

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter of :   
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**KATHRYN KAY KENNEDY, M.D.** : **No. 11-I-102**  
*(Certificate No. 020484)* : **SECOND SUPERSEDING**  
: **CONSENT ORDER**  
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By Order entered in the year 2001 by the Louisiana State Board of Medical Examiners (the "Board") the license of Kathryn Kay Kennedy ("Dr. Kennedy") to practice medicine in this state was reinstated on probation for ten (10) years, subject to various terms, conditions, and restrictions relative to her dependency to mood-altering substances.<sup>1</sup> Dr. Kennedy progressed well in recovery for many years; however, in 2011 the Board received apparently reliable information indicating the physician's return to use of mood-altering substances. Accordingly, pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and the Order previously entered, Dr. Kennedy's license was summarily suspended.<sup>2</sup> Following the completion of in-patient treatment, in 2012 her license was reinstated by the Board on indefinite probationary terms, conditions and restrictions.<sup>3</sup>

Subsequent to the entry of such Order, but prior to her resumption of medical practice, the Board received apparently reliable information indicating that Dr. Kennedy tested positive for a prohibited substance. As a result, the physician's license was again suspended by the Board.<sup>4</sup> Thereafter, the Dr. Kennedy cooperated fully with the Physicians' Health Foundation of Louisiana's Physicians' Health Program (the "PHP"), submitted to on-going therapy and monitoring and submitted to and completed an in-patient assessment at a treatment program approved by the Board (the "Treatment Program"). Provided that she adheres to their

<sup>1</sup>*Order for Reinstatement of License on Probation*, In the Matter of Kathryn Kay Kennedy, M.D., Cert. No. 020484, No. 99-I-006, La. St. Bd. Med. Ex. (July 25, 2001); *See also Consent Order* (Sept. 22, 1999).

<sup>2</sup>*Notice of Suspension of Medical License*, In the Matter of Kathryn Kay Kennedy, M.D., Cert. No. 020484, No. 11-I-102, La. St. Bd. Med. Exam. (Mar. 17, 2011).

<sup>3</sup>*Superseding Consent Order*, In the Matter of Kathryn Kay Kennedy, M.D., Cert. No. 020484, No. 11-I-102, La. St. Bd. Med. Exam. (Mar. 19, 2012).

<sup>4</sup>*Notice of Suspension of Medical License*, In the Matter of Kathryn Kay Kennedy, M.D., Cert. No. 020484, No. 11-I-102, La. St. Bd. Med. Exam. (Sept. 5, 2012).

recommendations for on-going monitoring and therapy the Treatment Program found Dr. Kennedy capable of resuming practice with reasonable skill and safety to patients.

As evidenced by her subscription to this Order, Dr. Kennedy acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer herein for the Board with probable cause to pursue formal administrative proceedings against her for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285(A)(25) and (30), constituting sufficient cause for such action against her license to practice medicine in the state of Louisiana as the Board may deem appropriate. On the basis of apparently reliable information, however, the Board remains persuaded that the conditions from which Dr. Kennedy suffers may be susceptible to effective medical treatment, resulting in the maintenance of her capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that she strictly observes and complies with appropriate restrictions on and conditions to maintenance of her medical license. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer 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 her right to written notification of any charges that may be asserted against her as a result of this investigation, as well as the right to administrative adjudication of such charges, at which time she 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. Kennedy, nonetheless, hereby waives her 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. Dr. Kennedy also acknowledges that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or to which she otherwise may be afforded by any 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. By her subscription hereto, Dr. Kennedy hereby authorizes the Investigating Officer ("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 she waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Kennedy 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 her, or to the Board's capacity to adjudicate such charges 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. §49:955(D);

**IT IS ORDERED** that the license of Kathryn Kay Kennedy, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 020484, be and the same is hereby **REINSTATED ON INDEFINITE PROBATION**; *provided, however*, that such reinstatement of licensure and her continuing exercise of rights and privileges thereunder shall be conditioned upon her compliance with and continuing satisfaction of each of the following terms, conditions and restrictions:

(1) **Personal Appearance Before the Board.** In connection with the consideration of this Order, Dr. Kennedy shall personally appear before the Board or its designee to permit the Board to consider her current status and her intentions with respect to the practice of medicine.

(2) **Maintenance of Complete Abstinence.** Dr. Kennedy shall maintain complete and total abstinence from the use of alcohol, controlled and any other mood-altering substance for as long as she holds a license to practice medicine in this state, except as may be prescribed by a treating physician other than herself for a *bona fide* medical condition. Dr. Kennedy 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 her from any physician for treatment of a *bona fide* medical condition. If the prescription is from another physician, she shall also inform her treating/monitoring physician in the same manner.

(3) **Continuing Treatment, Participation in the PHP/Reports to Board.** Dr. Kennedy shall continue under treatment, consistent with the prescription and recommendations of her evaluating physicians at the Treatment Program and under her PHP monitoring agreement or any subsequent agreement which may be recommended by the PHP, as well as those recommended by her treating physicians and those prescribed by any other health care provider involved in her care to the extent that they continue to follow her. Dr. Kennedy shall, in addition, authorize and cause her 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, as to her then-current treatment diagnosis, prognosis, course of treatment, maintenance of abstinence from controlled and mood-altering substances, her fitness and ability to practice medicine with reasonable skill and safety to patients, and her compliance with the terms, conditions and restrictions of this Order and her PHP monitoring agreement.

(4) **Drug Screens.** Dr. Kennedy shall submit to periodic, unannounced blood, urine, saliva and/or hair collection for testing for the presence of alcohol, controlled and other mood-altering substances by the PHP or its designee. Unless and until this condition is modified or rescinded by the Board, she 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. Kennedy shall, and does by her subscription hereto, authorize any physician or any institution at which she undergoes evaluation or treatment for chemical dependency or any psychiatric condition, as well as any physician under whose care she may come at such an institution who has or may hereafter evaluate, diagnose, treat or monitor her, to provide the Board with copies of all medical reports relating to Dr. Kennedy's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Kennedy 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) **Treatment of Self/Family Members Prohibited.** Except as may be necessitated by an emergency or life-threatening medical condition Dr. Kennedy shall not, for the

duration of her career, undertake to treat, dispense, prescribe or administer any medication, nor render any medical care, to any member of her immediate family. In addition, Dr. Kennedy shall arrange for other physicians to attend to her own health care needs.

**(7) Limitation on Practice.** Dr. Kennedy shall not, until further written order of the Board, engage in the practice of medicine in this state other than in a practice setting approved in writing by the Board.

**(8) Notification.** Dr. Kennedy shall provide a complete copy of this Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom she provides services as a physician in this state.

**(9) Limitation on Controlled Substances.** Dr. Kennedy shall not prescribe, dispense or administer 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. The prohibitions contained in this paragraph shall not prohibit Dr. Kennedy from prescribing **Schedule IV or V** controlled substances prescribed by Dr. Kennedy for the treatment of psychiatric conditions by patients seen exclusively in connection with her practice of psychiatry. Further, this prohibition shall not prevent her from ordering controlled substances and other prescription medications for administration to in-patients of and at a hospital or similar institution where she may be employed or exercise staff and clinical privileges under the controlled substance license and registration of such hospital or institution and in accordance with such hospital or institution's prescribed policies and procedures governing the administration of controlled substances.

**(10) Prohibitions on Practice/Management of Chronic Pain or Obesity.** At no time following the effective date of this Order shall Dr. Kennedy prescribe controlled substances for the treatment of non-cancer related chronic pain or obesity. Furthermore, she shall not receive any remuneration from, have any ownership interest in or association with any clinic or practice setting or arrangement 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 of chronic pain or obesity. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall remain in effect so long as Dr. Kennedy shall hold any form of license or permit to practice medicine in the state of Louisiana.

**(11) Continuing Medical Education.** Dr. Kennedy shall obtain not less than fifty (50) credit hours per year for each of the five (5) years following the effective date of this Order 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 five (5) years, Dr. Kennedy 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.

**(12) Absence from the State/Practice/Effect on Probation.** Should Dr. Kennedy 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, for a period of thirty (30) days or more, she 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 she 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.

**(13) Cooperation with Board's Probation and Compliance Officer.** Dr. Kennedy 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 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 Order.

**(14) Probation Monitoring Fee.** For each year that this Order remains in effect, Dr. Kennedy 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.

**(15) Effect of Violation/Sanction/Resolution.** Dr. Kennedy acknowledges and stipulates that her receipt of written notification from the Board that it has received information from the PHP which indicates her failure to maintain abstinence from alcohol, controlled or other mood-altering substances, or her failure to otherwise comply with her PHP monitoring agreement or with this Order in any respect shall, without need for formal hearing or 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 any law, constitute her irrevocable consent to the immediate suspension of her license to practice medicine in this state by the Board pending disposition of administrative charges by adjudication, Consent or other Order issued by the Board.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions and restrictions set forth by this Order by Dr. Kennedy shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Kennedy'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 the Superseding Order entered by the Board on March 19, 2012, is hereby vacated and superseded by this Order.

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

Signed at New Orleans, Louisiana, and effective on this 19<sup>th</sup> day of May, 2014.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY:

Mark H. Dawson

MARK H. DAWSON, M.D.  
President

**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA  
PARISH OF LAFOUR

I, KATHRYN KAY KENNEDY, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 5TH day of MAY, 2014.

Kathryn Kay Kennedy, M.D.  
KATHRYN KAY KENNEDY, M.D.

Brandon Lovelace  
Signature

Brandon Lovelace  
Printed Name

1651 E 70th St  
Address

Shreveport, LA 71105  
City, State, Zip Code

WITNESSES:

Marissa A. Kane  
Signature

MARISSA A. KANE  
Printed Name

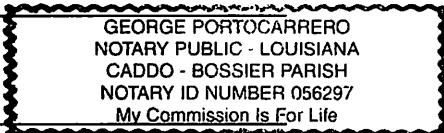
1651 E 70th St  
Address

Shreveport, LA 71105  
City, State, Zip Code

Sworn to and subscribed before me this 5TH day of MAY, 2014, in the presence of the two stated witnesses.

George Portocarrero  
Notary Public (Signature)

Printed Name



Bar/Notary Number