

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Department of Investigations  
Telephone: (504) 568-6820  
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No. 13-I-014

**CONSENT ORDER**

**In The Matter of:**

**KEVIN GOVAN WORK, M.D.**

*(Certificate No. MD.025394)*

Kevin Govan Work, M. D. ("Dr. Work") is, and at all times pertinent hereto, has been a physician licensed to practice medicine in the State of Louisiana. Dr. Work practices in the field of obstetrics and gynecology in and around New Orleans, Louisiana.

Dr. Work has been the subject of three prior investigations by the Louisiana State Board of Medical Examiners ("LSBME" or "Board"). In two of those investigations, one of which involved Dr. Work's business relationship with [REDACTED], the owner of Midtown Medical Clinic ("Midtown"), the Board agreed to discontinue those investigations based on Dr. Work's representations that he would sever his business and financial relationship with [REDACTED]. In the other investigation, Dr. Work entered into a Consent Order with the Board in matter No. 08-I-774. On January 11, 2011, Dr. Work's probation was terminated upon his demonstration to the Board that he had satisfied and fulfilled all the terms and conditions of the Consent Order.

On December 1, 2012, Midtown's medical director, Dr. Varnishung, died. Shortly thereafter, Dr. Work contacted the DOI to report that he would be returning to Midtown to attend to Dr. Varnishung's patients during a brief transition period in order to provide follow-up care and transfer those patients to his own clinic. In response to a subpoena issued to Dr. Work requesting information regarding his arrangement with Midtown, Dr. Work represented that he had agreed to see patients "sporadically and as needed during a brief transition period." He reported that the patients he saw at Midtown were already scheduled or in the middle of previous treatment, and that he would only be seeing new patients to introduce himself, draw an OB panel, and re-schedule them to his clinic.

The Board initiated an investigation and discovered that, during this interim period at Midtown, patients were not seen by Dr. Work or any other physician at Midtown, despite the fact that their medical records contained Dr. Work's digital signature. Additionally, contrary to his representations to the Board, Dr. Work provided services to new patients at Midtown, including services for the termination of pregnancies. Dr. Work performed at least two surgical procedures at Midtown without writing an operative note on the procedures. These surgical patients also

received prescriptions that were allegedly signed by Dr. Varnishung, a deceased physician, not Dr. Work.

Predicated upon the information outlined above, the DOI determined that reasonable cause existed for recommending that a formal Administrative Complaint be filed against Dr. Work, charging him with violations of the Louisiana Medical Practice Act (“the Act”). Pursuant to La. Rev. Stat. §37:1285 A, the Board initiated action against the license of Dr. Work as a result of: (4) “Providing false testimony before the board or providing false sworn information to the board;” (6) “Prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefore or in other than a legal or legitimate manner;” (13) “Unprofessional conduct;” (14) “Continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state;” and (18) “Knowingly performing any act which, in any way, assists an unlicensed person to practice medicine, or having professional connection with or lending one’s name to an illegal practitioner.”

Dr. Work hereby acknowledges and admits that, after reviewing patient medical records and other records from Midtown for this period: (1) Midtown staff were improperly using his name and electronic signature without his knowledge to independently perform and improperly render medical services to patients while he was not on Midtown premises; (2) on at least three occasions, thirty patients or more signed in at Midtown, while Dr. Work was only able to be at the clinic for small portions of the day; and (3) Midtown staff were engaged in the practice of medicine while not under his supervision.

Subject to these acknowledgments and admissions, the DOI and the Board believe that (a) the improper conduct exhibited by Dr. Work is susceptible to correction, and (b) Dr. Work has demonstrated a commitment to the appropriate corrective measures.

As evidenced by his subscription to this Order, Dr. Work acknowledges the substantial accuracy of the foregoing information and that such acknowledgment, and the reported information, could provide the Investigating Officer with probable cause to pursue formal administrative proceedings against him for violation of the Act, La. Rev. Stat. §§37:1285(A)(4) (6) (13) (14) and (18), respectively and, further, that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension, revocation or imposition of such other terms, conditions or restrictions on his license to practice medicine in the state of Louisiana as the Board might deem appropriate.

Recognizing his right to have administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the 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. Work, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. Work also waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.* or which otherwise may be afforded to him by law to contest his agreement to or the force and effect of this document in any court or other forum or body relating to the matters referred to herein. By his subscription hereto, Dr. Work 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. Rev. Stat. §49:960. Furthermore, Dr. Work expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to pursue an Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the information provided, the Board has concluded that the public interest would be properly protected and served by allowing Dr. Work to maintain his license subject to appropriate specified terms, conditions and restrictions. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §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. 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. MD.0295394, be **SUSPENDED** for a period of three (3) months, however, the suspension is **STAYED** and Dr. Work's license is **PLACED ON PROBATION**, on the effective date of this Order for one (1) year, provided, however, that such license and Dr. Work's continuing exercise of rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

**(1) Personal Appearance before the Board.** Dr. Work shall personally appear before the Board or its designee to permit the Board to consider his intent to comply with the terms of this Order and to advise the Board or its designee of his intentions with respect to his continued practice of medicine.

**(2) Board Approval of Medical Practice.** Following the effective date of this Order and for the duration of the probationary period, Dr. Work 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 Dr. Work intends to practice medicine. Dr. Work 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.

**(3) Practice Monitoring and Quarterly Reports.** Within sixty (60) days of the effective date of this Order, Dr. Work shall enter into a contract with a Board-approved practice monitor program to monitor and review Dr. Work's medical practice during the probationary period. The program will work in conjunction with the Board to develop parameters for monitoring Dr. Work's practice, including a review of Dr. Work's patient records and charts. The practice monitor shall review no less than fifteen (15) records a quarter. The practice monitoring program will provide quarterly reports to the Board that will include an opinion as to whether Dr. Work is practicing medicine and documenting his patient's evaluation and treatment in accordance with the

prevailing standards of medical practice. This practice monitoring of Dr. Work shall not conclude until the Board has received at least four (4) positive quarterly reports from the practice monitor. After the Board has received four (4) positive quarterly reports in which the practice monitoring program has opined that Dr. Work is practicing in accordance with the prevailing standards of medical practice, Dr. Work may petition the Board to terminate this condition of his probation, which request the Board in its sole discretion may grant or deny. In the event the Board denies such a request, the practice monitoring will continue at the Board's discretion or until this probation is terminated. Dr. Work shall bear all costs associated with the practice monitor program.

**(4) Protection of Electronic Signature.** Dr. Work, acknowledging the critical importance of protecting his electronic signature, shall not share his password or allow any other person to use his electronic medical signature for any reason relating to the treatment of any patient or the prescribing of medication.

**(5) Collaboration with Nurse Practitioners, Supervision of Physician Assistants/Effect On.** During the probationary term, Dr. Work is not eligible to enter into or continue in a collaborative or supervisory practice agreement with a mid-level provider, *e.g.*, nurse practitioner or physician assistant. This restriction shall not preclude Dr. Work from employing nurses or other medical personnel to assist in his practice, as long as he is present and directing their activities appropriate to their level of expertise and ability.

**(6) Continuing Medical Education.** Dr. Work shall obtain not less than fifty (50) credit hours per year during the probationary term through attendance at and participation in continuing medical education programs ("CME") accredited by the American College of Physicians, the American Medical Association, or such other national accrediting association or organization as the Board may approve in writing. On or before the anniversary of the effective date of this Order, Dr. Work shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

**(7) Continuing Medical Education –Professionalism and Medical Ethics.** Within six (6) months of the effective date of this Order, Dr. Work shall attend and successfully complete a course, of no less than twenty hours, in professionalism and medical ethics. All courses required by this provision shall be pre-approved by the Board or its designee. The hours earned taking this course may serve to help fulfill Dr. Work's fifty (50) credit hours requirement referenced in paragraph (4) above.

**(8) Payment of Fine.** Within one hundred and eighty (180) days of the effective date of this Order Dr. Work shall pay to the Board a fine in the amount of Five Thousand and no/100 (\$5,000.00) Dollars.

**(9) Payment of Costs/Fees.** Within one hundred and eighty (180) days of the effective date of the Order, Dr. Work shall reimburse the Board Ten

Thousand and no/100 (\$10,000.00) Dollars for costs and fees expended in this matter.

**(10) Probation Monitoring Fee.** For each year that this Order remains in effect, Dr. Work 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 following the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

**(11) Absence from State/Practice/Effect on Probation.** The probationary term of this Order shall be extended for any period of time that (i) Dr. Work subsequently resides or practices outside the State of Louisiana or (ii) Dr. Work's license is subsequently cancelled for nonpayment of licensure fees. If Dr. Work leaves Louisiana to live or practice elsewhere, he shall immediately notify the Board in writing of the dates of his departure from and subsequent return to Louisiana. When the period of extension ends, Dr. Work shall be required to comply with the terms of this Order for the period of time remaining on the extended probationary term of this Order. Dr. Work shall pay all fees for reinstatement or renewal of a license covering the period of extension.

**(12) Notification.** Dr. Work shall provide a complete copy of this Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state.

**(13) 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 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, conditions and restrictions of this Order.

**(14) Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary term 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. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Work's compliance with the requirements of this provision.

**(15) Effect of Violation/Sanction.** By his subscription hereto, Dr. Work acknowledges that his receipt of written notification that the Board has received apparently reliable information which indicates his failure to comply with the requirements set forth by this 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 law, constitute his irrevocable consent to the immediate 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.

(16) **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. Work shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Work's license to practice medicine in the state of Louisiana 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.

Signed in New Orleans, Louisiana, and effective on this 20<sup>th</sup> day of October, 2014.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By: Mark H. Dawson  
Mark Henry Dawson, M.D.  
*President*

*Acknowledgement and Consent  
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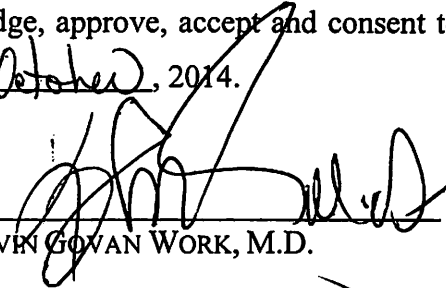
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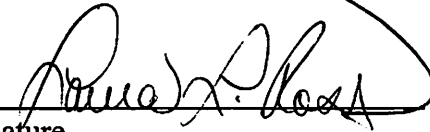
**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA  
PARISH OF ORLEANS


I, KEVIN GOVAN WORK, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 17<sup>th</sup> day of October, 2014.

  
\_\_\_\_\_  
KEVIN GOVAN WORK, M.D.

  
\_\_\_\_\_  
Signature  
Peter J. Pettifils  
\_\_\_\_\_  
Printed Name  
1215 Coliseum St.  
\_\_\_\_\_  
Address  
N.O. LA 70130  
\_\_\_\_\_  
City, State, Zip Code

WITNESSES:  
  
\_\_\_\_\_  
Signature  
Laura L. Ross  
\_\_\_\_\_  
Printed Name  
1217 Coliseum St.  
\_\_\_\_\_  
Address  
N.O. LA 70130  
\_\_\_\_\_  
City, State, Zip Code

Sworn to and subscribed before me at New Orleans, Louisiana, this 17<sup>th</sup> day of October, 2014, in the presence of the two stated witnesses.

  
\_\_\_\_\_  
Notary Public (Signature & Seal)

**EDWARD J. LILLY**  
Embossed hereon is my Orleans Parish  
State of La. Notary Public Seal  
LSBA # 8571  
My Commission is issued for life.