

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
www.lsbme.la.gov



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

**BEFORE THE
LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

(504) _____

IN THE MATTER OF:

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

No. 15-A-009

Respondent

INTERIM CONSENT ORDER

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, but his license is currently on probation under a Consent Order executed on or about October 20, 2014 (the "2014 Consent Order"). At all times material to the facts and matters addressed herein, Dr. Work was engaged in the practice of obstetrics and gynecology at his clinics, the Canal Women's Clinic ("Canal") and the Kenner Women's Clinic ("Kenner").

Dr. Work has been the subject of four prior investigations by the Louisiana State Board of Medical Examiners ("LSBME" or "Board"). In two of the investigations, one of which involved Dr. Work's business relationship with 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 the owner of Midtown. In another investigation, Matter No. 08-I-774, Dr. Work entered into a Consent Order with the Board. 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.

The Board initiated a fourth investigation in November 2012 after receiving information that unlicensed or unqualified persons were allowed to administer medications to patients at Midtown. After Midtown's medical director, Dr. Varnishung, died on December 1, 2012, 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. 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. Dr. Work entered into a Consent Order with the Board in Matter No. 2013-I-014 and acknowledged that Midtown staff were improperly using his name and electronic signature, and these staff were engaged in the practice of medicine while not under his supervision. This 2014 Consent Order, which is attached hereto, placed Dr. Work on probation for one year and, among

other stipulations, provided that Dr. Work shall enter a practice monitoring program, protect his electronic signature, refrain from collaboration with and/or supervision of mid-level providers, and be present to direct activities of his medical personnel assuring that these activities were appropriate to their level of ability.

During the one-year period of probation, on or about June 16, 2015, the Board received information that a patient of Dr. Work's had not seen him for her prenatal visits, but had received her prenatal care from the staff at Canal. On or about June 23, 2015, the Board received a second complaint alleging that Dr. Work was allowing his staff members to do ultrasounds and provide the prenatal care in his clinic. Board staff conducted interviews and issued subpoenas for medical records. Reliable information was obtained by the Board that indicated that Dr. Work had allowed his unlicensed clinic personnel to evaluate his patients and provide prenatal care. Furthermore, the Board obtained information that he allowed the use of his signature for visit notes and prescriptions, and represented in the medical record and in his claims to Medicaid that he had seen the patients himself during visits when he had not.

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: (11) "Making or submitting false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value;" (13) "Unprofessional conduct;" (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;" and (30) "Violation of any rules and regulations of the board."

Dr. Work hereby acknowledges and admits that, after reviewing patient medical records and other records from Canal and Kenner for this period: (1) Dr. Work's signature was used on patient treatment records, including medical records signifying that Dr. Work had personally examined patients when he had not; (2) patient care activities in Dr. Work's clinics were not appropriately directed, which allowed non-licensed individuals, without ability and expertise, to provide prenatal care and essentially practice medicine; (3) Dr. Work failed to comply with the 2014 Consent Order by not contracting with a Board-approved practice monitor within the time allowed; and (4) controlled substances were prescribed to his patients and not documented, resulting in a failure to maintain accurate medical records.

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)(11) (13) (18) and (30), 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 and conditions. 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 Kevin Govan Work, M.D., Certificate No. MD. 0295394, currently on Probation, **IS HEREBY REMOVED FROM PROBATION AND REINSTATED TO AN UNRESTRICTED STATUS. DR. WORK AGREES AND SHALL NOT PRACTICE MEDICINE IN ANY CAPACITY and SHALL NOT RETURN TO PRACTICE FOR A MINIMUM PERIOD OF ONE (1) YEAR FROM THE DATE OF THIS CONSENT ORDER**, and until the Board issues an Order allowing him to return to practice based upon demonstration that he has satisfied the following terms and conditions:

- (1) **Passage of Written Examination for Basic Certification in Obstetrics and Gynecology.** Dr. Work shall take and pass the written

examination required to achieve, in part, board certification in Basic Obstetrics and Gynecology.

(1.1) If complete Board certification is not obtained within three (3) years of the date of this Consent Order, Dr. Work agrees to surrender his medical license.

(2) Payment of Fines, Costs, and Fees. Dr. Work shall reimburse the Board Five Thousand and no/100 (\$5,000.00) Dollars for costs and fees expended in this matter.

(3) Continuing Medical Education. During this time period where Dr. Work is not practicing medicine in any capacity, he shall fulfill all continuing medical education requirements.

(4) Personal Appearance before the Board. After the one-year term imposed herein is completed, and after Dr. Work has satisfied the requirements of paragraphs (1), (2), and (3) above, he shall request a personal appearance before the Board to demonstrate his compliance with the above-listed requirements and to request his ability to return to practice. Upon the Board's satisfaction that the requirements of paragraphs (1), (2), and (3) are satisfied, the Board shall issue an order authorizing Dr. Work's return to practice, provided that such practice is in an institutional setting or other such setting that has been approved by the Board.

(5) Cooperation with Board's Compliance Officer. Dr. Work shall immediately notify the Board's 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 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.

(6) 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; provided, however, that after the receipt of the written notification of suspension as provided for by this paragraph,

on written motion to the Board filed by Dr. Work within seven (7) days of his receipt of the written notification, Dr. Work may request a preliminary hearing regarding the suspension order, which hearing shall be conducted according to the following procedures by a single member of the Board designated for this purpose. Upon such motion by Dr. Work requesting a hearing, the designated Board member shall schedule a hearing within ten (10) days of the motion by Dr. Work. Said hearing shall be conducted on written submissions by the parties filed five (5) days before the telephonic hearing, and a telephonic hearing conducted by the designated Board member who shall, based on the written submissions and the telephonic hearing, issue a decision either sustaining or vacating the suspension order pending the issuance of a final order by the Board at the conclusion of the administrative proceedings.

(7) **Effective Date.** This Consent Order shall be effective as of March 1, 2016.

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 15th day of Feb, 2016.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

J. Michael Burdine, Jr., M.D.
President

*Acknowledgement and Consent
Follows on Next Page*