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	X		
In The Matter Of	:	No. 99-I-006	
KATHRYN KAY KENNEDY, M.D.	:		
KATHRYN KAY KENNEDY, M.D. (Certificate No. 020484)	:	Consent Order	
	:		

An investigation conducted by the Louisiana State Board of Medical Examiners (the "Board") indicates that Kathryn Kay Kennedy, M.D. ("Dr. Kennedy"), a physician who at all times pertinent was licensed to practice medicine in the state of Louisiana and engaged in the practice of psychiatry in Shreveport, Louisiana, suffers from chronic and episodically acute substance abuse. Dr. Kennedy's condition was first recognized in 1993 when, following her acknowledged abuse of opioids, she obtained and successfully completed chemical dependency treatment at Palmetto Addiction Recovery Center ("Palmetto"), Rayville, Louisiana, and, thereafter, entered into a Treatment Contract with the Physicians Health Program (the "PHP") of the Louisiana State Medical Society, providing for ongoing monitoring and treatment of her condition for several years. (the "Treatment Contract"). During the year 1998, the Board received apparently reliable information that Dr. Kennedy had written and issued controlled substance prescriptions in her name and in the names of others, which were intended for and ingested by her. Shortly thereafter, the Board was informed by the PHP that the physician had relapsed into chemical dependency, that she had undergone inpatient treatment at Hazelden Treatment Center ("Hazelden"), Center City, Minnesota, from August 6 through September 2, 1998, and subsequent to her discharge had entered into a new Treatment Contract with the PHP. In the course of her treatment at Hazelden, Dr. Kennedy reported that prior to admission she had been in relapse for a period of time during which she acknowledged an escalation in her drug and alcohol usage. Predicated upon the information gathered during Dr. Kennedy's inpatient treatment, she was diagnosed with opioid, Klonopin and alcohol dependency. At the time of discharge Dr. Kennedy executed an aftercare treatment contract which contained recommendations for ongoing treatment and monitoring of her condition. In the opinion of her treating physicians, her attitude toward treatment and ongoing recovery was positive.

Information recently obtained, however, indicates that Dr. Kennedy has once again relapsed into chemical dependency. More particularly, during a random drug screen conducted on February 26, 1999, the physician tested positive for amphetamines. Although she denied the use of amphetamines when confronted with this information, Dr.

Kennedy subsequently acknowledged the use of such drugs, which she obtained through her practice and her patients, when a subsequent confirmation of such testing again confirmed the presence of amphetamines. Thereafter, on April 26, 1999, Dr. Kennedy entered Palmetto for a five-day evaluation. During her stay at Palmetto, she received physical, psychological and psychiatric evaluations, as well as an addiction medicine assessment and laboratory testing. Pertinent diagnoses at the time of Dr. Kennedy's discharge included opiate dependence and depressive disorder, for which her evaluating physicians recommended, among other items, that she completely abstain from all controlled substances; return to residential chemical dependency treatment; refrain from practice for a period of time following the completion of residential treatment; submit to specified reassessments of her progress at six and twelve months intervals; and execute a new Treatment Contract with the PHP.

As evidenced by her subscription hereto, Dr. Kennedy 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 her for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1285A(5), (25) and (6) respectively, constituting sufficient cause for the suspension or revocation of her license to practice medicine in the state of Louisiana.¹

On the basis of apparently reliable information, however, the Board is persuaded that the conditions from which Dr. Kennedy suffers may be susceptible to effective medical treatment, resulting in the restoration of her capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. Kennedy 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 have administrative adjudication of the charges which have been asserted, at which time she would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her 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. §\$49:951, et seq., Dr. Kennedy nonetheless, hereby waives her right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By her subscription

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 and which are capable of inducing physiological or psychological dependence'; 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;' and La. Rev. Stat §37:1285A(6) provides that the Board may take action against the license of a physician as a result of '[P]rescribing, dispensing or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner.'

hereto, Dr. Kennedy also acknowledges that she waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §849:951, et seq., or which otherwise may be afforded to her by law, to contest her agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By her subscription hereto, Dr. Kennedy also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting her 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 she waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Kennedy 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 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. §37:1285 and La. Rev. Stat. §49:955(D);

- IT IS ORDERED that the license of Kathryn K. 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, effective as of the date hereof, SUSPENDED; and
- IT IS FURTHER ORDERED that the reinstatement of Dr. Kennedy's license to practice medicine in the state of Louisiana shall be subject to her acceptance of and strict compliance with the following terms and conditions:
- (1) Residential Treatment; Notice of Discharge; Records and Reports. Dr. Kennedy shall enter into and successfully complete the residential treatment a treatment facility (the "Treatment Program") approved by the Board, which has been recommended for her by her evaluating physicians until discharged therefrom by and with the consent of her treating physicians at such facility. Within five (5) days of her discharge from the Treatment Program, Dr. Kennedy shall give written notice of such discharge to the Board and within ten (10) days of discharge, she shall authorize and cause the Treatment Program and her treating physicians at such program to provide the Board with a complete copy of her medical records at such program, together with a written report by her treating physicians as to her discharge diagnosis and prognosis and the prescriptions or recommendations for continuing outpatient and/or aftercare treatment, therapy and monitoring.
- (2) Outpatient Treatment and Aftercare/PHP Treatment Contract. Prior to or concurrently with her discharge from the Treatment Program, Dr. Kennedy shall enter into and execute a treatment contract with the Treatment Program providing for such outpatient treatment and aftercare monitoring as may be prescribed or recommended for Dr. Kennedy. Within ten (10) days of her discharge from the Treatment Program, Dr. Kennedy shall, in addition, enter into and execute a new Substance Abuse Treatment Contract with the PHP. Within five (5) days of the execution or amendment of any such

treatment contract, be it with the Treatment Program or the PHP, Dr. Kennedy shall furnish a true copy of such contract to the Board. Dr. Kennedy shall, further, within five (5) days of her execution of a treatment contract with the PHP, notify the Board in writing of the name and address of her treating and monitoring physicians.

- (3) Suspension of Practice/Reinstatement; Practice of Medicine in Louisiana Prohibited for One (1) Year. Dr. Kennedy shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves on her a written order reinstating her license to practice medicine. In no event shall Dr. Kennedy seek reinstatement of her license until the passage of at least one (1) year from the date of her successful discharge from residential treatment. As express conditions to the issuance of such order, in addition to such other conditions as are set forth hereinabove, Dr. Kennedy shall have been discharged from the Treatment Program upon the recommendation of her treating physicians and the Board shall have received the opinion of two (2) physicians acceptable to the Board that her prognosis for continued abstinence from the use of mood-altering substances, as well as the stability of any psychiatric conditions from which she may suffer, is good and that Dr. Kennedy is then capable of practicing medicine with reasonable skill and safety to patients, based upon their personal examination, evaluation and diagnosis of Dr. Kennedy.
- (4) Personal Appearances Before Impaired Physicians Committee. In connection with any request reinstatement of her license, Dr. Kennedy shall, after successfully completing all necessary administrative applications and requirements and providing the Board with an executed affidavit certifying that she has complied with each of the terms and conditions set forth hereinabove, contact the Board at least sixty (60) days in advance of the next regularly scheduled meeting of the Board to schedule an appearance before the Physicians Health Committee of the Board. At such meeting Dr. Kennedy shall demonstrate her compliance with the terms and conditions imposed by this Order and discuss her intended plans for the practice of medicine.
- IT IS FURTHER ORDERED that upon Dr. Kennedy's compliance with and complete and continuing satisfaction of the terms and conditions hereinabove set forth, her license to practice medicine in the state of Louisiana shall be reinstated by the Board, ON PROBATION, for a period of ten (10) years from the date of reinstatement; provided, however, that such reinstatement of license and her continuing exercise of the rights and privileges thereunder shall be conditioned upon her acceptance of and strict compliance with the following terms, conditions and restrictions:
- (a) Additional Probationary Terms. In addition to such other terms and conditions as are placed upon any reinstated license to practice medicine by this Order, Dr. Kennedy hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length and nature thereof, including, but not limited to, an additional period of actual suspension of her license, restrictions as to the nature, scope, location and supervision of her practice, additional treatment, reports and evaluations, and an extension of her probationary period, which the Board in its sole discretion may deem necessary or appropriate to impose thereon.

- (b) Continuing Substance Abuse Treatment, Reports to Board. Following her discharge from the Treatment Program and the reinstatement of her license, Dr. Kennedy shall continue under treatment, consistent with the prescription and recommendations of her treating physicians at the Treatment Program and under her PHP Substance Abuse Treatment Contract. Dr. Kennedy shall authorize and cause her treating and monitoring physicians to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports on Dr. Kennedy's then-current treatment program diagnosis, prognosis and her compliance with the terms, conditions and restrictions of this Order and any aftercare agreement she may execute hereafter.
- (c) Drug Screens. In addition to the requirements stipulated in the PHP Substance Abuse Treatment Contract, Dr. Kennedy shall submit to periodic, unannounced blood, urine, saliva and/or hair collection for the presence of controlled or other moodaltering substances by a PHP physician or his or her designee. Dr. Kennedy 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.
- (d) Maintenance of Complete Abstinence. Dr. Kennedy shall, for the duration of her 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 herself for a bona fide medical condition. Dr. Kennedy shall personally inform her 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 her from another physician for treatment of a bona fide medical condition.
- (e) 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 treatment for any substance abuse or 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 which may otherwise be afforded the disclosure of such records, pursuant to state or federal law.
- (f) Controlled Substances All Schedules. Dr. Kennedy shall not, for the remainder of her medical career, prescribe, dispense or administer (i) any controlled substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308.11-.15, La. Rev. Stat. §40:964; or (ii) any substance which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statute; or (iii) any drug or medication which affects the central nervous system or which is capable of producing physiological or psychological dependence; or (iv) any mood-altering substance; or (v) the drugs Nubain, Dalgan, Soma, Butalbital or Ultram in any form or generic thereof. This prohibition shall survive the term of suspension ordered herein and remain in effect so long as Dr. Kennedy shall hold any form of license or permit

to practice medicine in the state of Louisiana. This prohibition shall not, however, prohibit Dr. Kennedy from ordering controlled substances and other prescription medications for administration to inpatients of 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. Consistent with this Order, Dr. Kennedy shall immediately surrender to the state and federal issuing authorities her controlled substance license and registration.

- (g) Continuing Medical Education. Dr. Kennedy shall obtain not less than fifty (50) credit hours per year for three (3) years through attendance at and participation in continuing medical education programs ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association, and she shall obtain such award within three (3) years from the date hereof. On or before September 1st of each year for the three (3) years following the effective date of this Consent Order, 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.
- (h) Sanction. By her subscription hereto, Dr. Kennedy acknowledges that her receipt of written notification from the Board that it has received apparently reliable information which indicates her failure to comply with the requirements set forth by 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 law, constitute her consent to the immediate suspension of her license to practice medicine in this state pending the issuance of a decision by the Board following administrative adjudication of such charges.
- (i) Fees and Costs of Supervision/Treatment/Reports. Any and all fees, costs or expenses incurred by Dr. Kennedy in connection with her continuing substance abuse and/or psychiatric or other treatment, drug screens or the reporting requirements contained in this Order, shall be borne by her.
- (j) 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 Consent 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 Consent Order.
- (k) Absence from State—Effect on Suspension. Should Dr. Kennedy at any time 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 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 and all terms and conditions thereof shall be deemed

interrupted and extended and shall not commence to run until Dr. Kennedy notifies the Board in writing that she has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance, Dr. Kennedy shall not receive credit toward the probationary period for the time during which she was absent from the state of Louisiana.

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 this Consent Order shall be, and shall be deemed to be, a PUBLIC RECORD.

New Orleans, Louisiana, this 22 day of _______, 1

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

By:

MARY LOU APPLEWHITE, M.D.

In the Matter of: Kathryn Kay Kennedy, M.D.	Consent Order	8
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STATE OF LOUISIANA PARISH OF <u>Richland</u>		
Richland		
	KNOWLEDGMENT AND CONSENT	
I, KATHRYN KAY KENNEI	Y, M.D., hereby acknowledge, approve, a	accept and
consent to entry of the above and fo	egoing Order, this 26th day of August	
1999.		
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	Tathron You	Jens
	KATHRYN KAY KENNEDY,	M.D.
	•	/
Signature Kevin Green Typed Name 208 Comanche Trail Address	Signature Connie Johnson Typed Name 411 Gadasse Address	son
West Monroe, LA 7129		
	before me at <u>Rayville</u> , Louis, 1999, in the presence of the	
_ Ndee a. Na		
Notary Public		

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In The Matter Of

KATHRYN KAY KENNEDY, M.D. (Certificate No. 020484)

No. 99-I-006

ORDER FOR REINSTATEMENT OF MEDICAL LICENSE ON PROBATION

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Kathryn Kay Kennedy, M.D. ("Dr. Kennedy"), for reinstatement of her medical license. Heretofore, pursuant to a Consent Order entered by and between Dr. Kennedy and the Board, the physician's license was suspended for a period of one (1) year following her compliance with specified terms and conditions relative to completion of her treatment for chemical dependency. Thereafter, pursuant to such Order, reinstatement of Dr. Kennedy's license on probation for a period of ten (10) years was made contingent upon her strict adherence to specified probationary terms and conditions relating to the ongoing treatment and aftercare of her condition, participation in the Physicians' Health Foundation of Louisiana's Physicians' Health Program, maintenance of complete and total abstinence from alcohol and all other mood-altering substances, except as may be prescribed by a treating physician other than herself for a bona fide medical condition, drug testing and, among other items, the submission of specified periodic written reports to the Board from her treating and/or monitoring physicians, a lifetime restriction of her controlled substance privileges and the completion of specified continuing medical education.

In connection with the request for reinstatement of her medical license, Dr. Kennedy appeared before the Physicians Health Committee of the Board on June 20, 2001, at which time the Committee questioned Dr. Kennedy with respect to her recovery and reviewed additional information received evidencing the physician's compliance with all terms of the Consent Order previously entered relative to her reinstatement. Following a review of the physician's entire history, the Board concluded that the public interest would be properly served and protected by the reinstatement of Dr. Kennedy's medical license, subject to the terms and conditions of probation previously imposed by her September 1999, Consent Order with the Board.

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 Kathryn Kay Kennedy, M.D., to engage in the practice of medicine in state of Louisiana, as evidenced by Certificate Number 020484, be, and the same is hereby, reinstated in accordance with the probationary terms, conditions and restrictions imposed by the Consent Order entered by and between Dr. Kennedy and the Board on September 22, 1999.

¹Consent Order, In The Matter of Kathryn Kay Kennedy, M.D., Cert. No. 020484, No. 99-I-006, pending before the La. St. Bd. Med. Exam. (Sept. 22, 1999).

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. Kennedy shall be deemed adequate and sufficient cause for the revocation and cancellation of her license to practice medicine in the state of Louisiana, 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 25th day of July, 2001.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

BY:

TRENTON L. JAMES II, M.D.

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No. 99-I-006

In The Matter Of

KATHRYN KAY KENNEDY, M.D.

(Certificate No. 020484)

SUPERSEDING ORDER

_____X

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the request of Kathryn Kay Kennedy, M.D. ("Dr. Kennedy") for partial relief from the restrictions imposed on her controlled substance authority so that she may prescribe certain medications in connection with her practice of psychiatry. Heretofore, by Consent Order entered in 1999 the physician's license to practice medicine in this state was suspended with reinstatement thereafter to be on probation for ten (10) years.¹ By Order entered in July 2001 Dr. Kennedy's license was reinstated pursuant to the terms, conditions and restrictions of her Consent Order.² Among other items, the Consent Order prohibits Dr. Kennedy from prescribing, dispensing or administering controlled and certain non-controlled substances for the remainder of her medical career.

The Board considered the physician's request at its meeting on March 15, 2010, at which time it reviewed Dr. Kennedy's entire history, noted her continuing progress, as well as her ongoing compliance with the terms of the Consent Order previously entered. Based on its review the Board concluded that it would be appropriate to grant Dr. Kennedy's request, in part, and allow her to prescribe, but not dispense, a list of specific Scheduled IV and V controlled substances identified by Dr. Kennedy as medications she would like to utilize in her practice of psychiatry: Accordingly, pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285(D) and the Consent Order previously entered:

¹Consent Order, In the Matter of Kathryn Kay Kennedy, M.D., No. 99-I-006, La. State Bd. of Med. Exam., (Sept. 22, 1999).

²Order for Reinstatement of Medical License on Probation; In the Matter of Kathryn Kay Kennedy, M.D., No. 99-I-006, La. State Bd. of Med. Exam., (July 21, 2001).

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No. 99-I-006

In The Matter Of

KATHRYN KAY KENNEDY, M.D.

(Certificate No. 020484)

SUPERSEDING

ORDER

----- X

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the request of Kathryn Kay Kennedy, M.D. ("Dr. Kennedy") for partial relief from the restrictions imposed on her controlled substance authority so that she may prescribe certain medications in connection with her practice of psychiatry. Heretofore, by Consent Order entered in 1999 the physician's license to practice medicine in this state was suspended with reinstatement thereafter to be on probation for ten (10) years.¹ By Order entered in July 2001 Dr. Kennedy's license was reinstated pursuant to the terms, conditions and restrictions of her Consent Order.² Among other items, the Consent Order prohibits Dr. Kennedy from prescribing, dispensing or administering controlled and certain non-controlled substances for the remainder of her medical career.

The Board considered the physician's request at its meeting on March 15, 2010, at which time it reviewed Dr. Kennedy's entire history, noted her continuing progress, as well as her ongoing compliance with the terms of the Consent Order previously entered. Based on its review the Board concluded that it would be appropriate to grant Dr. Kennedy's request, in part, and allow her to prescribe, but not dispense, a list of specific Scheduled IV and V controlled substances identified by Dr. Kennedy as medications she would like to utilize in her practice of psychiatry: Accordingly, pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285(D) and the Consent Order previously entered:

¹Consent Order, In the Matter of Kathryn Kay Kennedy, M.D., No. 99-I-006, La. State Bd. of Med. Exam., (Sept. 22, 1999).

²Order for Reinstatement of Medical License on Probation; In the Matter of Kathryn Kay Kennedy, M.D., No. 99-I-006, La. State Bd. of Med. Exam., (July 21, 2001).

Louisiana State Board of Medical Examiners

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IN THE MATTER OF: KATHRYN KAY KENNEDY, M.D.

(Certificate No.020484), Respondent No. 11-I-102 ORDER FOR SUSPENSION OF MEDICAL LICENSE

The Louisiana State Board of Medical Examiners (the "Board") is in receipt of apparently reliable information indicating that Kathryn Kay Kennedy, M.D. ("Dr. Kennedy"), a physician licensed to practice of medicine in the state of Louisiana, has violated the terms of her *Consent Order*, in the Matter of Kathryn Kay Kennedy, M.D. Certificate No. 020484, which imposed certain conditions on her medical license, including the condition that she maintain complete abstinence from alcohol or any other mood-altering substances. The Consent Order further stipulated that Dr. Kennedy's failure to comply with such the terms and conditions would result in the suspension of her license.

Subsequent to entry of such Consent Order, the Board received information on February 2, 2011, from the Physicians' Health Program ("PHP") indicating that Dr. Kennedy has suffered a relapse and further treatment of her chemical dependency disorder has been recommended.

¹ Consent Order, In the Matter of Kathryn Kay Kennedy, M.D., No. 99-I-006, La. State Bd. Med. Exam. (September 22, 1999).

² (d) Maintenance of Complete Abstinence. Dr. Kennedy shall, for the duration of her 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 herself for a bona fide medical condition. Dr. Kennedy shall personally inform her 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 her from another physician for treatment of a bona fide medical condition.

³ (h) Sanction. By her subscription hereto, Dr. Kennedy acknowledges that her receipt of written notification from the Board that it has received apparently reliable information which indicates her failure to comply with the requirements set forth by 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 law, constitute her consent to the immediate suspension of her license to practice medicine in this state pending the issuance of a decision by the Board following administrative adjudication of such charges.

Based upon such information, and in accordance with the provisions of the Consent Order previously entered herein by the physician, the Board has concluded that pending the institution and conclusion of formal administrative proceedings herein that Dr. Kennedy's license should be immediately suspended. Accordingly, pursuant to the authority vested in the Board by the Consent Order previously entered herein as well as the Louisiana Medical Practice Act, La. Rev. Stat. §37:1261, et seq., and specifically La. Rev. Stat. §37:1285(A), and the Louisiana Administrative Practice Act, La. Rev. Stat. §49:951, et seq., and specifically La. Rev. Stat. §849:955 and 961;

IT IS ORDERED that the license of Kathryn Kay Kennedy, M.D., to practice medicine in the state of Louisiana, as evidenced by Certificate No. 020484, be, and the same is hereby, SUSPENDED, pending the Board's final decision in administrative proceedings herein for the revocation, suspension or imposition of such terms, conditions and restrictions upon her license to practice medicine in the state of Louisiana as the Board may deem appropriate.

New Orleans, Louisiana, this 17th day of March, 2011.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MARK H. DAWSON, M.D.

Louisiana State Board of Medical Examiners

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IN THE MATTER OF

No. 11-I-102

KATHRYN KAY KENNEDY, M.D.

(Certificate No. 020484) Respondent SUPERSEDING CONSENT ORDER

------X

Kathryn Kay Kennedy, M.D. ("Dr. Kennedy"), a physician licensed to practice medicine in the State of Louisiana, and engaged in the practice of psychiatry in and around Shreveport, Louisiana, currently and for some time has suffered from chronic and episodic use and abuse of controlled and/or other mood-altering substances. A review of Dr. Kennedy's history reveals that her condition was first recognized in 1993 when she obtained and successfully completed chemical dependency treatment, and thereafter entered into an agreement with the Physicians' Health Foundation of Louisiana, Inc.'s Physician Health Program (the "PHP"), providing for ongoing monitoring and treatment for several years. During 1998, Dr. Kennedy relapsed into chemical dependency, and re-entered treatment and monitoring with PHP. Within a short period of time, she again relapsed and entered treatment, and by Consent Order entered in 1999, Dr. Kennedy's license to practice medicine in this state was suspended for one year with reinstatement thereafter to be on probation for ten (10) years.

By Order entered in July 2001, Dr. Kennedy's license was reinstated pursuant to the terms, conditions and restrictions of her Consent Order, including complete abstinence from alcohol or any other mood-altering substances, and restrictions from prescribing any controlled substances or drugs of concern.² In 2010, the Board considered Dr. Kennedy's continuing progress in her recovery and her on-going compliance with the terms of her Consent Order and with the PHP, and amended the order to allow prescriptions of Schedule IV and V controlled

¹ Consent Order, In the Matter of Kathryn Kay Kennedy., M.D., Cert. No. 020484, No. 99-I-006, La. State Bd. Med. Exam. (September 22, 1999).

² Order For Reinstatement of License on Probation, In the Matter of Kathryn Kay Kennedy, M.D., Cert. No. 020484, No. 99-I-006, La. State Bd. Med. Exam. (July 25, 2001).

substances for treatment of psychiatric conditions suffered by patients seen in connection with Dr. Kennedy's practice of psychiatry.³

While it appeared that Dr. Kennedy had progressed well in her recovery for many years, in 2011 Dr. Kennedy relapsed on mood altering substances, resulting in suspension of her license as stipulated in the aforementioned Consent Order. In Dr. Kennedy's defense, there had been no complaints of poor performance or compromised patient care, and her employer reported no issues in her work place. Dr. Kennedy entered into and completed a relapse evaluation and a three (3) months residential treatment program. In addition, she has now provided documentation of monitoring and sobriety for over six (6) months. Provided that she abides by their recommendations, it is the opinion of the treating physicians that Dr. Kennedy is capable of safely returning to the practice of medicine.

As evidenced by her subscription to this Order, Dr. Kennedy 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 her for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285 (A) (5) and (25), constituting sufficient cause for action against her license to practice medicine in the State of Louisiana. On the basis of apparently reliable information, however, the Board is persuaded that the condition 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 herinafter by consent.

Recognizing her right to have notice of administrative charges, and to administrative adjudication of such charges, at which time Dr. Kennedy would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her 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. Kennedy, nonetheless, hereby waives her right to formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Furthermore, Dr. Kennedy acknowledges that she hereby waives any right to which she may be entitled pursuant to the

³ Superseding Order, In the Matter of Kathryn Kay Kennedy, M.D., Cert. No. 020484, No. 99-I-006, La. State Bd. Med. Exam. (April 7, 2010).

⁴ Order For Suspension of Medical License, In the Matter of Kathryn Kay Kennedy, M.D., Cert. No. 020484, No. 11-I-102, La. State Bd. Med. Exam. (March 17, 2011).

⁵ The Board may take action against the license of a physician as a result of: (5) '[H]abitual or recurring abuse of drugs, including alcohol, which affects the central nervous system and which are capable of inducing physiological or psychological dependence; and (25) '[I]nability to practice medicine with reasonable skill or safety to patients because of ... excessive use or abuse of drugs, including alcohol.'

Louisiana Administrative Procedure Act, La. Rev. Stat. §\$49:951 et seq., or 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 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 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 Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an administrative complaint against her 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 Kathryn Kay Kennedy, MD, 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 Dr. Kennedy's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to her acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) Personal Appearance before the Board. Upon the Board's acceptance of this Consent Order, Dr. Kennedy shall personally appear before the Board or its designee to permit the Board to consider her current treatment program, her compliance with the terms of this Order and to advise the Board of her intentions with respect to her 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 including Tramadol 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 PHP and the Board, 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 another 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 this same manner.
- (3) Continuing Treatment, Participation in the PHP/Reports to Board. Dr. Kennedy shall, within five (5) days of the effective date of this Order, enter into and execute a monitoring agreement with the PHP for the duration of her medical career and shall cause a copy thereof to be delivered to the Board. Dr. Kennedy shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring of her condition, which have or may be contained in 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 him. 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, on her then-current treatment diagnosis, prognosis, course of treatment, maintenance of abstinence from alcohol, controlled and other 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. Until and unless 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. Kennedy shall hold any form of license or permit to practice medicine in the State of Louisiana.

- (4) Drug Screens. Dr. Kennedy shall submit to periodic, unannounced blood, urine, saliva and/or hair collection as frequently as may be requested for testing for the presence of alcohol, controlled or other mood-altering substances by a PHP professional or his or her designee. Unless and until this condition is modified or rescinded by the Board, Dr. Kennedy shall authorize and cause such professional 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 treatment for chemical abuse or dependency or any other condition from which she may suffer or be diagnosed, 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 remainder 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/ Board Approval of Medical Practice. Following the effective date of this Order and for the duration of the probationary period, Dr. Kennedy 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 she intends to practice medicine. Dr. Kennedy shall not engage in the private (solo) practice of medicine but shall instead work in a group, clinic, hospital or other similar setting; further, she 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.
- (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) Limitations on Prescribing Controlled Substances. Dr. Kennedy shall not, for the remainder of her medical career, prescribe any substance which may be classified. defined, enumerated or included in 21 C.F.R. §§1308 or La. Rev. Stat §40:964, as a Schedule II, III, IV, or V controlled substances, or any substance which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statute, or the drugs Carisoprodol or Ultram, provided, however, that this restriction and the other provisions of this paragraph shall not apply to Schedule IV and V controlled substances (whether name brand or generic) prescribed by Dr. Kennedy for the treatment of psychiatric conditions suffered by patients seen exclusively in connection with her practice of psychiatry. Further, this prohibition shall not prohibit Dr. Kennedy 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 practice medicine in the field of management of chronic pain or obesity utilizing controlled substances. More specifically, at no time following the effective date of this Order shall Dr. Kennedy 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 (beyond twelve weeks in any twelve month period) with controlled substances, nor shall she 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 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

- term of this Order and 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 first five (5) years of her probationary term through attendance at and participation in continuing medical education programs ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association. On or before the anniversary date of the effective date of this Consent 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 State/Practice/Effect on Probation. Should Dr. Kennedy at any time 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 medicine for a period of thirty (30) days or more, she shall advise the Board in writing. In such instance, the probationary period ordered herein shall be 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 in 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 Consent 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 Consent Order.
- (14) Probation Monitoring Fee. For each year of the probationary term 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) 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. Kennedy shall provide the Board with an affidavit certifying that she has complied with each of the terms of probation imposed by this Order and she shall contact the Board and arrange for a personal appearance before the Board at its meeting preceding the expiration of her probationary term.

- (16) Sanction. By her subscription hereto, Dr. Kennedy acknowledges that her receipt of written notification that the Board has received a reliable report that indicates her failure to maintain abstinence from alcohol, controlled or other mood-altering substances, or her failure to otherwise comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for 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 law, constitute her irrevocable consent to the immediate suspension of her license to practice medicine in this state by the Board pending the issuance of a final decision issued by the Board following administrative adjudication of such charges; alternatively, by the Board's acceptance of a Consent Order or other Order or recommendation respecting disposition of such charges.
- (17) Effective Date. This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

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. 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 Consent Order entered into herein between Dr. Kennedy and the Board on September 22, 1999, is hereby vacated and superseded by this Order.

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

New Orleans, Louisiana, this 19th day of March, 2

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

BY:

MELVIN G. BOURGEOIS, M.D.

President

Acknowledgment and Consent follows this page

ACKNOWLEDGMENT AND CONSENT

STATE OF LOUISIANA PARISH OF Loddo	
I, <u>KATHRYN KAY KENNEDY</u> , <u>M.D.</u> , hereb entry of the above and foregoing Order, this 2	y acknowledge, approve, accept and consent to day of <u>Jebruary</u> , 2012. KATHRYN KAY KENNEDY, M.D.
WITNE	SSES: Signature
DAVIEL D. GARNER Printed Name	Micheal A. Jordon Sy. Printed Name
HO) MILLICENTURY Address	S994 Canal Blud Address
SHREVEPORT, WA 71106 City/State/Zip Code	Shreveyort LA. 71108 City/State/Zip Code
Sworn to and subscribed before me this sin the presence of the two stated witnesses.	and day of Jebruan, 2012,
Cathy Mottett	

Notary Public (Signature and Seal)

Printed Name/Notary or Bar Number

CATHY MOFFETT, NOTARY PUBLIC NOTARY ID # 6251 BOSSIER & CADDO PARISH, LA. MY GOMMISSION IS FOR LIFE

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.la.gov



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

IN THE MATTER OF:

KATHRYN KAY KENNEDY, M.D. (Certificate No.020484), Respondent No. 11-I-102
ORDER FOR
SUSPENSION
OF MEDICAL LICENSE

The Louisiana State Board of Medical Examiners (the "Board") is in receipt of apparently reliable information indicating that Kathryn Kay Kennedy, M.D. ("Dr. Kennedy"), a physician licensed to practice of medicine in the state of Louisiana, has violated the terms of her *Consent Order*, in the Matter of Kathryn Kay Kennedy, M.D. Certificate No. 020484, which imposed certain conditions on her medical license, including the condition that she maintain complete abstinence from alcohol or any other mood-altering substances. The Consent Order further stipulated that Dr. Kennedy's failure to comply with such the terms and conditions would result in the suspension of her license.

Subsequent to entry of such Consent Order, and before she had returned to medical practice, the Board received information from the Physicians' Health Program ("PHP") indicating that Dr. Kennedy had tested positive for a prohibited substance. Dr. Kennedy has been fully cooperative with the recommendations of the PHP and has not attempted to return to

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¹ Consent Order, In the Matter of Kathryn Kay Kennedy, M.D., No. 11-I-102, La. State Bd. Med. Exam. (March 19, 2012).

² (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 including Tramadol 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 PHP and the Board, 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 another 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 this same manner.

³ (16) Sanction. By her subscription hereto, Dr. Kennedy acknowledges that her receipt of written notification that the Board has received a reliable report that indicates her failure to maintain abstinence from alcohol, controlled or other mood-altering substances, or her failure to otherwise comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for 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 law, constitute her irrevocable consent to the immediate suspension of her license to practice medicine in this state by the Board pending the issuance of a final decision issued by the Board following administrative adjudication of such charges; alternatively, by the Board's acceptance of a Consent Order or other Order or recommendation respecting disposition of such charges.

practice. However, at the current time, mainly due to financial constraints, she is unable to comply with recommendations for further treatment.

Based upon such information, and in accordance with the provisions of the Consent Order previously entered herein by the physician, the Board has concluded that pending the institution and conclusion of formal administrative proceedings herein that Dr. Kennedy's license should be immediately suspended. Accordingly, pursuant to the authority vested in the Board by the Consent Order previously entered herein as well as the Louisiana Medical Practice Act, La. Rev. Stat. §37:1261, et seq., and specifically La. Rev. Stat. §37:1285(A), and the Louisiana Administrative Practice Act, La. Rev. Stat. §49:951, et seq., and specifically La. Rev. Stat. §\$49:955 and 961;

IT IS ORDERED that the license of Kathryn Kay Kennedy, M.D., to practice medicine in the state of Louisiana, as evidenced by Certificate No. 020484, be, and the same is hereby, SUSPENDED, pending the Board's final decision in administrative proceedings herein for the revocation, suspension or imposition of such terms, conditions and restrictions upon her license to practice medicine in the state of Louisiana as the Board may deem appropriate.

New Orleans, Louisiana, this 5th day of September , 2012.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MELVIN G. BOURGEØIS, M.D.