

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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(504) _____

IN THE MATTER OF:

HAROLD DAVID TYLER, M.D.

(Certificate No. 016382)

Respondent

No. 20-I-146

CONSENT ORDER

The above-entitled matter was docketed for investigation by the Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board"). Harold David Tyler, M.D. ("Dr. Tyler") is a physician who at all times pertinent has been licensed and engaged in the practice of medicine in and around Homer, Louisiana.

Dr. Tyler came to the Board's attention when information was received indicating that Dr. Tyler, who has a history of alcohol dependence, had a return to use. Dr. Tyler subsequently entered and successfully completed treatment at a Board approved treatment facility. At the completion of his treatment, Dr. Tyler was provided with recommendations, which included, among other conditions, execution of a monitoring agreement with the Healthcare Professionals' Foundation of Louisiana Inc.'s Physicians' Health Program (the "PHP") and attendance at specified meetings and counseling. Provided that he adheres to their recommendations, it is the opinion of his treating professionals that Dr. Tyler is capable of returning to the practice of medicine with reasonable skill and safety to patients.

As evidenced by his subscription to this Order, Dr. Tyler acknowledges the substantial accuracy of the forgoing information and that such acknowledgment and the reported information would provide the Investigating Officer ("I/O") assigned to this matter by the Board with probable cause to pursue administrative proceedings against him for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285 (A) (5), and (25)¹, constituting sufficient cause for action against his license to practice medicine in the State of Louisiana. On the basis of apparently reliable information, however, the Board is persuaded that the condition from which Dr. Tyler suffers may be susceptible to effective medical treatment, resulting in the maintenance of his capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that he strictly observes and complies with appropriate restrictions on and conditions to

¹ The Board may take action against the license of a physician as a result of La. Rev. Stat. §37:1285A: (5) '[H]abitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;' and (25) '[I]nability to practice medicine with reasonable skill or safety to patients because of mental illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; and/or excessive use or abuse of drugs, including alcohol';

maintenance of his medical license. In consideration of this finding, accordingly, and on the recommendation of the I/O 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 written notification of any charges that may be asserted against him as a result of this investigation, as well as the right to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence 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. Tyler, nonetheless, hereby waives his rights to notice, formal adjudication and written decision and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Furthermore, Dr. Tyler acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 et seq., or to which he otherwise may be afforded by any 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. By his subscription hereto, Dr. Tyler also hereby authorizes the I/O 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 under La. Rev. Stat. §49:960. Dr. Tyler expressly acknowledges that the disclosure of such information to the Board by the I/O shall be without prejudice to the I/O's authority to proceed with the filing and adjudication of any administrative charges that may subsequently be filed in this matter 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 forgoing and pursuant to the authority vested in the Board by La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Harold David Tyler, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No.016382, be and the same is hereby, placed **ON PROBATION** for a period of five (5) years (the "probationary period") *provided, however*, that Dr. Tyler's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms and conditions and restrictions:

- 1. Personal Appearance before the Board.** Dr. Tyler shall personally appear before the Board or its designee to permit the Board to consider his intent to comply with the terms of this Order and to advise the Board or its designee of his intentions with respect to his continued practice of medicine.
- 2. Maintenance of Complete Abstinence.** Dr. Tyler shall maintain complete and total abstinence from the use of alcohol, controlled and any other mood-altering substance for as long as he holds a license to practice medicine in this state, except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition. Dr. Tyler shall personally inform the PHP and the Board's Compliance Officer, both orally and in writing, within forty-eight (48) hours of the prescription

or administration of any controlled or mood-altering substance received by him from any physician for treatment of a *bona fide* medical condition. If the prescription is from another physician, he shall also inform his treating/monitoring physician in this same manner.

- 3. Continuing Treatment, Participation in the PHP/Reports to Board.** Dr. Tyler shall enter into and execute a monitoring agreement with the PHP. Dr. Tyler shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring of his condition, which have or may be contained in his PHP monitoring agreement, or any subsequent agreement which may be recommended by the PHP, as well as those recommended by his treating physicians and those prescribed by any other health care provider involved in his care to the extent that they continue to follow him. Dr. Tyler shall, in addition, authorize and cause his treating and monitoring physicians and/or the PHP to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports and/or verbal reports, should the Board desire the latter, on his then-current treatment diagnosis, prognosis, course of treatment, maintenance of abstinence from controlled and mood-altering substances, his fitness and ability to practice medicine with reasonable skill and safety to patients, and his compliance with the terms, conditions and restrictions of this Order and his PHP monitoring agreement.
- 4. Drug Screens.** Dr. Tyler shall submit to periodic, unannounced blood, urine, saliva and/or hair collection for testing for the presence of alcohol and/or controlled and other mood-altering substances by the PHP or its designee. Unless and until this condition is modified or rescinded by the Board, he shall authorize and cause such physician or testing facility and/or the PHP to report the results of such drug screens to the Board not less frequently than quarterly throughout the probationary period.
- 5. Board Access to Treatment Records and Reports.** Dr. Tyler shall, and does by his subscription hereto, authorize any physician or any institution at which he undergoes treatment for alcohol or other chemical abuse or dependency from which he may suffer or be diagnosed, as well as any physician under whose care he may come at such an institution who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with copies of all medical reports relating to Dr. Tyler's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Tyler expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and shall immediately execute any authorization or release that may be necessary to permit the Board access to such records.
- 6. Continuing Medical Education.** Dr. Tyler shall obtain not less than fifty (50) credit hours per year for the five (5) years of his probationary period through attendance at and participation in continuing medical education ("CME") programs accredited by the American Medical Association. On or before the anniversary date of the effective date of this Consent Order, Dr. Tyler 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.

7. **Absence from the State/Practice/Effect on Probation.** Should Dr. Tyler at any time during the period of probation ordered herein 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, he will so advise the Board in writing. In such instance, the probationary period ordered herein shall be deemed interrupted and extended for no less than the period of time during which he was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed at the Board's discretion.
8. **Notification.** Dr. Tyler shall provide a complete copy of this Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician.
9. **Board Approval of Practice Setting.** Dr. Tyler shall only engage in the practice of medicine in a setting pre-approved in writing by the Board or its designee. Dr. Tyler will work no more than 40 hours a week unless he receives prior approval from the Board or its designee.
10. **Cooperation with Board's Probation and Compliance Officer.** Dr. Tyler 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 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 and conditions of this Consent Order.
11. **Probation Monitoring Fee.** For each year of the probationary period Dr. Tyler shall 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 effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
12. **Effect of Violation/Sanction/Resolution.** By his subscription hereto, Dr. Tyler acknowledges that his receipt of written notification that the Board has received apparently reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he 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 him by law, constitute his irrevocable consent to the immediate suspension of his license to practice medicine as a physician in this state pending a hearing before the Board and the conclusion of the

administrative proceedings by issuance of a final decision following administrative adjudication of such charges.

13. Certification of Compliance with Probationary Terms/Personal Appearance.

At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Tyler shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order and he shall contact the Board and arrange for a personal appearance before the Board or its designee at its meeting preceding the expiration of his probationary period. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Tyler'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 and conditions set forth by this Order by Dr. Tyler shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Tyler'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 at New Orleans, Louisiana, and effective on this 29th day of June, 2020.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY:



RODERICK V. CLARK, M.D.
President

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

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF Clairborne

I, HAROLD DAVID TYLER, 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 8 day of June, 2020.

Harold David Tyler, M.D.
HAROLD DAVID TYLER, M.D.

WITNESSES:

Tina Haynes
Signature

Tina Haynes
Typed Name

620 East College, 1
Address

Homer, La. 71040
City/State/Zip Code

Angie Costakis
Signature

Angie Costakis
Typed Name

620 East College
Address

Homer, La. 71040
City/State/Zip Code

Sworn to and subscribed before me this 8th day of June, 2020, in the presence of the two stated witnesses.

Sonya M. Webb
Notary Public (Signature and Seal)

Sonya M. Webb
#67454
Printed Name/Notary or Bar Number