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No. 94-I-086-X In The Matter Of LYNDON RAYFORD GREENE, M.D. (Certificate No. 019735), CONSENT ORDER

Pursuant to an investigation conducted by its Director of Investigations, the Louisiana State Board of Medical Examiners (the "Board") is in receipt of apparently reliable information indicating that Lyndon R. Greene, M.D., Monroe, Louisiana, is currently suffering from a relapse of long-standing, periodically acute abuse of and dependency on controlled substances. Dr. Greene's history of substance abuse dates at least to 1987, when, in recognition of his condition, he resigned from an anesthesiology residency and sought inpatient treatment for substance abuse at COPAC facilities in Jackson and Hattiesburg, Mississippi. Upon discharge from such program, Dr. Greene entered into a substance abuse treatment contract with the Impaired Physicians Program of the Louisiana State Medical Society. Notwithstanding his commitment to such Program to maintain complete abstinence from the use of controlled substances, Dr. Greene continued to use controlled substances and obtained such substances illicitly,1 through prescriptions issued in the name of other persons, though intended for his own use. In October 1994, the physician was admitted to further substance abuse treatment at the Charter Forest Hospital, Shreveport, Louisiana. And on October 31, 1994, Dr. Greene was arrested and charged with 10 counts of obtaining Schedule III controlled substances, by fraud and deceit, from pharmacies in the Shreveport, Louisiana, area.

As evidenced by his subscription hereto, Dr. Greene acknowledges that he has suffered from the recurrent abuse of controlled substances. Such acknowledgment and the reported information would provide the Investigating Officer herein with probable cause to initiate formal administrative proceedings against Dr. Greene, charging him with "[h]abitual or recurring abuse of drugs...which affect the central nervous system and are capable of inducing physiological or psychological dependence," "[p]rescribing...legally controlled substances...without legitimate medical justification therefor or in other than a legal or legitimate manner," and, potentially, "[i]nability to practice medicine . . . with reasonable skill and safety to patients because of ... excessive use or abuse of drugs," constituting cause for suspension or revocation of the physician's license to practice medicine in the state of Louisiana.2

The Board is persuaded, however, that the condition from which Dr. Greene suffers may be susceptible to effective medical treatment, resulting in the maintenance or restoration of the physician's capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. Greene

¹The information received by the Board indicates that Dr. Greene has been obtaining and using hydrocodone bitartrate/acetaminophen, a narcotic analgesic, under various brand names (i.e., Lortabs, Lorcet, Vicodin)

²La. Rev. Stat. § 37:1285(A)(5), (6), (25).

strictly observes and complies with appropriate restrictions on and conditions to maintenance of his medical licensure. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. § 37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to have notice of allegations and charges asserted against him, to administrative adjudication of such charges pursuant to La. Rev. Stat. §§ 49:955-058, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Greene nonetheless hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. § 49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Greene 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.

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 Lyndon Rayford Greene, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by certificate no. 019735, be, and the same is hereby, effective as of the date hereof, SUSPENDED until further order of the Board; and

IT IS FURTHER ORDERED that the Board's reinstatement of Dr. Greene's license to practice medicine in the state of Louisiana shall be subject to his acceptance of and strict compliance with the following terms and conditions:

- (a) Inpatient Treatment; Notice of Discharge; Records and Reports. Dr. Greene shall, within 15 days from the date hereof, submit to inpatient treatment for substance abuse at the Palmetto Addiction Recovery Center, Rayville, Louisiana, or such other inpatient program as may be approved by the Board in writing (the "Inpatient Treatment Program"), for a period of not less than 30 days and for such longer period as may be prescribed or recommended by the Inpatient Treatment Program. Within five days of his discharge from the Inpatient Treatment Program, Dr. Greene shall give written notice of such discharge to the Board and, within 10 days of such discharge, shall authorize and cause the Inpatient Treatment Program and his treating physician at the Inpatient Treatment Program to provide the Board with a complete copy of Dr. Greene's medical record at such program, together with a written report by his treating physician as to his discharge diagnosis and prognosis and his prescriptions or recommendations for continuing outpatient and/or aftercare treatment, therapy and monitoring.
- (b) Outpatient Treatment and Aftercare. Prior to or concurrently with his discharge from the Inpatient Treatment Program, Dr. Greene shall enter into and execute a treatment contract with the Inpatient Treatment Program providing for such outpatient treatment and aftercare monitoring as may be prescribed or recommended for Dr. Greene by the Inpatient Treatment Program. Within 20 days of his discharge from the Inpatient Treatment Program, Dr. Greene shall, in addition, enter into and execute a Substance Abuse Treatment Contract with the Physicians Health Program of the Louisiana State Medical Society (the "LSMS PHP"). And within five days of the execution or amendment of any such treatment contract, be it with the Inpatient Treatment Program or the LSMS PHP, Dr. Greene shall furnish a true copy of such contract to the Board. Dr. Greene shall further, within five days of his execution of a Treatment Contract with the LSMS PHP, notify the Board in writing of the name and address of his treating and monitoring physicians, respectively.

- (d) Suspension of Practice/Reinstatement. Dr. Greene shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves on Dr. Greene a written order reinstating his license to practice medicine. As express conditions to the issuance of such Order, in addition to such other conditions as are set forth hereinabove:
 - (1) Discharge from Inpatient Treatment. Dr. Greene shall have been discharged from the Inpatient Treatment Program;
 - (2) Favorable Medical Opinions. The Board shall have received the opinion of two physicians acceptable to the Board that Dr. Greene's prognosis for continued abstinence from the use of controlled substances is good and that Dr. Greene is then capable of practicing medicine with reasonable skill and safety to patients, based upon their personal examination, evaluation and diagnosis of Dr. Greene; and
 - (3) Appearance Before Physicians Health Committee of Board. Dr. Greene shall have made a personal appearance before the Physicians Health Committee of the Board at its meeting next following his discharge from inpatient treatment at the Inpatient Treatment Program and satisfaction of all other conditions to the Board's consideration of reinstatement of his medical licensure to permit the Committee to consider his compliance with the terms of this Order and to advise the Committee and the Board of his intentions with respect to the practice of medicine.

IT IS FURTHER ORDERED that upon Dr. Greene's compliance with and complete and continuing satisfaction of the terms and conditions hereinabove set forth, his license to practice medicine in the state of Louisiana may be reinstated by the Board on probation for a period of five years from the date on which it is issued. Dr. Greene's continuing exercise of rights and privileges under such probationary license shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (a) Continuing Treatment; Reports to Board. Following his discharge from inpatient treatment and the Board's issuance of institutional licensure, Dr. Greene shall continue under treatment, consistent with the prescription and recommendations of his treating physicians at the Inpatient Treatment Program, and under the LSMS PHP Treatment Contract. Dr. Greene shall 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 Dr. Greene's then-current treatment program diagnosis, prognosis, and his compliance with the terms, conditions and restrictions of this Order and any aftercare agreement he may execute hereafter.
- (b) Personal Appearances Before Impaired Physicians Committee. Dr. Greene shall personally appear before the Board or its Physicians Health Committee, as the Board may designate, at its meeting preceding the expiration of the probationary term ordered hereunder.
- (c) Prescription, Dispensation, Administration of Controlled Substances Prohibited. Dr. Greene shall not during the term of probation, prescribe, dispense or administer any controlled substance, as defined, enumerated or included in Federal or State statutes or regulations, 21 C.F.R. §§ 1308.11-.15, La. Rev. Stat. § 40:964, or any substance which may hereafter be designated a controlled substance by amendment or supplementation of the cited regulations and statute.
- (d) Maintenance of Complete Abstinence. Dr. Greene shall, for the duration of his life, maintain complete and total abstinence from the use of mood-altering substances, except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition.

(e) Continuing Medical Education. Dr. Greene shall obtain not less than 50 credit hours per year for each of the five years during the term of probationary licensure 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 he shall obtain such award within three years from the date hereof. On or before October 1 of each year during the term of probation ordered hereby, Dr. Greene shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding 12 months.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the restrictions set forth by this Order by Dr. Greene shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the final revocation and cancellation of Dr. Greene's license to practice medicine in the state of Louisiana. $D \in C \in Mb \in R$

Marksville, Louisiana, this 212 day of November, 1994.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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ACKNOWLEDGMENT AND CONSENT

I, LYNDON R. GREENE, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this ______ day of November, 1994.

Witness:

Jelism H. Breen

LYNDON R. GREENE, M.D.

630 CAMP STREET, NEW ORLEANS, LA 70130
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In The Matter Of

No. 94-I-086

LYNDON RAYFORD GREENE, M.D.

(Certificate No. 019375)

SUPERSEDING ORDER

------ X

By Consent Order entered herein on December 8, 1994, the license of Lyndon R. Greene, M.D., to practice medicine in the state of Louisiana was suspendedpending his discharge from inpatient treatment for substance abuse, his participation in prescribed aftercare treatment under the auspices of the Louisiana State Medical Society Physicians' Health Program, and the Board's receipt of the acceptable medical opinion that Dr. Greene's prognosis was favorable and that he is capable of practicing medicine with reasonable skill and safety to patients. The Order further prescribed the minimum terms and conditions pursuant to which the physician's medical licensure might then be reinstated on probation.

In accordance with the Consent Order, Dr. Greene appeared before the Board's Physicians Health Committee (the "PHC") on June 22, 1995, at which time it appeared that Dr. Greene had been discharged from inpatient treatment on March 20, 1995, and subsequently from outpatient residential treatment at the Palmetto Addiction Recovery Center ("PARC"), Rayville, Louisiana, with a favorable prognosis, and otherwise evidenced satisfaction of the conditions prescribed by the Consent Order for reinstatement of

¹Consent Order, In the Matter of Lyndon Rayford Greene, M.D., No. 94-I-086 (La. State Bd. Med. Exam., Dec. 8, 1994). As reflected therein, Dr. Greene had suffered a relapse of long-standing, periodically acute abuse of and dependency on controlled substances, dating at least to 1987, when, in recognition of his condition, he resigned from an anesthesiology residency and sought treatment for substance abuse at CO-PAC facilities in Jackson and Hattiesburg, Mississippi. Upon discharge from the program, Dr. Greene entered into a substance abuse treatment contract with the Impaired Physicians Program of the Louisiana State Medical Society. Notwithstanding his commitment to maintain complete abstinence from the use of controlled substances, Dr. Greene continued to use controlled substances, which he obtained illicitly, through prescriptions issued in the name of other persons, though intended for his own use. It appeared, more particularly, that Dr. Greene had obtained and used hydrocodone bitartrate, a narcotic analgesic, under various brand names (i.e., Lortab, Lorcet, Vicodin). In October 1994, the physician was admitted to further substance abuse treatment at the Charter Forest Hospital, Shreveport, Louisiana. And on October 31, 1994, Dr. Greene was arrested and charged with 10 counts of obtaining Schedule III controlled substances, by fraud and deceit, from pharmacies in the Shreveport, Louisiana, area. Such information would have supported Board action against the physician's license pursuant to La. Rev. Stat. § 37:1285(A)(5), (6), (25).

his medical license on probation, including execution of a five-year substance abuse treatment contract with the Louisiana State Medical Society Physicians' Health Program.²

It thus appears to the Board, as reported and recommended by the PHC, that Dr. Greene has satisfied the conditions requisite to reinstatement of his medical license on probation and that, subject to his observance of the terms and conditions prescribed in this order, he will be capable of practicing medicine with reasonable skill and safety to patients. Upon review of the records respecting Dr. Greene's current therapeutic course, however, the Board believes it appropriate to additionally require that he submit to ongoing treatment by a psychiatrist for management of such psychotropic medications as may be appropriately prescribed for Dr. Greene.

Accordingly, on the recommendation of the Physicians Health Committee of the Board, in accordance with the Consent Order previously entered herein, and pursuant to La. Rev. Stat. § 37:1285(D);

IT IS ORDERED the license of Lyndon Rayford Greene, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by certificate no. 019375, be, and the same is hereby, effective as of the date hereof, REINSTATED ON PROBATION, for a term of five years from the date hereof; *provided that* Dr. Greene's exercise of rights and privileges under such probationary license shall be conditioned upon his strict compliance with the following terms, conditions and restrictions:

- (a) Continuing Treatment; Reports to Board. Dr. Greene shall continue under treatment, consistent with the prescription and recommendations of his treating physicians at the Palmetto Addiction Recovery Center, and under the Substance Abuse Treatment Contract dated April 24, 1995, between Dr. Greene and the Louisiana State Medical Society Physicians' Health Program. Dr. Greene shall 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 Dr. Greene's then-current treatment program diagnosis, prognosis, and his compliance with the terms, conditions and restrictions of this Order.
- **(b) Psychiatric Management.** Dr. Greene shall arrange for and submit to treatment by a psychiatrist approved by the Board for management of such psychotropic medications as may be prescribed for Dr. Greene and for such other therapeutic regime as such psychiatrist may deem appropriate.

²In anticipation of restoration of his authority to practice medicine, Dr. Greene indicated that he had received a three-year commitment to work at the Monroe Mental Health Clinic, Monroe, Louisiana, a position which his treating physician at PARC endorsed. Letter, D. W. Cook, M.D., Dir., Palmetto Addiction Recovery Center, to D. Rorison, Exec. Dir., La. State Bd. Med. Exam. (June 16, 1995).

- (c) Maintenance of Complete Abstinence. Dr. Greene shall, for the duration of his life, maintain complete and total abstinence from the use of mood-altering substances, except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition.
- (d) Prescription, Dispensation, Administration of Controlled Substances Prohibited. Dr. Greene shall not during the term of probation ordered herein, prescribe, dispense or administer any controlled substance, as defined, enumerated or included in Federal or State statutes or regulations, 21 C.F.R. §§ 1308.11-.15, La. Rev. Stat. § 40:964, or any substance which may hereafter be designated a controlled substance by amendment or supplementation of the cited regulations and statute.
- (e) Continuing Medical Education. Dr. Greene shall obtain not less than 50 credit hours per year for each of the five years during the term of probationary licensure 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 he shall obtain such award within three years from the date hereof. On or before October 1 of each year during the term of probation ordered hereby, Dr. Greene shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding 12 months.
- (f) Personal Appearance Before Physicians Health Committee. Dr. Greene shall personally appear before the Board or its Physicians Health Committee, as the Board may designate, at its meeting preceding the expiration of the probationary term ordered hereunder.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Greene shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the final revocation and cancellation of Dr. Greene's license to practice medicine in the state of Louisiana.

Marksville, Louisiana, this 27 day of June, 1995.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF: LYNDON RAYFORD GREENE, M.D. (CERTIFICATE NO. 019735)

DECISION 97-A-016

Lyndon Rayford Greene, M.D., comes before the Louisiana State Board of Medical Examiners ("Board"), pursuant to an Administrative Complaint charging him with the following violations of the Medical Practice Act:

First, Lyndon Rayford Greene, M.D., is charged with violations of R.S. 37:1285A(13) and (25) for improper conduct towards a patient.

Second, Lyndon Rayford Greene, M.D., is charged with violation of R.S. 37:12845A(5) which proscribes habitual or recurring use of drugs, including alcohol which affect the central nervous system.

The matter was heard February 17, 1998, before a quorum of the Board consisting of Drs. Keith C. Ferdinand, President; Mary Lou Applewhite, Vice-President; and Elmo J. Laborde, Member. The complainant was represented by Larry McNamara, Esq. At the direction of Dr. Ferdinand, the hearing was conducted by Judge Frederick S. Ellis, the Board's independent counsel. Dr. Greene was present and unrepresented by counsel.

FINDINGS OF FACT

The facts of the case, which are not denied by Dr. Greene, and which are fully supported by the evidence, are as follows:

At the time of the offenses charged herein, Dr. Greene was on probation because of substance abuse. Among the conditions of his probation was a ban on any use of controlled substances and alcohol. Dr. Greene was employed as a staff psychiatrist at the Monroe Mental Health Center.

On October 2, 1996, Dr. Greene had dinner with one of his patients, Terry B., who had a diagnosis of alcohol dependency. At the dinner, which was paid for by Dr. Greene, Terry B., had two glasses of wine. During the evening, Terry B., went outside and smoked pot, which got him highly intoxicated. Dr. Greene drove him around, then took Terry B., to his

(Greene, March 1998)

apartment. Finally, he took, Terry B., home at about 1:00 a.m.

This conduct was reported, and, as a result, Dr. Greene was given the opportunity of resigning in lieu of being terminated. He resigned and on that day or the next, attempted suicide by ingesting a large amount of drugs and alcohol. The attempt failed because he was discovered by his mother, who got assistance.

Since the above events, Dr. Greene has been in private practice, and is presently on the staff at Palmetto Addiction Recovery Center. He stated that, except for the suicide attempt, he has been in full compliance with the prohibition of the use of drugs and alcohol imposed as a condition of his probation, and there is no evidence to the contrary.

The Board does not find that the suicide attempt constitutes a violation of the prohibition against the use of drugs and alcohol by the Respondent. Dr. Greene took the drugs and alcohol in a sincere effort to end his life, which would have been successful but for the fortuitous return of his mother. He has not otherwise consumed either drugs or alcohol during his probation. We find him not guilty on this count.

On the other hand, his social engagement with his patient, Terry B., is a serious violation of the ethical standards of the medical profession. This is particularly true because he abetted his patient in the consumption of alcohol, when he, himself, had recently diagnosed the patient as alcohol dependent.

Martha Brown, M.D., who is the Medical Director of the Louisiana State Medical Society, Physicians Health Program, appeared on behalf of Dr. Greene. She was of the opinion that Dr. Greene could continue in practice, provided he worked with proper supervision, underwent psychotherapy, and took special training to help him deal with his sexual identity.

CONCLUSION OF LAW

Considering all of the above, we find Dr. Greene to be guilty of the first charge against him, and not guilty of the second charge.

DECISION

The following sanctions will be imposed:

- 1) The license of Lyndon Rayford Greene, M.D., to practice medicine in the State of Louisiana, Certificate No. 019735, shall be continued on probation for a period of five years from the date hereof, subject to the general terms and conditions of probation heretofore adopted by the Board, and subject to the following special conditions:
- 2) Respondent shall obtain not less than 50 hours of Continuing Medical Education per year for each year he is on probation, which courses shall qualify for the Physicians Recognition Award of the American Medical Association. At the end of each year of his probation, Respondent shall

submit to the probation officer written certification of the continuing education credits received by him during the preceding 12 months. At least 20 hours per year shall be in the area of boundaries and cross transference.

- 3) Respondent's practice shall be subject to monitoring by a physician approved by the Board, and he shall cause a quarterly report to be submitted to the probation officer by the monitor, on his performance and his ability to practice medicine with reasonable safety.
- 4) Respondent shall continue in his contract with the Physicians Health Committee, and shall abide by all terms and conditions thereof. He shall remain subject to all terms and conditions of the superseding order of June 27, 1995, which are not inconsistent with this order.
- 5) Respondent shall arrange for and submit to psychotherapy, with a physician satisfactory to Dr. Martha Brown, and approved by the Board, and who is not a colleague of Dr. Greene in his practice at Palmetto Addiction Recovery Center.

NEW ORLEANS, LOUISIANA, this _____ \$\frac{\chi}{2} \times \hat{h} \text{ day of March, 1998.}

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

Keith C. Ferdinand, M.D.
President

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In The Matter Of

LYNDON RAYFORD GREENE, M.D. (Certificate No. 019735)

No. 97-A-016

ORDER FOR REINSTATEMENT OF UNRESTRICTED LICENSE

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Lyndon Rayford Greene, M.D. ("Dr. Greene"), for relief from the probationary terms imposed upon his license. Heretofore, pursuant to Decision rendered in March 1998, the physician's medical license was placed on probation for five (5) years contingent upon his compliance with specified terms, conditions and restrictions requiring, among other items, monitoring of his practice, compliance with his agreement with the Physicians' Health Foundation of Louisiana's Physicians' Health Program, continuing psychotherapy, continuing medical education and the submission of specified written reports to the Board. In connection with his request Dr. Greene appeared before the Physicians' Health Committee of the Board on May 21, 2003 and evidenced satisfaction with each of the terms and conditions of the Decision previously entered. Upon review of the physician's history, its records and all information available and received, including the recommendation of its Physicians' Health Committee, the Board determined that the public interest would be properly served and protected by the unrestricted reinstatement of Dr. Greene's license to practice medicine in Louisiana. Accordingly, in consideration of this finding and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285(D);

IT IS ORDERED that the license of Lyndon Rayford Greene, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 019735, is hereby, effective as of the date hereof, *reinstated without restriction*.

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

¹Decision, In the Matter of Lyndon Rayford Greene, M.D., Cert. No. 019735, No. 97-A-016, La. State Bd. Med. Exam. (Mar. 8, 1998). The terms and conditions of Dr. Greene's probation also required his continued compliance with the terms and conditions of a then-existing Superseding Order entered by the Board on June 27, 1995. See: Superseding Order, In the Matter of Lyndon Rayford Greene, M.D., Cert. No. 019735, No. 94-I-086, La. State Bd. Med. Exam. (June 27, 1995).

New Orleans, Louisiana, this _

LOUISIANA STATE BOARD OF **MEDICAL EXAMINERS**

By:

ELMO J. ABORDE, M.D.

President