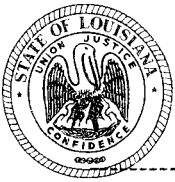


LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.org

Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:



Ext. _____

In The Matter Of

KEVIN GOVAN WORK, M.D.
(License No. MD.025394)

No. 08-I-774

**CONSENT
ORDER**

Kevin Govan Work, M.D. ("Dr. Work") is an obstetrician/gynecologist licensed to practice in the State of Louisiana, as evidenced by License Number MD.025394. The Louisiana State Board of Medical Examiners (the "Board"), through its Director of Investigations ("DOI"), opened an investigation of Dr. Work after receiving notice from Tulane University Hospital & Clinic ("TUHC") that his clinical privileges at that institution had been suspended on August 18, 2008, following an investigation into (1) allegations that he made an unwelcome and inappropriate sexual comment to a nurse, and (2) a focused peer review's finding that he failed to timely present to the delivery unit on six instances. TUHC's Medical Executive Committee, after consideration of the evidence, established several conditions precedent to his reappointment, including specified remediation.

The DOI's review and analysis of the matter confirms to her satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Work, charging him with violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§ 37:1285(A)(13) & (14).¹ As evidenced by his subscription hereto, Dr. Work, without admitting the accuracy of the above-referenced information or any violations of the Medical Practice Act, acknowledges that the reported information would provide the DOI with probable cause to pursue formal administrative proceedings against him, constituting sufficient cause for action against his license to practice medicine in the state of Louisiana.

¹ Pursuant to La. Rev. Stat. § 37:1285A(13), the Board may refuse to renew a license, may suspend or revoke a license, or may impose probationary or other restrictions on a licensee for "[u]nprofessional conduct."

Pursuant to La. Rev. Stat. § 37:1285A(14), the Board may take action against the license of a physician as a result of "[C]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state."

On the basis of apparently reliable information, however, the Board is persuaded that the behavior exhibited by Dr. Work may be susceptible to effective correction, resulting in the maintenance of his capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that the physician strictly observes and complies with appropriate restrictions on and conditions to maintenance of his medical license. In consideration of this finding and the recommendation of the DOI 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 will be effectively served by entry of the Order set forth hereinafter by consent.

Recognizing his right to administrative adjudication of any charges that may be asserted against him, at which time Dr. Work 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. Rev. Stat. § 49:951, *et seq.*, Dr. Work, 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. Dr. Work acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951, *et seq.*, or which he otherwise may be afforded by any law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By his subscription hereto, Dr. Work also authorizes the DOI to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures under La. Rev. Stat. § 49:960. Dr. Work expressly acknowledges that the disclosure of such information to the Board by the DOI shall be without prejudice to the DOI's authority to proceed with the filing and adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Consent Order.

Accordingly, in consideration of the 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 Kevin Govan Work, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. MD025394 is placed **ON PROBATION** for a period of one (1) year from the effective date of this Order; *provided, however*, that such license and Dr. Work's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Attendance at Approved Seminar. Within the first year of his probationary period, Dr. Work shall attend and successfully complete one or more courses of study, pre-approved by the Board, addressing professional conduct, appropriate interactions with colleagues and staff, the creation and maintenance of proper sexual boundaries, and

fundamental principles of the law regarding sexual harassment and creating a hostile work environment.

(2) Continuing Medical Education. Dr. Work shall attend and successfully complete the HCA Education Modules addressing (1) Fetal Heart Monitoring; (2) Shoulder Dystocia; and (3) Operative Vaginal Deliveries. Dr. Work shall provide documentation of his successful completion of these courses to the Board's Probation and Compliance Officer.

(3) Fine. The Board hereby imposes an administrative fine in the amount of \$1,000.00 against Dr. Work. The fine shall be paid within SIXTY (60) days of the effective date of this Order. Dr. Work acknowledges that the timely payment of the fine and timely confirmation of receipt of the payment by the Board is his legal obligation and responsibility, and he agrees to cease practicing if the fine is not timely received at the Board office as agreed to in this Order.

(4) Periodic Reports. Dr. Work shall cause, and does by his subscription hereto, authorize the Chief of Staff of TUHC or his designee to provide the Board with quarterly reports attesting that Dr. Work has complied with any conditions or restrictions imposed by TUHC and conducted his practice in accordance with the prevailing standard of care.

(5) Probation Monitoring Fee. Dr. Work shall pay the Board a probation monitoring fee of Three Hundred Dollars (\$300.00) for each year of the probationary term. Payment of this fee shall be due not later than sixty (60) days after the effective date of this Order, and annually thereafter.

(6) Cooperation with Board's Probation and Compliance Officer. Dr. Work shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers. 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, conditions and restrictions of this Consent Order.

(7) Absence from State - Effect on Probation. Should Dr. Work at any time during the probationary period be absent from the State of Louisiana, relocate to, and/or take up residency in another state or country for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period and all terms and conditions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Work again notifies the Board in writing that he has returned to, relocated in, or taken up residency in the State of Louisiana. In such instance, Dr. Work shall not receive credit toward completion of the probationary period for the time that he was absent from the State of Louisiana.

(8) Certification of Compliance with Probationary Terms. At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Work shall provide the Board with an affidavit certifying that he has complied with each of the terms

of probation imposed by this Order. Dr. Work acknowledges that his medical license shall remain on probation until he has certified his compliance with the terms of his probation.

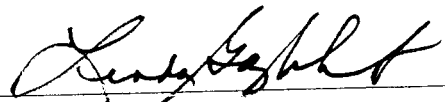
(9) **Sanction.** By his subscription hereto, Dr. Work acknowledges that his receipt of written notification that the Board has received a written report that indicates his failure to comply with any requirement set forth by this Consent Order in any respect, shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951, *et seq.*, or which otherwise may be afforded to him by any law, constitute his irrevocable consent to the immediate suspension of his license to practice medicine in this state by the Board pending the final resolution of an administrative hearing and decision by the Board with respect to the information made the basis of such report.

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. Work shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Work'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.

This Order was signed in New Orleans, Louisiana, and effective this 16th day of March, 2009.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: 
LINDA GAGE-WHITE, M.D., PHD
Board President

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF _____

I, KEVIN GOVAN WORK, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 18th day of Feb., 2009.

[Signature]
KEVIN GOVAN WORK, M.D.

WITNESSES:

[Signature]

Signature

Maria Coveras

Printed Name

3500 St. Charles Ave

Address

New Orleans, LA 70115

City, State, Zip Code

[Signature]

Signature

Sharon Adams

Printed Name

3500 St. Charles Ave.

Address

New Orleans, LA 70115

City, State, Zip Code

Sworn to and subscribed before me at New Orleans Louisiana, this 18th day of February, 2009, in the presence of the two stated witnesses.

[Signature]

Notary Public (Signature)

William P. Gibbens

Printed Name

27-225

Bar/Notary Number