

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of :
:
KENNETH BOYD SUMNER, M.D. :
(Certificate No. 020090) :
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NO. 05-I-173

CONSENT ORDER

On or about March 9, 2005, the Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board") received information that Kenneth Boyd Sumner, M.D. ("Dr. Sumner"), a physician who at all times pertinent was licensed to practice medicine and who was engaged in the practice of psychiatry, had relapsed to substance abuse. Dr. Sumner is cooperating with the Louisiana Physician's Health Program and is undergoing treatment.

As evidenced by his subscription hereto, Dr. Sumner acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer herein with probable cause to pursue formal administrative proceedings against him for his past violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1285A(5)¹ and (25)², constituting sufficient cause for the suspension or revocation of his license to practice medicine the state of Louisiana.

Recognizing his right to have administrative adjudication of the charges which have been asserted, at which time he 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

¹ La. Rev. Stat. §37:1285A(5) provides that the Board may take action against the license of a physician as a result of (H)abitual or recurring abuse of drugs including alcohol, which affect the central nervous system an which are capable of inducing physiological or psychological dependence."
² La. Rev. Stat. §37:1285A(25) provides that the Board may take action against the license of a physician as a result of "(I)nability to practice medicine...with reasonable skill or safety to patients because of...excessive use or abuse of drugs, including alcohol."

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. Sumner nonetheless, hereby waives his right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), hereby agrees to an order of suspension of his medical license effective as of the date of this Order. Any reinstatement of his license shall be conditioned upon compliance with the terms and conditions described below.

By his subscription hereto, Dr. Sumner also acknowledges that he 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 otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto, Dr. Sumner also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, 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 to the Board under La. Rev. Stat. §49:960. Dr. Sumner expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel 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 accept this Consent Order. In the event the Board declines to accept this Consent Order, any waiver or other agreement that has been set forth in this proposed Consent Order shall be considered null and void, with no legal effect, and Dr. Sumner shall have the right to pursue a formal administrative hearing and subsequent legal action.

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

IT IS ORDERED the license of Kenneth Boyd Sumner, M.D. to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 020090 be, and the same is hereby **SUSPENDED** indefinitely. Dr. Sumner shall not practice medicine in any form in the state of Louisiana until the Board issues and serves on him a written order reinstating his license to practice medicine. Any such request for reinstatement must be accompanied by a signed PHP contract and written certification from his treating physician at a facility acceptable to the Board, that Dr. Sumner's prognosis for abstinence is good and that he is able to practice medicine with reasonable skill and safety for his patients.

IT IS FURTHER ORDERED that upon Dr. Sumner's satisfaction of the terms and conditions of reinstatement hereinabove set forth, his license to practice medicine in the state of Louisiana shall be reinstated by the Board, **ON PROBATION**, for a period of three (3) years from the date of reinstatement; *provided, however*, that such reinstatement of license and Dr Sumner's continued exercise of rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) Personal Appearance Before Impaired Physicians Committee.** Prior to the consideration of his request for reinstatement of his license, Dr. Sumner shall personally appear before the Physicians Health Committee of the Board to permit the Committee and the Board to consider his current and aftercare treatment program, his compliance with the terms of this Order and to advise the Committee and the Board of his intentions with respect to his continued practice of medicine.
- (2) Continuing Treatment, Participation in the PHP/Reports to the Board.** Dr. Sumner shall continue in, abide by and strictly adhere to each of the recommendations for ongoing treatment and monitoring of his condition, which have or may be prescribed in his PHP Substance Abuse Treatment Contract, or any subsequent treatment contract which may be recommended by any other health care provider involved in his care to the extent that they continue to follow him. Dr. Sumner shall, in addition, authorize and cause his treating and monitoring physicians to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports on his then-current treatment diagnosis, course of treatment, prognosis, maintenance of abstinence from alcohol and mood-altering chemicals and substances, his fitness and ability to practice medicine with reasonable skill and safety to patients and his compliance with the terms, conditions and restrictions of this Order and any PHP Substance Abuse Treatment Contract signed by Dr. Sumner and any aftercare agreement he has executed or may hereafter execute.
- (3) Drug Screens.** Dr. Sumner shall submit to periodic, unannounced blood, urine, saliva and/or hair collection of the presence of controlled or other mood-altering substances by a PHP physician or his or her designee during his probation. Dr. Sumner shall authorize and cause such physician to report the results of such drug screens to the Board not less frequently than quarterly throughout the probationary period.

- (4) **Maintenance of Complete Abstinence.** Dr. Sumner shall, for the duration of his life, maintain complete and total abstinence from the use of alcohol or any other mood-altering substance except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition. Dr. Sumner shall personally inform his treating and monitoring physicians, both orally and in writing, within forty-eight (48) hours of the prescription or administration of any mood-altering substance received by him from another physician for treatment of a *bona fide* medical condition.
- (5) **Board Access to Treatment Records and Reports.** Dr. Sumner shall and does by his subscription hereto authorize and cause any physician or any institution at which he undergoes treatment for chemical dependency or any psychiatric condition, as well as any physician under whose care he may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with complete copies of all medical records and reports relating to Dr. Sumner's history, examination, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Sumner expressly waives any privilege in favor of the Board that may otherwise be afforded to the Board for the disclosure of such records, pursuant to state or federal law and by his subscription, solely for its purposes, and hereto acknowledges that he shall immediately execute any authorization presented to him by the Board to obtain such records. The Board recognizes and acknowledges that the information it may obtain is highly confidential, and shall not be disclosed to any person or entity, except for any member of the Board or its agents, without the express written consent of Dr. Sumner.
- (6) **Sanction.** By his subscription hereto, Dr. Sumner acknowledges that his receipt of written notification from the Board that it has received information which indicates his failure to abide by the terms and conditions of this Order, shall, without need for formal hearing or providing him with any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Sta. §§49:951, *et seq.*, or which otherwise may be afforded to him by law, constitute his consent to the immediate suspension of his license to practice medicine in this state pending the issuance of a decision by the Board following full administrative adjudication, including the election of any hearing if requested, of such charges.
- (7) **Fees and Costs of Treatment; Testing and Reports.** Any and all fees, costs or expenses incurred by Dr. Sumner in connection with his continuing

substance abuse, psychiatric and/or other treatment, including the drug screens ordered herein, as well as the reporting requirements contained in this Order, shall be borne by Dr. Sumner.

- (8) Cooperation with Board's Probation and Compliance Officer.** Upon the Board's issuance of any order of reinstatement, Dr. Sumner 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 that may then be required by the Board 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, conditions and restrictions of his reinstatement.
- (9) Absence from State-Effect on Probation.** Should Dr. Sumner at any time during the period of probation be absent from the State of Louisiana, relocate to and/or take up residency in another state or country 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 and all terms and conditions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Sumner notifies the Board in writing that he has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance, Dr. Sumner shall not receive credit toward completion of the probationary period for the time during which he was absent from the state of Louisiana, however, Dr. Sumner shall receive credit for such time in which he was absent from the State of Louisiana, if during such absence, Dr. Sumner enters into a monitoring program acceptable to the Board.
- (10) 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. Sumner shall provide the Board with an executed affidavit certifying that he has complied with each of the terms of probation imposed upon him by this Order, and he shall contact the Board and arrange for a personal appearance before the Physicians Health Committee of the Board, or such other committee as may be designated by the Board, at its meeting preceding the expiration of the probationary term ordered herein.
- (11) Probation Monitoring Fee.** For each year of the probationary term Dr. Sumner 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 date on which the Board may hereafter order that the suspension of Dr. Sumner's license has ended and he is authorized to resume his practice, after invoicing by the Board. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

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

New Orleans, Louisiana, this 12th day of December, 2005.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:

Kweli G. Amusa, MD

KWELI G. AMUSA, M.D.

Vice-P resident

Acknowledgement and Consent on Next Page

STATE OF Louisiana
PARISH/COUNTY OF Orleans

**ACKNOWLEDGMENT
AND CONSENT**

I, KENNETH BOYD SUMNER, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 21ST day of November, 2005.

KBSumner MD
KENNETH BOYD SUMNER, M.D.

WITNESSES:

Patrick Gray, Jr

Signature

Patrick Gray, Jr

Typed Name

109 Beach Cir
Birmingham, AL 35242
Address

Glenn J Vice

Signature

Glenn J Vice

Typed Name

121 Abigail Dr
Thibodaux LA 70301
Address

Sworn to and subscribed before me at Warrior Alabama, Louisiana, this 21st day of Nov, 2005, in the presence of the two stated witnesses.

Alicia J. Ramey
Notary Public

Alicia J. Ramey
Name (printed)

Bar or Notary Number

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Oct 17, 2007
BONDED THRU NOTARY PUBLIC UNDERWRITERS

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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	:	No. 05-I-173
In The Matter Of	:	
	:	
KENNETH BOYD SUMNER, M.D.	:	ORDER FOR
<i>(Certificate No. 020090),</i>	:	REINSTATEMENT
	:	OF MEDICAL LICENSE
	:	ON PROBATION

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This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Kenneth Boyd Sumner, M.D. ("Dr. Sumner"), for reinstatement of his medical license. Heretofore, pursuant to a Consent Order entered by and between Dr. Sumner and the Board, the physician's license was suspended indefinitely pending his compliance with specified terms and conditions.¹ Thereafter, pursuant to such Order, the reinstatement of Dr. Sumner's license on probation for a period of three (3) years was made contingent upon his strict adherence to specified probationary terms and conditions relating to the ongoing treatment and monitoring of his chemical dependency including, among others, participation in the Physicians' Health Foundation of Louisiana's Physicians' Health Program, the submission of specified periodic written reports to the Board by his treating and monitoring physicians, drug testing, maintenance of abstinence from alcohol and all other mood-altering substances, except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition, and the completion of specified continuing medical education.

In connection with his request, Dr. Sumner appeared before the Physician's Health Committee of the Board on January 17, 2006, at which time the Committee questioned him with respect to his recovery and received and reviewed additional information evidencing the physician's compliance with all terms of the Consent Order previously entered relative to his reinstatement. Following a review of Dr. Sumner's history, the Board concluded that the public interest would be properly served and protected by the reinstatement of the physician's medical license, subject to the terms and conditions of probation imposed by his Consent Order with the Board.

¹ *Consent Order*, In The Matter of Kenneth Boyd Sumner, M.D., Cert. No. 020090, No. 05-I-173, La. St. Bd. Med. Exam. (Dec. 12, 2005).

Accordingly, pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285(D) and the Consent Order previously entered in this matter,

IT IS ORDERED that the license of Kenneth Boyd Sumner, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by certificate number 020090, is hereby reinstated in accordance with each of the probationary terms, conditions and restrictions imposed by the Consent Order entered by and between Dr. Sumner and the Board on December 12, 2005.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by the Board's Consent Order by Dr. Sumner shall be deemed adequate and sufficient cause for the revocation and cancellation of Dr. Sumner'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 by La. Rev. Stat. §37:1285.

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

New Orleans, Louisiana, this 6th day of February, 2006.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

BY: Kweli J. Amusa, MD
KWELI J. AMUSA, M.D.
Vice-President

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of :
:
KENNETH BOYD SUMNER, M.D. :
(Certificate No. 020090), :
:
----- X

No. 05-I-173

**ORDER FOR
REINSTATEMENT OF
UNRESTRICTED LICENSE**

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the request of Kenneth Boyd Sumner, M.D. ("Dr. Sumner") for the unrestricted reinstatement of his medicine license. Heretofore, pursuant to a Consent Order entered by and between Dr. Sumner and the Board, the physician's license was suspended indefinitely pending his compliance with specified terms and conditions. Thereafter, pursuant to such Order, the reinstatement of Dr. Sumner's license on probation for a period of three (3) years was made contingent upon his strict adherence to specified probationary terms and conditions relating to the ongoing treatment and monitoring of his chemical dependency¹.

In connection with his request Dr. Sumner appeared before the Board on January 12, 2009, and evidenced satisfaction with the terms and conditions of the Consent Order previously entered. As all information received and reviewed indicates that Dr. Sumner has been compliant with each of the terms of probation previously imposed, and in consideration of the recommendations of the Physicians' Health Foundation of Louisiana's Physicians' Health Program, the Board concluded that the public interest would be properly served and protected by the unrestricted reinstatement of Dr. Sumner's license to practice medicine in this state. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285(D) and the Consent Order previously entered herein:

¹ *Consent Order*, In The Matter of Kenneth Boyd Sumner, M.D., Cert. No. 020090, No. 05-I-173, La. St. Bd. Med. Exam. (Dec. 12, 2005); Order for Reinstatement of Medical License on Probation (Feb. 6, 2006).

IT IS ORDERED that the license of Kenneth Boyd Sumner, M.D. to engage in the practice of medicine in the state of Louisiana, as evidenced by *Certificate No.* 020090 is hereby, effective as of February 6, 2009, *reinstated without restriction.*

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

New Orleans, Louisiana, this 16th day of February, 2009.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY:


LINDA GAGE-WHITE, M.D., PHD
President