

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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No. 14 -I-548

IN THE MATTER OF:

KENNETH GREGORY STEPHENS, M.D.
(Certificate No. 202039)
Respondent

CONSENT ORDER

The above-entitled matter was docketed for investigation by the Investigating Officer ("I/O") of the Louisiana State Board of Medical Examiners (the "Board"). Kenneth Gregory Stephens, M.D. ("Dr. Stephens") is a physician who at all times pertinent has been licensed and engaged in the practice of Psychiatry in Shreveport, Louisiana.

The Board, through its I/O, initiated an investigation of Dr. Stephens practice upon receipt of information indicating that Dr. Stephens failed to exercise appropriate oversight of medical staff at the facility where he served as Medical Director and thereby enabled the unauthorized practice of medicine. More particularly, Dr. Stephens authorized unqualified staff to sign his name on prescriptions (refills) for both legend and controlled substances when he was not physically present in the clinic. Further, Dr. Stephens left pre-signed prescriptions in the clinic, which may have been utilized to prescribe medications to patients and staff without his knowledge or consent. The investigation also disclosed that Dr. Stephens prescribed controlled substances to patients without documenting an appropriate medical justification and prescribed controlled substance medications to family members without maintaining adequate documentation in their medical record. Finally, the investigation disclosed that Dr. Stephens exercised poor judgment by performing a minor office procedure on a patient in the clinic without appropriately documenting such in the medical record or assuring that the office was able to comply with requirements for any untoward complications.

As evidenced by his subscription to this Order, Dr. Stephens acknowledges the substantial accuracy of the forgoing information and that such acknowledgment and the reported information would provide the Investigating Officer 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) (6), (13) and (18)¹, constituting sufficient

¹ The Board may take action against the license of a physician as a result of La. Rev. Stat. §37:1285A: (6) '[P]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification thereof or in other than a legal or legitimate manner'; (13) '[U]professional conduct'; and (18) '[K]nowingly performing any act which, in any way, assists an unlicensed person to practice medicine, or having professional connection with or lending one's name to an illegal practitioner';

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 Dr. Stephens currently maintains the 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 maintenance of his 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 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. Stephens, 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. Stephens 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. Stephens 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. Stephens 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 Kenneth Gregory Stephens, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 202039, be and the same is hereby, placed **ON PROBATION** for a period of **three (3) years** (the "probationary period") *provided, however,* that Dr. Stephens '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) Board Approval of Medical Practice. Following the effective date of this Order and for the duration of the probationary period, Dr. Stephens shall provide the Board with information including a complete and accurate description, and such further information as the Board may request, concerning any practice setting in which Dr. Stephens intends to practice medicine. Dr. Stephens shall not engage in the practice of medicine in any practice setting in advance of the Board's specific written approval of such practice setting.

(2) Practice Monitoring and Quarterly Reports. Within sixty (60) days of the effective date of this Order, Dr. Stephens shall enter into a contract with a Board-approved practice monitor program to monitor and review Dr. Stephens's medical practice during the probationary period. The program will work in conjunction with the Board to develop parameters for monitoring Dr. Stephens's practice, including a review of Dr. Stephens's patient records and charts. The practice monitor shall review no less than ten (10) records a quarter. The practice monitoring program will provide quarterly reports to the Board that will include an opinion as to whether Dr. Stephens is practicing medicine and documenting his patient's evaluation and treatment in accordance with the prevailing standards of medical practice. This practice monitoring of Dr. Stephens shall not conclude until the Board has received at least four (4) positive quarterly reports from the practice monitor. After the Board has received four (4) positive quarterly reports in which the practice monitoring program has opined that Dr. Stephens is practicing in accordance with the prevailing standards of medical practice, Dr. Stephens may petition the Board to terminate this condition of his probation, which request the Board in its sole discretion may grant or deny. In the event the Board denies such a request, the practice monitoring will continue at the Board's discretion or until this probation is terminated. Dr. Stephens shall bear all costs associated with the practice monitor program.

(3) Attendance at Approved Seminar/Course on Professionalism and Medical Ethics. Within one hundred eighty days (180) of issuance of this order, Dr. Stephens shall provide written confirmation that he has attended and successfully completed one or more courses of study, acceptable to and pre-approved in writing by the Board, in the area 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.

(4) Prescription, Dispensation, Administration of Controlled Substances Prohibited. Except as authorized herein, Dr. Stephens 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, III or IV controlled substances. The prohibitions contained in this paragraph shall not prohibit Dr. Stephens from prescribing CDS II medications for the treatment of ADD or ADHD medications for children under the age of eighteen (18); and Dr. Stephens will be able to continue to prescribe Schedule V controlled substances in the course of his practice. This prohibition shall not prevent him from ordering the administration of controlled substances and other prescription medications to in-patients of and at a hospital or similar institution where he may be employed or exercise staff and clinical privileges in accordance with such hospital or institution's prescribed policies and procedures governing the administration of controlled substances.

(5) Prohibitions on the Prescribing of Controlled Substances for the Treatment of Chronic Pain or Obesity. At no time following the effective date of this Order shall Dr. Stephens prescribe controlled substances for the treatment of non-cancer related chronic pain or obesity. Furthermore, he shall not receive any remuneration from, have any ownership interest in or association with any clinic or practice setting or arrangement that advertizes 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 survive the probationary period and remain in effect so long as Dr. Stephens shall hold any form of license or permit to practice medicine in the state of Louisiana.

(6) Payment of a Fine. The Board hereby imposes an administrative fine in the amount of three thousand dollars (\$3,000.00) against Dr. Stephens. Dr. Stephens shall pay this fine prior to the end of the probationary period.

(7) Collaboration with Nurse Practitioners, Supervision of Physician Assistants/Effect On. During the probationary term, the Dr. Stephens is not eligible to enter into or continue in a collaborative or supervisory practice agreement with a mid-level provider, *e.g.*, nurse practitioner or physician assistant. This restriction shall not preclude Dr. Stephens from employing nurses or other medical personnel to assist in his practice, as long as he is present and directing their activities appropriate to their level of expertise and ability.

(8) Continuing Medical Education. Dr. Stephens shall obtain not less than fifty (50) credit hours per year for each of the three (3) 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, for each of the three (3) years, Dr. Stephens 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.

(9) Absence from the State/Practice/Effect on Probation. Should Dr. Stephens at anytime 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.

(10) Notification. Dr. Stephens 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 in this state.

(11) Cooperation with Board's Probation and Compliance Officer. Dr. Stephens 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.

(12) Probation Monitoring Fee. For each year of the probationary period Dr. Stephens 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.

(13) Effect of Violation/Sanction/Resolution. Dr. Stephens acknowledges and stipulates that his receipt of written notification from the Board that it 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.

(14) Certification of Compliance with Probationary Terms/Personal Appearance. At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Stephens 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 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. Stephens'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. Stephens shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Stephens'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 8th day of December, 2014.

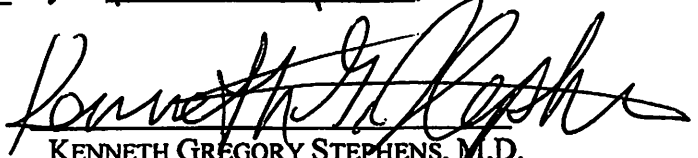
LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: 
MARK H. DAWSON, M.D.
President

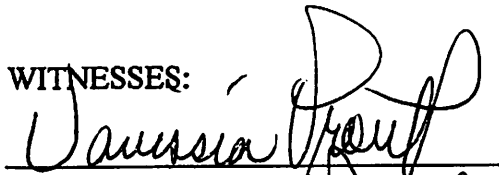
ACKNOWLEDGMENT
AND CONSENT

STATE OF LOUISIANA
PARISH OF Orleans

I, KENNETH GREGORY STEPHENS, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 12th day of November, 2014.


KENNETH GREGORY STEPHENS, M.D.

WITNESSES:


Signature

Vanessa Trout
Typed Name

LSBME
Address

New Orleans, LA 70130
City/State/Zip Code

Signature



EMILY EISENHAUER
Typed Name

630 Camp Street
Address

New Orleans LA 70130
City/State/Zip Code

Sworn to and subscribed before me this 12th day of November 2014, in the presence of the two stated witnesses.

Notary Public (Signature and Seal)

Printed Name/Notary or Bar Number