



LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

No. 2020-I-372

IN THE MATTER OF:

CONSENT ORDER

LYNN SIMON, M.D.
(Credential No. MD.013348),
Respondent

The Louisiana State Board of Medical Examiners (the "Board") has received reliable information that Lynn Simon, M.D. ("Dr. Simon"), a 77-year-old physician who at all times pertinent hereto has been licensed by the Board, as evidenced by Credential No. MD.013348, and engaged in the practice of psychiatry in and around Baton Rouge, Louisiana, was the subject of a Consent Judgment imposing civil penalties for violations of the Controlled Substances Act, 21 U.S.C. § 801 *et seq.* (the "CSA."), and its implementing regulations, 21 C.F.R. § 1301 *et seq.*¹

Dr. Simon has previously been the subject of disciplinary action by the Board for violations of the Louisiana Medical Practice Act (the "MPA") related to prescribing controlled dangerous substances ("CDS"). In 1984, the Board revoked Dr. Simon's medical license for prescribing a Schedule II controlled substance (Dilaudid) for out-patient detoxification of opiates.² In 1991, the Board reinstated Dr. Simon's medical license on probation and prohibited him from prescribing Schedule II and III CDS "at any time" and "for the duration of his life."³ In 1993, the Board issued a Superseding Consent Order, permitting Dr. Simon to prescribe Ritalin and Schedule II and III CDS for institutional or hospital in-patients under the permit or license of said institution or hospital.⁴ In 1994, the Board vacated and rescinded its January 9, 1993 Superseding Consent Order

¹ See Stipulated Order and Consent Judgment, *United States v. Simon*, No. 3:21-cv-00441 (M.D. La. Apr. 4, 2023), ECF No. 39; see also 21 U.S.C. § 842(a)(1) (making it "unlawful for any person . . . who is subject to the requirements of part C [21 U.S.C. §§ 821–832] to distribute or dispense a controlled substance in violation of Section 829 of this title"); 21 U.S.C. § 829(b) (providing that "no controlled substance in Schedule III or IV . . . may be dispensed without a written or oral prescription in conformity with Section 503(b) of the" Federal Food, Drug, and Cosmetic Act); 21 U.S.C. § 353(b) (requiring that controlled substances in Schedules III or IV be dispensed only "upon a written prescription of a practitioner licensed by law to administer such drug").

² See Final Decision, *In the Matter of Lynn Simon, M.D.*, LA. STATE BD. OF MED. EXAM'RS (July 26, 1984).

³ *In the Matter of Lynn Simon, M.D.*, LA. STATE BD. OF MED. EXAM'RS (Mar. 7, 1991).

⁴ Superseding Consent Order, *In the Matter of Lynn Simon, M.D.*, LA. STATE BD. OF MED. EXAM'RS (Jan. 9, 1993).

and ordered the issuance of an unrestricted medical license to Dr. Simon.⁵ In 2011, the Board prohibited Dr. Simon from practicing in the fields of chronic pain or obesity management, and imposed a lifetime prohibition on Dr. Simon prescribing “any narcotic medication.”⁶ In 2016, the Board reinstated Dr. Simon’s license without probation; however, the Board continued Dr. Simon’s lifetime prohibition on prescribing narcotics.⁷

The above-entitled proceeding had been docketed for investigation by the Board upon notification that Dr. Simon was the subject of an investigation by the Drug Enforcement Agency (“DEA”) and United States Department of Justice (“DOJ”). Investigation of the captioned matter was assigned to the Board’s Director of Investigations (the “Investigating Officer” or “DOI”). During the course of the investigation, the Investigating Officer confirmed that Dr. Simon disclosed on his 2020 License Renewal Application that he had been questioned by the DEA and DOJ for his prescribing of Tramadol and Lyrica, and whether those prescriptions were in violation of the CSA based on restrictions imposed on Dr. Simon’s DEA registration since March 1, 2011. Following this disclosure, Dr. Simon communicated with Board investigative staff and provided regular updates regarding the ongoing the DEA/DOJ investigation.

On July 30, 2021, Dr. Simon was named as a defendant in a civil action in the United States District Court for the Middle District of Louisiana for allegedly violated the CSA by prescribing and dispensing prescriptions for CDS without valid registration.⁸ Specifically, Dr. Simon allegedly prescribed to patients (1) Schedule IV controlled narcotic substance Tramadol; (2) Schedule V controlled substance Lyrica; and (3) Schedule V controlled substance Vimpat. On November 16, 2022, Dr. Simon acknowledged that he had violated the CSA.⁹ On April 4, 2023, the Court accepted a Consent Judgment, in which Dr. Simon admitted to issuing twenty-one (21) prescriptions for Schedule IV and V CDS from October 5, 2015 through May 10, 2019, in violation of the CSA and agreed (1) to a civil judgment of \$61,000; and (2) not to violate any provision of the CSA or the regulations promulgated thereunder, and that any such violation would result in the immediate and permanent revocation, invalidation, and forfeiture of his DEA registration.¹⁰

Predicated upon the foregoing information, the Investigating Officer has determined that reasonable cause exists to pursue administrative proceedings against Dr. Simon for violations of the Louisiana Medical Practice Act (the “Act”), pursuant to La. R.S. 37:1285(A)(6), (14), and (30).¹¹

⁵ Superseding Order, *In the Matter of Lynn Simon, M.D.*, LA. STATE BD. OF MED. EXAM’RS (Dec. 22, 1994).

⁶ Consent Order, *In the Matter of Lynn Simon, M.D.*, No. 10-I-640 (Mar. 14, 2011).

⁷ Order for Reinstatement of Unrestricted License, *In the Matter of Lynn Simon, M.D.*, No. 10-I-640 (Mar. 14, 2016).

⁸ Complaint, *United States v. Simon*, No. 3:21-cv-00441 (M.D. La. July 30, 2021), ECF No. 1.

⁹ Unopposed Motion to Enter Joint Stipulation Regarding Liability by the United States of America, *United States v. Simon*, No. 3:21-cv-00441 (M.D. La. Nov. 16, 2022) ECF No. 23.

¹⁰ Stipulated Order and Consent Judgment, *United States v. Simon*, No. 3:21-cv-00441 (M.D. La. Apr. 4, 2023), ECF No. 39.

¹¹ The Board may take disciplinary action against a licensee based on La. R.S. 37:1285(A)(6) (“Prescribing, 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.”), La. R.S. 37:1285(A)(14) (“Medical incompetency, including but not limited to, incompetency manifested by continuing or recurring medical practice

As evidenced by his subscription hereto, Dr. Simon acknowledges the substantial accuracy of the foregoing information and that such information would constitute sufficient cause for the institution of administrative proceedings against his medical license and that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension or revocation of his license to practice medicine in the State of Louisiana or other such action as the Board might deem appropriate.

Recognizing his right to have notice and administrative adjudication of any charges that may be filed in this matter, at which time Dr. Simon would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. R.S. 49:950 *et seq.*, Dr. Simon, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision and pursuant to La. R.S. 49:975(D), consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. Simon also waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:950 *et seq.*, or which otherwise may be afforded to him by 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 or body relating to the matters referred to herein. By his subscription hereto, Dr. Simon also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. R.S. 49:977.2. Further, Dr. Simon expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an Administrative Complaint against him, or to the Board's capacity to adjudicate any charges that may be filed in this matter should the Board decline to approve this Order.

Based upon the information provided, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. R.S. 37:1261, will be effectively served by entry of the Order set forth hereinafter by consent. Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. R.S. 37:1285 and La. R.S. 49:975(D);

IT IS ORDERED that Lynn Simon, M.D., is hereby **OFFICIALLY REPRIMANDED** for the conduct described above.

IT IS FURTHER ORDERED that Dr. Simon's license to practice medicine in the State of Louisiana as evidenced by Credential No. MD.013348, shall be placed on **INDEFINITE PROBATION**, *provided, however*, that Dr. Simon's continuing exercise of any rights and

which fails to satisfy the prevailing and usually accepted standards of medical practice in this state."), and La. R.S. 37:1285(A)(30) ("Violation of any rules and regulations of the board, or any provisions of this Part."); *see also* La. Admin. Code. tit. 46, pt. XLV, § 6923 (providing that any violation of or failure to comply with the Chronic Pain Rules "shall be deemed a violation of R.S. 37:1285.A(6) and (14)").

privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Continuing Medical Education.** Within the first year of probation, Dr. Simon shall obtain not less than twenty-five (25) credit hours through attendance at and participation in CME programs on proper prescribing.
- (2) **Payment of Fine.** Within one hundred and twenty (120) days of the date of this Order, Dr. Simon shall pay to the Board a fine in the amount of Two Thousand Dollars (\$2,000.00). Upon Dr. Simon's request and submission of evidence concerning the payment plan for his federal consent judgment, the Board or its designee may extend the deadline for payment of this fine such that it will be paid to the Board over time in payment amounts and intervals consistent with Dr. Simon's payment of the federal Consent Judgment after that judgment has been satisfied.
- (3) **Prohibitions on Management of Pain.** Dr. Simon shall not practice medicine in the field of management of pain. Dr. Simon shall not hold himself out as being engaged in the treatment of or actually undertake to treat, either individually or in conjunction with any other physician, any patient for the long-term management of pain with controlled substances, nor shall he receive any remuneration from, have any ownership interest in or association with any clinic or practice setting or arrangement that renders care and/or treatment to patients for chronic pain, or 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 pain. Notwithstanding any other provision of this Order, the restrictions contained in this provision shall remain in effect so long as Dr. Simon shall hold any form of license or permit to practice medicine in the state of Louisiana, until and unless otherwise expressly modified by the Board in its sole discretion.
- (4) **Controlled Substances; Limitations.** Except as authorized herein, Dr. Simon shall not prescribe: (i) any narcotic drug as defined in 21 U.S.C. § 802(17) which may be classified, defined, enumerated or included in 21 C.F.R. §§ 1308.11–15 or La. R.S. 40:964, as a Schedule II, III, IV, or V controlled narcotic substance; or (ii) any narcotic drug which may hereafter be designated as one of the foregoing controlled substances by amendment or supplementation of such regulations and statute. The prohibitions contained in this paragraph shall not prohibit Dr. Simon from prescribing schedule IIN, IIN, and IV non-narcotic substances to the extent his federal and state permits permit such prescribing. Nor shall the prohibitions contained in this paragraph prohibit Dr. Simon from ordering any controlled substance for administration to in-patients of a hospital where he may be employed or exercise staff or clinical privileges in accordance with such hospital's prescribing policies and procedures governing the administration of controlled substances. Notwithstanding any other provision of this Order, the restrictions contained in this provision shall remain in effect so long as Dr. Simon shall hold any form of license or permit to practice medicine in the state of Louisiana, until and unless otherwise expressly modified by the Board in its sole discretion.

- (5) **Practice Monitoring.** Within sixty (60) days of the date of this Order, Dr. Simon shall enter into a contract or arrangement with a Practice Monitor, who shall be a licensed physician, pre-approved in writing by the Board. During the first two (2) years of the probation, the Practice Monitor shall review no less than twelve (12) medical records quarterly and provide quarterly written reports to the Board or its designee attesting to whether Dr. Simon's prescribing to his patients is within established clinical standards of care. Any and all fees, costs or expenses incurred by Dr. Simon in connection with this monitoring requirement shall be borne by Dr. Simon.
- (6) **Cooperation with Board's Probation and Compliance Officer.** Dr. Simon shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and/or 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, specifically including without limitation providing cooperation and assistance to the Board or its designee in obtaining any records under this Consent Order.
- (7) **Absence from the State/Practice/Effect on Probation.** Should Dr. Simon at any time 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 or its designee in writing. In such instance, the probation ordered herein and all terms, conditions and restrictions thereof shall be deemed interrupted and extended and shall not commence again until Dr. Simon notifies the Board in writing that he has resumed the practice of medicine in Louisiana.
- (8) **Probation Monitoring Fee.** For each year of the probation, Dr. Simon shall pay the Board an annual 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.
- (9) **Effect of Violation/Sanction.** By his subscription hereto, Dr. Simon acknowledges that his receipt of written notification that the Board has received reliable information indicating his failure to comply with the requirements set forth by this Consent 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. R.S. 49:950, *et seq.*, or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate or continued suspension of his license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges.
- (10) **Effective Date.** This Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

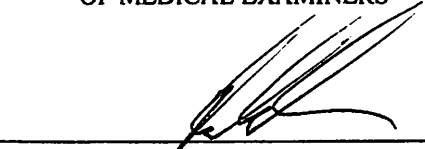
IT IS FURTHER ORDERED that Dr. Simon may petition the Board for relief from any of the above terms other than Sections 3 and 4 no sooner than three (3) years from the effective date of this Order, which petition the Board may, in its sole discretion, grant, grant in part, or deny. As an express condition to the consideration of such petition, Dr. Simon 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 comply with any request to make a personal appearance before the Board to discuss his compliance and then-current practice and future plans for practice in this state.

IT IS FURTHER ORDERED that any violation of or failure to strictly comply with this Order by Dr. Simon shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Dr. Simon's license to practice medicine in this state as the Board may deem appropriate, as if such violation were enumerated among the causes provided in La. R.S. 37:1285.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record, and shall likewise be available on the Board's website, <https://www.lsbme.la.gov/>, under "Disciplinary Actions", and shall be reported to the National Practitioner Data Bank ("NPDB").

New Orleans, Louisiana, this 27th day of January, 2025.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

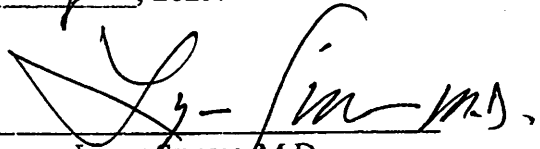
By: 
RODERICK V. CLARK, MD, MBA
President

Acknowledgment and Consent on Following Page

**ACKNOWLEDGMENT
AND CONSENT**

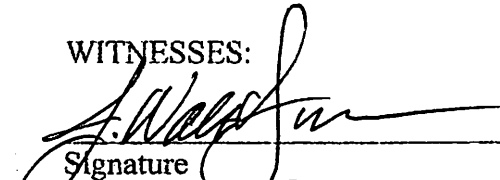
STATE OF LOUISIANA
PARISH OF East Baton Rouge

I, LYNN SIMON, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept, and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 16 day of January, 2025.



LYNN SIMON, M.D.

WITNESSES:



Signature

J WINTER GREEN

Typed Name

400 Canal St

Street Address

Baton Rouge, LA 70802

City/State/Zip Code



Signature

Hannah Frederick

Typed Name

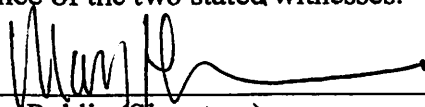
400 Convention St.

Street Address

Baton Rouge, LA 70802

City/State/Zip Code

Sworn to and subscribed before me this 16th day of JANUARY, 2025, in the presence of the two stated witnesses.



Notary Public (Signature)

Name: MARY HOUSE

Notary/Bar No. 194889

Commission expires: COMMISSION IS FOR LIFE.