plea Agreement, *United States of America vs. Barbara Bruce*, Cr. Action No. 15-138, “G” (Jan. 26, 2017).

³Judgment in a Criminal Case, *United States of America vs. Barbara Bruce, M.D., et al*, USDC, E.D. LA, CR Action No. 15-138, “G” (Nov. 15, 2018).

⁴*Id.*

Stat. §37:1285A(1), (2), and (6).⁵ As evidenced by her subscription hereto Dr. Bruce acknowledges that the information developed by the Board's investigation would constitute probable cause for the institution of administrative proceedings against her medical license and that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension or revocation of her license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate.

Recognizing her right to have notice and administrative adjudication of any charges that may be filed in this matter, at which time Dr. Bruce 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.* Dr. Bruce, nonetheless, hereby waives her right to notice of charges, formal adjudication and written decision and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Moreover, by her subscription hereto, Dr. Bruce also 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 the Board's investigation or this document in any court or other forum or body relating to the matters referred to herein. By her subscription hereto, Dr. Bruce 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 she waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Bruce expressly acknowledges that the disclosure of such 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 her or to the Board's capacity to adjudicate any charges that may be filed in this matter should the Board decline to approve this Order.

Based upon the information and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, 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. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Barbara Bruce M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 15123R, is hereby **SUSPENDED**; and

⁵Pursuant to the Louisiana Medical Practice Act, the Board may take action against the license of a physician as a result of La. Rev. Stat. §37:1285A: (1) '[C]onviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States;' (2) '[C]onviction of a crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of medicine;' (6) 'Prescribing, 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.'

IT IS FURTHER ORDERED that the reinstatement of Dr. Bruce's license to practice medicine in the state of Louisiana shall be subject to her acceptance of and strict compliance with the following terms and conditions:

(A) Suspension of Practice/Reinstatement. Dr. Bruce shall not practice medicine of any form in the state of Louisiana until and unless the Board issues and serves on her a written order reinstating her license to practice medicine. As express conditions to the consideration of a request for reinstatement, Dr. Bruce shall have: (1) successfully completed any period of incarceration and probation/supervised release that may be imposed by the Court as a result of the above mentioned criminal plea; (2) complied with any and all requirements of licensure, which may include demonstration of clinical competency and/or passage of the Special Purpose Exam ("SPEX"), and/or Board Certification Examination⁶; (3) been cleared physically and mentally to resume practice by one or more physicians or institutions approved by the Board; and (4) scheduled and met with the Investigating Officer to discuss her then-current status and plans. Dr. Bruce may begin working towards reinstatement once this Consent Order has been fully executed.

(B) Medical Ethics. Dr. Bruce shall provide confirmation that she has taken and successfully completed a course on medical ethics that is acceptable to and approved by the Board.

(C) Personal Appearance before the Board. Dr. Bruce shall contact and arrange to personally appear before the Board or its designee, at its next meeting following any request for reinstatement of her license to permit the Board to consider her compliance with the terms, conditions and restrictions of this Order and to advise the Board or its designee of her intentions with respect to her future practice of medicine.

IT IS FURTHER ORDERED that upon Dr. Bruce's compliance with and satisfaction of the terms and conditions hereinabove set forth, her license to practice medicine in the state of Louisiana shall be reinstated by the Board *on probation* for one (1) year (the "probationary term"); *provided, however*, that such reinstatement of Dr. Bruce's license and her continuing exercise of rights and privileges thereunder shall be conditioned upon her continuing acceptance of and strict compliance with the following terms, conditions:

(1) Prescription of Controlled Substances Prohibited. Except as authorized herein, Dr. Bruce shall not prescribe: (i) any substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308.11-.15 or La. Rev. Stat. §40:964, as a Schedule II or III controlled substance; or (ii) any substance which may hereafter be designated as one of the foregoing controlled substances by amendment or supplementation of such regulations and statute. The prohibitions contained in this paragraph shall not prohibit Dr. Bruce from ordering any controlled substance for administration to inpatients of and at a hospital where she may be employed or exercise staff or clinical privileges in accordance with such hospital's prescribed policies and procedures governing the administration of controlled substances. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this

⁶ Dr. Bruce will not be required to take the Neurology Boards if she is not practicing in that specialty.

provision shall survive the probationary term and remain in effect so long as Dr. Bruce shall hold any form of license or permit to practice medicine in the state of Louisiana.

(2) Prohibitions on Practice – Management of Chronic Pain. At no time following the effective date of this Order shall Dr. Bruce practice medicine in the field of management of non-malignant chronic or intractable pain. More specifically, at no time following the effective date of this Order shall Dr. Bruce hold herself out as being engaged in the treatment of or actually undertake to treat, either individually or in conjunction with any other physician, any patient in the long-term management of non-malignant chronic or intractable pain (beyond twelve weeks in any twelve month period), nor shall she receive any remuneration from, have any ownership interest in or association with any clinic or practice setting or arrangement that renders care and/or treatment to patients for non-malignant chronic or intractable pain or any clinic that advertises or holds itself out to the public as a clinic or practice for the care and/or treatment of patients for non-malignant chronic or intractable pain. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall survive the probationary term and remain in effect so long as Dr. Bruce shall hold any form of license or permit to practice medicine in the state of Louisiana.

(3) Continuing Medical Education. Dr. Bruce shall, during the probationary term, obtain not less than fifty (50) credit hours per year through attendance at and participation in continuing medical education programs (“CME”) accredited by the American Medical Association. On or before the anniversary of the reinstatement of her license, Dr. Bruce shall cause to be submitted to the Board written certification of the CME programs and credits completed by her during the preceding twelve (12) months.

(4) Payment of Fine. Within one hundred twenty (120) days following acceptance of this Consent Order by the Board or in accordance with a payment plan approved by the Board, Dr. Bruce shall pay to the Board a fine in the amount of Two Thousand Five Hundred and no/100 (\$2,500.00) Dollars.

(5) Probation Monitoring Fee. Dr. Bruce shall for each year of the probationary term, pay the Board a probation monitoring fee of three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the reinstatement of her license. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(6) Sanction. By her subscription hereto, Dr. Bruce acknowledges that her receipt of written notification from the Board or its designee that it has received apparently reliable information which indicates her failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing her with any right to which she may otherwise 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, constitute her irrevocable consent to the immediate suspension of her license to practice medicine in this state pending the issuance of a decision by the Board following administrative adjudication of such charges; alternatively, the issuance of a Consent Order or such other disposition as the Board may approve.

(7) Cooperation with Board’s Probation and Compliance Officer. Dr. Bruce shall immediately notify the Board’s Probation and Compliance Officer of any change in

her current home and professional addresses and telephone numbers and she shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms, conditions and restrictions of this Consent Order.

(8) Absence from State - Effect on Probation. Should Dr. Bruce at any time during the probationary term be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a physician for a period of thirty (30) days or more, she will so advise the Board in writing. In such instance the probationary term shall be deemed interrupted and extended for no less than the period of time during which she was not engaged in practice or was absent from the state of Louisiana.

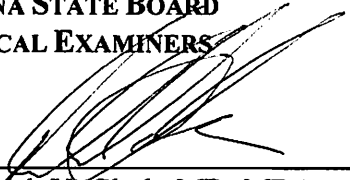
(9) Certification of Compliance with Probationary Terms/Personal Appearance Before the Board. At least sixty (60) days prior to the conclusion of the probationary term, Dr. Bruce shall provide the Board with an affidavit certifying that she has complied with each of the terms of probation imposed upon her by this Order and she shall contact the Board and arrange for a personal appearance before the Board or its designee at its meeting preceding the expiration of the probationary term. The probationary term and all of its terms, conditions and restrictions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Bruce's compliance with the requirements of this provision.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Bruce shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Bruce's license to practice medicine in the state of Louisiana, or for such other action as the Board may deem 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 17th day of February, 2020.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: 
Roderick V. Clark, MD, MBA
President

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF ORLEANS

I, BARBARA BRUCE, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 13th day of February, 2020.

Barbara Bruce M.D.
BARBARA BRUCE, M.D.

WITNESSES:

Eldridge Coleman
Signature

Eldridge Coleman
Printed Name

700 Camp St.
Address

New Orleans, LA 70130
City, State, Zip Code

Sheila C Myers
Signature

Sheila C Myers
Printed Name

700 Camp Street
Address

New Orleans, La.
City, State, Zip Code 70130

Sworn to and subscribed before me at New Orleans, Louisiana, this 13th day of February, 2020, in the presence of the two stated witnesses.

Judith A DeFraites
Notary Public (Signature)

Judith A DeFraites Bar # 4799
Printed Name/Notary or Bar Number

Judith A. DeFraites
NOTARY PUBLIC
State of Louisiana
LSBA Number: 4799
My commission is issued for life.