

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

Physical Address: 630 Camp Street, New Orleans, LA 70130
Mailing Address: P.O. Box 30250, New Orleans, LA 70190-0250
Web site: <http://www.lsbme.la.gov>

Telephone: (504) 568-6820
Fax: (504) 568-5754



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:
In The Matter Of: :
:
JAMES BUELL DENNEY, M.D. :
(Certificate No. 012906): :
Repondent :
----- X

No. 10-I-546
CONSENT ORDER

James Buell Denney, M.D. ("Dr. Denney") is, and at all times pertinent has been, a psychiatrist licensed to practice medicine in the State of Louisiana, and engaged in practice in and around Slidell, Louisiana.

The Louisiana State Board of Medical Examiners ("LSBME" or "Board") initiated an investigation of Dr. Denney's current medical practice following the receipt of information indicating that Dr. Denney was prescribing an excessive amount of narcotics to his patients and in a manner without regard for patient safety. In the course of the investigation, medical records were reviewed and indicated that Dr. Denney was prescribing in a manner not in keeping with the Board's rules on the treatment of chronic pain.¹

In particular, it appears to the Director of Investigations ("DOI") for the Board that Dr. Denney failed to thoroughly evaluate his patients, to conduct physical examinations, or to review their previous diagnostic studies or previously utilized therapies. His progress notes are focused on psychiatric evaluation and his treatment is based on psychiatric diagnoses which do not support the use of narcotic medications. He did not establish an individualized treatment plan or document that other medically reasonable alternative treatments for pain relief had been offered or attempted without reasonable success. Additionally, he failed to assess the efficacy of his patients' treatment, to assure that controlled substance therapy remained indicated, or to evaluate the patients' progress toward clearly defined treatment objectives. Dr. Denney failed to comply with the Board's Pain Management Rules and therefore failed to satisfy the prevailing and usually accepted standards of medical practice.

¹ Controlled Substances Used in the Treatment of Noncancer-related Chronic or Intractable Pain, 46 La. Adm. Code XLV: §§6915-6923.

Dr. Denney met with the DOI and agreed to terminate his practice of chronic pain treatment within four months. Although Dr. Denney made some changes to his practice, the DOI found in follow up site visits that he continued to prescribe narcotics without adequate medical justification or in an illegitimate manner.

Predicated upon the information outlined above, the Investigating Officer assigned by the Board with respect to this matter, determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Dr. Denney charging him with violations of the Louisiana Medical Practice Act (the "Act").²

As evidenced by his subscription hereto Dr. Denney, without admitting any violation of the Act or the Board's rules, nevertheless acknowledges that the foregoing information could constitute probable cause for the institution of administrative proceedings against his medical licensure, pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing may establish grounds under the Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the board might deem appropriate.

Recognizing his right to have notice and administrative adjudication of such charges, at which time Dr. Denney 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 §§ 49:955-965, Dr. Denney, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §§ 49:955 (D), consents to entry of the Order set forth hereinafter. Dr. Denney also 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 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. Denney 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 under La. Rev. Stat. §§ 49:960. Dr. Denney 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 him, or to the Board's capacity to adjudicate such complaint, should the Board decline to approve this Consent Order.

² Pursuant to La. Rev. Stat. §37:1285 A the board may take action against the license of a physician as a result of: (6) "[P]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefore or in other than a legal or legitimate manner;" (13) "[U]nprofessional conduct;" (14) "[C]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state;" and (30) "[V]iolation of any rules and regulations of the Board, or any provision of this Part."

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. § 37:1285 and the La. Rev. Stat. § 49:955(D);

IT IS ORDERED that the license of James Buell Denney, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 012906, is hereby placed **ON PROBATION for a period of two (2) years** from the effective date of this Order (the “probationary period”); *provided however*, that Dr. Denney’s license to practice medicine and his continuing exercise of the rights and privileges granted to him thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Prohibitions on Practice/Management of Chronic Pain or Obesity.** Dr. Denney shall not practice medicine in the field of management of chronic pain or obesity. More specifically, Dr. Denney shall not hold himself out as being engaged in the treatment of or actually undertake to treat, either individually or in conjunction with any other physician, any patient for the long-term management of chronic pain or obesity with controlled substances nor shall he 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 chronic pain or obesity 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 the management or chronic pain or obesity. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall survive the probationary period and remain in effect so long as Dr. Denney shall hold any form of license or permit to practice medicine in the State of Louisiana.
- (2) **Prescription, Dispensation, Administration of Narcotics Prohibited.** Dr. Denney shall not, for as long as he holds a license to practice medicine in this state, prescribe, dispense or administer any medication which may be classified, defined, enumerated or included in 21 C.F.R. §§1308 or La. Rev. Stat §40:964 as a narcotic, or any substance which may hereafter be designated a narcotic by inclusion in such regulations and statute, or the drugs Tramadol and Carisoprodol in any form or generic thereof. This prohibition shall survive the term of probation set forth in this Order and remain in force and effect until and unless modified by subsequent written Order of the Board in its sole discretion.
- (3) **Attendance at Approved Seminar/Course or Professionalism and Medical Ethics.** Within the first year of the probationary period, Dr. Denney shall provide written confirmation that he has attended and successfully completed one or more courses of study in the areas of professionalism and medical ethics. All courses required by this provision shall be comprehensive in nature (greater than 20 credit hours) and shall be acceptable to and pre-approved in writing by the Board or its designee. Credit hours obtained in satisfaction of this paragraph shall count towards satisfaction of paragraph 5 of this Order relative to CME.

- (4) **Payment of a Fine.** The Board hereby imposes an administrative fine in the amount of three thousand dollars (\$3,000) against Dr. Denney. Dr. Denney shall pay this fine within ninety (90) days of the effective date of this Order.
- (5) **Continuing Medical Education.** Dr. Denney shall obtain not less than fifty (50) credit hours per year for each of the two (2) 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 Order, for each of the next three (3) years, Dr. Denney 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.
- (6) **Probation Monitoring Fee.** For each year of the probationary period Dr. Denney 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.
- (7) **Absence from State/Practice/Effect on Probation.** The probation term of this Order shall be extended for any period of time that (i) Dr. Denney subsequently resides or practices outside the State of Louisiana or (ii) Dr. Denney's license is subsequently cancelled for nonpayment of licensure fees. If Dr. Denney leaves Louisiana to live or practice elsewhere, he shall immediately notify the Board in writing of the dates of his departure from and subsequent return to Louisiana. When the period of extension ends, Dr. Denney shall be required to comply with the terms of this Order for the period of time remaining on the extended probationary term of this Order. Dr. Denney shall pay all fees for reinstatement or renewal of a license covering the period of extension.
- (8) **Cooperation with the Board's Probation and Compliance Officer.** Dr. Denney 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 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 Order.
- (9) **Notification.** During the probationary period Dr. Denney shall provide a 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 in this state.
- (10) **Effect of Violation/Sanction.** By his subscription hereto, Dr. Denney 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.

- (11) **Certification of Compliance with Probationary Terms/Personal Appearance before the Board.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. Denney 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 at its meeting preceding the expiration of his probationary term. 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. Denney'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. Denney shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Denney'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 this 5th day of December, 2011.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY:

Mark H. Dawson

MARK H. DAWSON, M.D.

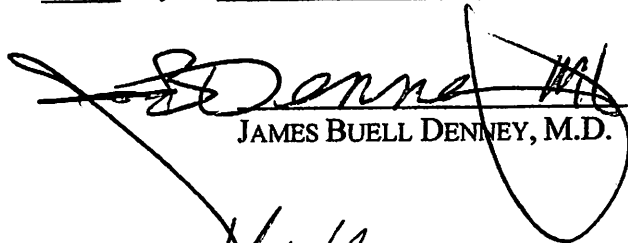
President

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF Louisiana

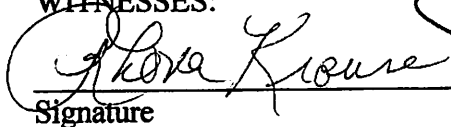
PARISH/COUNTY OF St. Tammany

I, JAMES BUELL DENNEY, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 15th day of November, 2011.



JAMES BUELL DENNEY, M.D.

WITNESSES:



Signature



Signature

Rhona Krouse

Typed Name

Vicki Hsu

Typed Name

85 Whisperwood Blvd, Ste. D

Address

85 Whisperwood Blvd, Suite D

Address

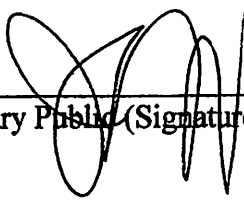
Slidell, LA 70458

City/State/Zip Code

Slidell, LA 70458

City/State/Zip Code

Sworn to and subscribed before me at Slidell, Louisiana this 15th day of November, 2011, in the presence of the two stated witnesses.



Notary Public (Signature and Seal)

James R. Strain, Jr.

Printed Name/Notary or Bar Number 12524

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Department of Investigations
Telephone: (504) 568-6820
FAX: (504) 568-5754

IN THE MATTER OF:

JAMES BUELL DENNEY, M.D.
(Certificate No. 012906)
Respondent

12-I-686

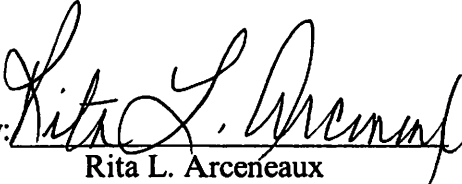
**NOTICE OF
SUMMARY SUSPENSION
OF MEDICAL LICENSE**

To: James Buell Denney, MD
2033 Jefferson Street
Mandeville, La 70448

PLEASE TAKE NOTICE that the Louisiana State Board of Medical Examiners (the "Board"), pursuant to the authority vested in it by La. Rev. Stat. §37:1285(A), La. Rev. Stat. §49:961(C) has issued an Order of **SUMMARY SUSPENSION**, suspending the license of James Buell Denney, M.D., effective immediately.

New Orleans, Louisiana, this 17th day of September 2012.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: 
Rita L. Arceneaux
Confidential Executive Assistant

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Department of Investigations
Telephone: (504) 568-6820
FAX: (504) 568-5754

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In The Matter Of: :
:
JAMES BUELL DENNEY, M.D. :
(Certificate No. 0129066) :
Respondent :
----- X

No. 12-I-686

**SUPERSEDING
CONSENT ORDER
FOR REINSTATEMENT OF
MEDICAL LICENSE**

James Buell Denney, M.D. ("Dr. Denney") is, and at all times pertinent has been, a psychiatrist licensed to practice medicine in the State of Louisiana, and engaged in practice in and around Slidell, Louisiana.

Dr. Denney had been the subject of a prior investigation by the Louisiana State Board of Medical Examiners ("LSBME" or "Board") for prescribing an excessive amount of narcotics to his patients and in a manner without regard for patient safety. The investigation was concluded when Dr. Denney agreed to, and signed, a Consent Order with the Board whereby, among other things, he was prohibited from practicing in the field of chronic pain or obesity, was prohibited from prescribing any controlled substances, was required to take a course in professionalism and ethics and was required to pay a fine.¹

More recently, the Director of Investigations ("DOI") initiated an investigation of Dr. Denney's current medical practice following the receipt of a complaint by a female patient, who alleged that Dr. Denney engaged in professional sexual misconduct by examining her breasts in an inappropriate manner without a chaperone. Based upon the fact that the Board had received a similar, but unsubstantiated complaint in the past, the Board directed Dr. Denney to submit to an inpatient evaluation at Behavioral Medicine Institute, Atlanta, Georgia ("BMI") to insure that Dr. Denney was not suffering from a psychiatric condition that could affect his ability to practice medicine with reasonable skill and safety to patients.² Dr. Denney did not comply with the order and submit to the evaluation. Accordingly, on September 17, 2012, the Board concluded that emergency action was imperative to safeguard

¹ Consent Order, *In the Matter of James Buell Denney, M.D.*, No. 10-I-546, La. State Board of Med. Examiners, (December 5, 2011).

² Order for Evaluation of Medical Professionals, *In the Matter of James Buell Denney, M.D.*, No. 12-I-686, La. State Board of Medical Examiners, (August 10, 2012).

the public health, welfare and safety and suspended Dr. Denney's license to practice medicine in this state.³

Predicated upon the information outlined above, the Investigating Officer assigned by the Board with respect to this matter, determined that reasonable cause existed for recommending that a formal Administrative Complaint be filed against Dr. Denney charging him with violations of the Louisiana Medical Practice Act (the "Act").⁴

Although Dr. Denney denies the allegations and any violation of the Act, in an effort to save resources and the cost of the evaluation, Dr. Denney is agreeable to limit his practice to males only for a long as he maintains a license to practice medicine in this state.

As evidenced by his subscription hereto Dr. Denney, without admitting any violation of the Act or the Board's rules, nevertheless acknowledges that the foregoing information could constitute probable cause for the institution of administrative proceedings against his medical licensure, pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing may establish grounds under the Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the board might deem appropriate.

Recognizing his right to have notice and administrative adjudication of such charges, at which time Dr. Denney 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 §§ 49:955-965, Dr. Denney, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §§ 49:955 (D), consents to entry of the Order set forth hereinafter. Dr. Denney also 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 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. Denney 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 under La. Rev. Stat. §§ 49:960. Dr. Denney 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

³ Order of Summary Suspension, *In the Matter of James Buell Denney, M.D.*, No. 12-I-686, La. State Board of Medical Examiners, (September 17, 2012).

⁴ Pursuant to La. Rev. Stat. §37:1285 A the board may take action against the license of a physician as a result of: (13) "[U]nprofessional conduct;" (14) "[C]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state;" (26) "[R]effusing to submit to the examinations and inquiry of an examining committee of physicians appointed or designated by the Board to inquire into the physician's physical and mental fitness and ability to practice medicine with reasonable skill and safety to patients; and (30) [V]iolation of any rules and regulations of the Board, or any provision of this Part."

filing and adjudication of an administrative complaint 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 foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. § 37:1285 and the La. Rev. Stat. § 49:955(D);

IT IS ORDERED that the license of James Buell Denney, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 012906, is hereby **REINSTATED**, and thereafter placed **ON PROBATION for a period of two (2) years** (the "probationary period"); *provided however*, that Dr. Denney's license to practice medicine and his continuing exercise of the rights and privileges granted to him thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Personal Appearance before the Board.** In connection with a request for reinstatement of his medical license, Dr. Denney shall personally appear before the Physicians Health Committee of the Board or its designee to permit it and the Board to consider his compliance with the terms, conditions and restrictions of this Order and to advise the Board of his intentions with respect to the practice of medicine.
- (2) **Restriction to Male Practice.** Following reinstatement of his medical license, Dr. Denney shall only engage in the practice of medicine in a medical setting preapproved in writing by the Board and Dr. Denney's practice in such setting shall, in addition, be limited solely to the treatment of male patients. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall survive the probationary period and remain in effect so long as Dr. Denney shall hold any form of license or permit to practice medicine in the State of Louisiana.
- (3) **Monitoring Program.** During the probationary period, at his own expense, Dr. Denney shall maintain an agreement with a Board-approved monitoring service ("the monitoring program") who will be responsible for work-place monitoring. Dr. Denney shall authorize the monitoring program to provide quarterly reports to the Board regarding Dr. Denney's compliance with approved practice setting.
- (4) **Prohibitions on Practice/Management of Chronic Pain or Obesity.** Dr. Denney shall not practice medicine in the field of management of chronic pain or obesity. More specifically, Dr. Denney shall not hold himself out as being engaged in the treatment of or actually undertake to treat, either individually or in conjunction with any other physician, any patient for the long-term management of chronic pain or obesity with controlled substances nor shall he 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 chronic pain or obesity 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 the management or chronic pain or obesity. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall survive the probationary period and remain in effect so long as Dr. Denney shall hold any form of license or permit to practice medicine in the State of Louisiana.

- (5) **Prescription, Dispensation, Administration of Narcotics Prohibited.** Dr. Denney shall not, for as long as he holds a license to practice medicine in this state, prescribe, dispense or administer any medication which may be classified, defined, enumerated or included in 21 C.F.R. §§1308 or La. Rev. Stat §40:964 as a narcotic, or any substance which may hereafter be designated a narcotic by inclusion in such regulations and statute, or the drugs Tramadol and Carisoprodol in any form or generic thereof. This prohibition does not restrict Dr. Denney's ability to prescribe psychiatric drugs for anxiety and attention deficit disorder, as narcotics are not used to treat these conditions. This prohibition shall survive the term of probation set forth in this Order and remain in force and effect until and unless modified by subsequent written Order of the Board in its sole discretion.
- (6) **Payment of a Fine.** The Board hereby imposes an administrative fine in the amount of one thousand dollars (\$1,000) against Dr. Denney. Dr. Denney shall pay this fine prior to the end of the probationary period.
- (7) **Courses on Professionalism and Professional Boundary Violations.** If not already completed, Dr. Denney shall attend and successfully complete at least one course each in professionalism and professional boundary violations. These courses shall be approved in advance by the Board. On or before the expiration of six (6) months from the effective date of this Order Dr. Denney shall cause to be submitted to the Board written certification of satisfaction of the requirements of this provision.
- (8) **Continuing Medical Education.** Dr. Denney shall obtain not less than fifty (50) credit hours per year for each of the two (2) 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 Order, for each of the next two (2) years, Dr. Denney 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. The CME hours required of this Order are not in addition to CME requirements required in the Consent Order of December 5, 2011.

- (9) **Probation Monitoring Fee.** For each year of the probationary period Dr. Denney 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.
- (10) **Absence from State/Practice/Effect on Probation.** The probation term of this Order shall be extended for any period of time that (i) Dr. Denney subsequently resides or practices outside the State of Louisiana or (ii) Dr. Denney's license is subsequently cancelled for nonpayment of licensure fees. If Dr. Denney leaves Louisiana to live or practice elsewhere, he shall immediately notify the Board in writing of the dates of his departure from and subsequent return to Louisiana. When the period of extension ends, Dr. Denney shall be required to comply with the terms of this Order for the period of time remaining on the extended probationary term of this Order. Dr. Denney shall pay all fees for reinstatement or renewal of a license covering the period of extension.
- (11) **Cooperation with the Board's Probation and Compliance Officer.** Dr. Denney 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 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 Order.
- (12) **Notification.** During the probationary period Dr. Denney shall provide a 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 in this state.
- (13) **Effect of Violation/Sanction.** By his subsequent hereto, Dr. Denney 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.

- (14) **Certification of Compliance with Probationary Terms/Personal Appearance before the Board.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. Denney 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 at its meeting preceding the expiration of his probationary term. 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. Denney's compliance with the requirements of this provision.

IT IS ORDERED that the Consent Order entered herein between James Buell Denney, M.D. and the Board on December 5, 2011, is hereby vacated and superseded by this Order.

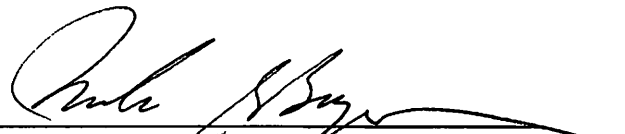
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order or the Consent Order of December 5, 2011 by Dr. Denney shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Denney'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 Orders shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective this 17 day of Feb, 2012.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY:



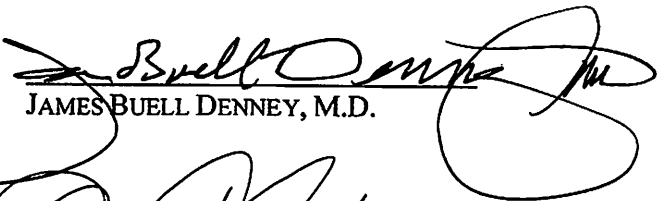
MELVIN G. BOURGEOIS, M.D.
President

Acknowledgment and Consent on Following Page

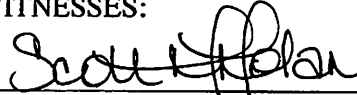
STATE OF Louisiana
PARISH/COUNTY OF Orleans

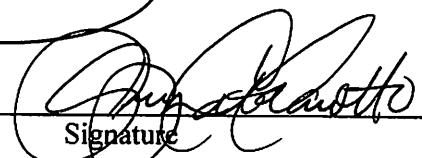
ACKNOWLEDGMENT
AND CONSENT

I, JAMES BUELL DENNEY, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 12th day of October, 2012.


JAMES BUELL DENNEY, M.D.

WITNESSES:


Signature
Scott Nolan


Signature
Gwyn Catalanotto

Typed Name
1100 Poydras Street, Suite 2905
Address
New Orleans, LA 70163
City/State/Zip Code

Typed Name
1100 Poydras Street, Suite 2950
Address
New Orleans, LA 70163
City/State/Zip Code

Sworn to and subscribed before me at New Orleans, Louisiana this 12th day of October, 2012, in the presence of the two stated witnesses.


Notary Public (Signature and Seal)

Sherif K. Sakla, M.D., J.D. (La. Bar No. 24871)

Printed Name/Notary or Bar Number