



LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF:

ROBERT DOYLE HARVEY, P.A.
(*Credential No. PA.A10515*),
Respondent

Nos. 2021-1-199 c/w
2022-1-323 c/w
2022-1-369

CONSENT ORDER

Robert Doyle Harvey, P.A., ("Mr. Harvey") is, and at all times pertinent hereto has been, a physician assistant licensed to practice in the State of Louisiana, pursuant to the Louisiana Physician Assistant Practice Act (the "Act"), La. R.S. 37:1360.21 *et seq.*, as evidenced by Credential No. PA.A10515. At all times relevant to the matters described herein, Mr. Harvey practiced as a physician assistant in and around Jonesville, Louisiana. Specifically, Mr. Harvey practiced at Catahoula Health Center ("Catahoula Health") until on or around January 26, 2022, and at Team Health Care, LLC ("Team Health") from February 2022 until July 2022. During this period, Mr. Harvey had three active supervising physicians, the first of which supervised Mr. Harvey while he practiced at Catahoula Health, and the second and third of which supervised Mr. Harvey at different times while he practiced at Team Health.

The above-entitled proceedings were docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of four written complaints. The first two complaints were from Mr. Harvey's supervising physician at Catahoula Health and from one of the owners of the clinic, respectively.¹ The third and fourth complaints were each submitted by a former patient of Mr. Harvey's and alleged conduct regarding Mr. Harvey's practice that, if proved, would exceed the scope of Mr. Harvey's role as a physician assistant.²

Investigation of these matters was assigned to Lawrence H. Cresswell, III, D.O., J.D., Director of Investigations (the "Investigating Officer") for the Board. Investigations staff obtained records from Catahoula Health and Team Health, and a review of the records from Catahoula Health indicated that, while practicing there, Mr. Harvey wrote prescriptions for controlled substances for chronic pain, failed to access the Prescription Monitoring Program ("PMP") prior to issuing prescriptions, and administered pain injections to patients without sufficient progress

¹ Investigation No. 2022-199.

² Investigation Nos. 2022-323 & 2022-369.

notes.³ Review of the PMP also indicated that Mr. Harvey prescribed and/or issued controlled substances to patients once he became affiliated with Team Health and had ceased practicing at Catahoula Health. Moreover, review of the records obtained from Team Health indicated that Mr. Harvey prescribed controlled substances to at least one patient for chronic pain and wrote prescriptions for off-label use without appropriate documentation of consent.⁴

The investigations further revealed that Mr. Harvey held a minority ownership interest in Team Health and that his second supervising physician was contracted with Team Health in violation of the Board's rules.⁵ Team Health's website also previously included information referring to Mr. Harvey as a doctor or physician, such as "Dr. Robert Doyle Harvey" and "Dr. Harvey & Staff," in violation of the Board's rules.⁶

The investigations further revealed concerns regarding Mr. Harvey's documentation regarding his supervising physicians. In communications with investigative staff, Mr. Harvey represented that he had only one active supervising physician at a time during the period at issue, but a review of Mr. Harvey's file and public profile with the Board indicated that he still had listed over twenty (20) active supervising physicians, incorrectly indicating to the public that each supervising physician was actively supervising Mr. Harvey's practice.⁷ Further, review of the

³ See La. Admin. Code tit. 46, pt. XLV, § 4506 ("A physician assistant who has been delegated prescriptive authority shall not: . . . 3. treat and/or utilize controlled substances in connection with the treatment of: a. non-cancer related chronic or intractable pain, as set forth in §§6915-6923 of the board's rules."); La. Admin. Code tit. 46, pt. XLV, §4505 ("E. A physician assistant shall not: . . . 3. except to the extent delegated by a supervising physician, issue prescriptions for any medication[.]").

⁴ See La. Admin. Code tit. 46, pt. XLV, § 4511(A). The Board's rules for physicians provide specific requirements for the use of diagnostic methods or therapies that are additive or alternative to conventional medicine methods or therapies, including, *e.g.*, performance and documentation of: an evaluation prior to any such treatment; physical and other examinations and diagnostic evaluations and consultations; treatment plans and objectives; and informed consents. See La. Admin. Code tit. 46, pt. XLV, §§ 7101-09. See also La. Admin. Code tit. 46, pt. XLV, § 4505 ("A. The practice of a physician assistant shall include the performance of medical services that are delegated by the supervising physician and are within the scope of the physician assistant's education, training, and licensure. . . . C. A physician assistant may prescribe, order and administer drugs to the extent delegated by the SP, except as provided pursuant to R.S. 37:930 relative to anesthetics")

⁵ See La. Admin. Code tit. 46, pt. XLV, § 1508 ("A. To be eligible for approval and registration under this Chapter, a proposed primary supervising physician or locum tenens physician shall, as of the date of the application: . . . 3. not be employed by or serve as an independent contractor to a physician assistant or be a party to any other or similar employment, contractual or financial relationship.").

⁶ See La. R.S. 37:1360.33(A) ("The board may, exercising due process, discipline any physician assistant, as provided in R.S. 37:1360.34, who. . . (8) Represents himself as a physician."); La. Admin. Code tit. 46, pt. XLV, § 4505(E) ("A physician assistant shall not: . . . (6) identify himself, hold himself out to the public, or permit any other person to identify him, as "doctor," "medical doctor," "doctor of medicine" or "physician" or render any service to a patient unless the physician assistant has clearly identified himself as a physician assistant by any method reasonably calculated to advise the patient that the physician assistant is not a physician licensed to practice medicine[.]").

⁷ See La. Admin. Code tit. 46, pt. XLV, § 4511 ("A. The physician assistant and supervising physician shall: 1. within 15 days notify the board, in writing, of: a. the termination of the physician assistant's supervision relationship with a supervising physician or supervising group of physicians.").

documents regarding Mr. Harvey's second supervising physician indicated several deficiencies, including: insufficient Clinical Practice Guidelines as required; a lack of clarity as to whether medical charts were sufficiently reviewed; lack of clarity as to whether the supervising physician provided the required in-person supervision;⁸ delegation of dispensation of medications that are not able to be prescribed by Physician Assistants; and no performance plan as required by the Board's rules.⁹

After Mr. Harvey's second supervising physician relationship terminated on or about June 24, 2022, Mr. Harvey informed the Board that he had retained a third supervising physician as of June 30, 2022. Review of the clinical practice guidelines indicated that the guidelines did not allow for nerve or joint injections or hormone replacement and further indicated that any future injections would require a referral or advice from the Supervising Physician. The third supervising physician subsequently contacted investigative staff to relay that he did not feel comfortable providing supervision on joint injections or overseeing the prescribing of testosterone and to inform the Board that he would be terminating his supervision of Mr. Harvey as of July 25, 2022. Mr. Harvey thereafter removed himself from practice prior to meeting with the Investigating Officer on August 1, 2022.

Mr. Harvey and his counsel appeared for a meeting at the Board offices on August 1, 2022, to discuss the pending investigations and issues with compliance, specifically including the potential violations regarding practicing without a supervising physician or without appropriate documentation for a supervising physician; practicing in areas outside the scope of delegation, including chronic pain; and holding oneself out as a physician. Mr. Harvey provided explanations regarding the complaints' allegations and potential violations. He explained that he was unaware

⁸ See La. Admin. Code tit. 46, pt. XLV, § 4505 ("E. A physician assistant shall not: 1. practice without supervision, as defined by §1503, except in life-threatening emergencies; . . . 4. act as or engage in the functions of a physician assistant other than on the direction and under the direction and supervision of his supervising physician at the location or locations specified in physician assistant's notice of practice location to the board, except in the following situations: a. if the physician assistant is acting as assistant in life-threatening emergencies and in situations such as man-made and natural disaster or a physician emergency relief efforts; b. if the physician assistant is volunteering his services to a non-profit charitable organization, receives no compensation for such services, and is performing such services under the supervision and in the presence of a licensed physician.").

⁹ See, e.g., La. R.S. 37:1360.31(A)(1) ("A physician assistant performs medical services when such services are rendered under the supervision of a supervising physician. A physician assistant may perform those duties and responsibilities that are delegated to him by his supervising physician."); La. Admin. Code tit. 46, pt. XLV, §1503 (providing requirements for clinical practice guidelines); La. Admin. Code tit. 46, pt. XLV, § 4507(C) (requiring a primary Supervising Physician ("PSP") to maintain a credentials file for each PA for whom he or she serves as a PSP and include a list of services beyond core competencies that the PA may perform, and document a. the PA's training in the service. b. the PA's ability to provide or perform the service safely and effectively; and c. the protocols to be followed for the service); La. Admin. Code tit. 46, pt. XLV, § 4512(A) ("For each practice setting, a PA and SP shall develop and implement a meaningful performance plan for evaluating whether the PA has performed medical services delegated by the SP with professional competence and with reasonable skill and safety to patients."); La. Admin. Code tit. 46, pt. XLV, § 4511(A) ("The physician assistant and supervising physician shall: . . . 4. insure that with respect to patient encounters, 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 as evidenced by compliance with the clinical practice guidelines established by the supervising physician and physician assistant.").

of the website posting and as soon as he learned of it, he had it removed. He provided documentary evidence in support of his explanation. He also explained that he was not made aware that on July 25 his then-current supervising physician had sent the Board a notice of ceasing to be his supervising physician, until his counsel learned this on July 27. Mr. Harvey also explained that he was of the understanding that he was permitted to practice within the scope permitted by his supervising physicians, which he was doing. Also, he had already transferred his interest in Team Health by the time of the meeting. Mr. Harvey was advised that this case would be presented to the Physician Assistant Advisory Committee for a recommendation. Mr. Harvey further was advised to either terminate or establish proper documentation regarding his 20-plus active Supervising Physicians on the Board's website and was counseled regarding the Board's rules for prescribing and practicing as a physician assistant under proper supervision.

Mr. Harvey has cooperated with the Board's investigation, including by: (1) promptly removing the incorrect references to Mr. Harvey as a doctor or physician on Team Health's website; (2) removing the incorrect references to active supervising physicians from the Board's file and website; and (3) relinquishing his minority share in Team Health.

Following consultation with and approval of the Physician Assistant Advisory Committee, Mr. Harvey agrees to enter into the following public disciplinary order and to fully comply with the below-described terms.¹⁰

Predicated upon the information outlined above, the Investigating Officer has determined that reasonable cause exists to pursue administrative proceedings, consistent with La. R.S. 37:1360.34,¹¹ against Mr. Harvey for violations of the Louisiana Physician Assistant Practice Act, La. R.S. 37:1360.33(3).¹²

As evidenced by his subscription hereto, Mr. Harvey acknowledges the foregoing information and, without admitting any violation of federal or state law or regulation, and for purposes of this Consent Order only, that such information would provide the Investigating Officer assigned hereto with a reasonable basis to institute formal administrative proceedings against his physician assistant license for violations of the Act pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing could establish grounds under

¹⁰ See La. Admin. Code tit. 46, pt. XLV, § 1511(A) ("The board shall not act on any matter relating to physician assistants without first consulting with the advisory committee.").

¹¹ "The Board upon finding that a physician assistant has committed any offense described in R.S. 37:1360.33, may: . . . Revoke, suspend, limit, or otherwise restrict a license." La. R.S. 37:1360.34.

¹² The Board may take disciplinary action pursuant to La. R.S. 37:1360.33 with respect to a physician assistant who "(3) Violates any provision of this Part or any regulations adopted by the board pertaining to this Part." See also citations and accompanying factual information at n.1-n.7 *supra*; La. Admin. Code tit. 46, pt. XLV, § 4506; La. Admin. Code tit. 46, pt. XLV, § 4505(A), (C), (E)(1), (3), (4), (6); La. R.S. 37:1360.33(A)(8); La. Admin. Code tit. 46, pt. XLV, § 1508(A)(3); La. Admin. Code tit. 46, pt. XLV, § 4511(A); La. R.S. 37:1360.31(A)(1); La. Admin. Code tit. 46, pt. XLV, § 1503; La. Admin. Code tit. 46, pt. XLV, § 4507(C); La. Admin. Code tit. 46, pt. XLV, § 4512(A); La. Admin. Code tit. 46, pt. XLV, § 4511(A)(4)-(5).

the Act for the suspension or revocation of his license to practice as a physician assistant in the State of Louisiana or other such action as the Board might deem appropriate.

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. R.S. 49:950 *et seq.*, Mr. Harvey, nonetheless, hereby waives his rights to notice, formal adjudication and written decision and, pursuant to La. R.S. 49:975(D),¹³ consents to entry of the Order set forth hereinafter. Furthermore, Mr. Harvey acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:950 *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 relating to the matters referred to herein. Mr. Harvey 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 result of the investigation, and waives any objection to such disclosures under La. R.S. 49:977.2.¹⁴ Mr. Harvey 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 pursue formal administrative charges against him or to the Board's capacity to adjudicate such charges should the Board decline to approve this Consent Order.

Based upon the information provided, and upon the recommendation of the Investigating Officer, the Board hereby concludes that, consistent with its mandate under La. R.S. 37:1261 and La. R.S. 37:1360.21, the interests of public health, safety, and welfare 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. R.S. 37:1360.34 and La. R.S. 49:975(D);

IT IS ORDERED that the license of Robert Doyle Harvey, P.A., as evidenced by Credential No. PA.A10515, is hereby **SUSPENDED** for a period of six (6) months (the "period of suspension") from the effective date of this consent order.

IT IS FURTHER ORDERED that, no sooner than sixty (60) days prior to completion of the period of suspension, Mr. Harvey may request that the Board issue a Superseding Order reinstating his license to practice as a physician assistant on probation. Thereafter, Mr. Harvey's license may be reinstated **ON PROBATION** for a period of two (2) years (the "probationary period") provided, however, that reinstatement of Mr. Harvey's license and his continuing exercise of the rights and privileges granted thereunder shall be conditioned upon his continuing acceptance of and strict compliance with the following terms, conditions, and restrictions:

- (1) **Continuing Education.** Mr. Harvey shall, within one hundred and eighty (180) days of the effective date of this Order, provide confirmation that he has registered for, attended, and successfully completed continuing education courses that have been pre-

¹³ Redesignated from La. R.S. 49:955 by 2022 La. Act No. 663, eff. Aug. 1, 2022.

¹⁴ Redesignated from La. R.S. 49:960 by 2022 La. Act No. 663, eff. Aug. 1, 2022.

approved in writing by the Board or its designee in the following areas: (A) Physician Assistant rules review; (B) ethics; (C) proper prescribing; and (D) medical record keeping.

- (2) **Supervising Physician On-Site; Quarterly Monitoring Reports.** Prior to resuming his practice, Dr. Harvey shall enter into an agreement with a Supervising Physician as required by the Board's rules, who has been pre-approved in writing by the Board or its designee. In addition to complying with all applicable rules regarding Supervising Physicians, such agreement shall provide that the Supervising physician must be on-site during the period of probation. Furthermore, Mr. Harvey shall ensure that the Supervising Physician provide quarterly monitoring reports to the Board or its designee attesting to whether Mr. Harvey's treatment of patients is within established clinical boundaries and standards of care. Any and all fees, costs or expenses incurred by Mr. Harvey in connection with this monitoring requirement shall be borne by Mr. Harvey. Mr. Harvey shall not practice in any setting until and unless the Board has approved his Supervising Physician.
- (3) **Notification and Authorization.** Mr. Harvey shall provide a copy of this Consent Order and any Superseding Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician assistant in this state, and upon request of the Board's probation officer Mr. Harvey shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or employment records pertaining to Mr. Harvey from any hospital, institution or health care entity at which Mr. Harvey has or has had privileges.
- (4) **Board Approval of Practice Setting.** For the duration of the probationary period, before continuing or accepting any employment with any clinic, hospital, physician or other entity providing healthcare services to patients, Mr. Harvey shall obtain from the Board or its designee written approval of his employment setting and shall provide any and all information that the Board or its designee may require in connection with such approval. Mr. Harvey shall not practice as a physician assistant in advance of the Board or its designee's specific written approval of such practice setting.
- (5) **Absence from the State/Practice/Effect on Probation.** Should Mr. Harvey at any time during the probationary period 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 assistant, for a period of thirty (30) days or more, he will so advise the Board or its designee in writing. In such instance, the probationary status of his license shall remain in place for the entire period of absence from the State or practice discontinuance.
- (6) **Cooperation with Board's Probation and Compliance Officer.** Mr. Harvey shall immediately notify the Board's Probation and Compliance Officer of any change(s) in his current home and/or professional address, telephone number, email address, and/or facsimile transmission number, and he shall direct all matters required pursuant to this Consent Order and any Superseding Consent Order to the attention of the Board's

Probation and Compliance Officer. Mr. Harvey shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Consent Order and any Superseding Consent Order, specifically including without limitation providing cooperation and assistance to the Board or its designee in obtaining any records or reports required under Section 2 of this Consent Order.

- (7) **Probation Monitoring Fee.** For each year of the probation, Mr. Harvey shall pay the Board an annual 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 date of this order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
- (8) **Effect of Violation/Sanction.** By his subscription hereto, Mr. Harvey acknowledges that his receipt of written notification that the Board has received reliable information indicating his failure to comply with the requirements set forth by this Consent 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. R.S. 49:950, *et seq.*, or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate or continued suspension of his license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceeding by issuance of a final decision following administrative adjudication of such charges.
- (9) **Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary period, Mr. Harvey shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order. 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 Mr. Harvey's compliance with the requirements of this provision.

IT IS FURTHER ORDERED that any violation of or failure to strictly comply with this Order by Mr. Harvey shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Mr. Harvey's license to practice as a physician assistant in this state as the Board may deem appropriate, as if such violation were enumerated among the causes provided in La. R.S. 37:1360.33 and/or La. Admin. Code tit. 46, pt. XLV, § 4513.

IT IS FURTHER ORDERED that this Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

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

New Orleans, Louisiana, this 23RD day of JANUARY, 2023.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: 

LESTER W. JOHNSON, M.D.
President

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA

PARISH OF Rapides

I, ROBERT DOYLE HARVEY, P.A., 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 9th day of January, 2023.

Robert Doyle Harvey P.A.
ROBERT DOYLE HARVEY, P.A.

WITNESSES:

[Signature]
Signature

Amice L. Francisco
Typed Name

3511 England Dr. lot 7
Street Address

Alexandria, LA 71303
City/State/Zip Code

[Signature]
Signature

Noland J. Marcantel
Typed Name

3530 England Dr.
Street Address

Alexandria, LA 71303
City/State/Zip Code

Sworn to and subscribed before me this
9th day of January, 2023, in the
presence of the two stated witnesses.

[Signature]
Notary Public (Signature)

Name: Marsha S. Marcantel
Notary # 59270
Notary/Bar No.: State of Louisiana
Commission expires: Commissioned for Life