

MICHAEL L. MYERS

DOCKET NUMBER: 6016737 SEC.:       

VERSUS

19<sup>th</sup> JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

PAUL M. DAMMERS, PH.D.  
And, THE NEUROMEDICAL  
CENTER, APMC

STATE OF LOUISIANA

**D**  
**PAUPER**  
**FILED**

PETITION FOR DAMAGES

NOW INTO COURT, *in proper person*, comes the petitioner and plaintiff herein, Michael L. Myers, who, respectfully represents:

1.

At all times relevant hereto, plaintiff, MICHAEL L. MYERS, was a person of the full age of majority, domiciled in Baton Rouge, Louisiana, in the Parish of East Baton Rouge, State of Louisiana.

2.

Venue is proper per *Louisiana Code of Civil Procedure Arts. 42, 43, 45, 73 and/or 74.*

3.

Made Defendants herein are:

A. PAUL M. DAMMERS, PH.D., M.P., who was at all times relevant hereto, a health care provider as defined under *La.R.S. 40:1299.49* with a stated specialty of psychology practicing at the Neuromedical Center, APMC, 10101 Park Rowe Ave., Ste., 200, Baton Rouge, Louisiana and/or was an employee, agent, officer or representative of the below-named Co-Defendant, the Neuromedical Center; and,

B. THE NEUROMEDICAL CENTER, APMC, which was at all times relevant hereto, a health care provider as defined under *La.R.S. 40:1299.49* headquartered at 10101 Park Rowe Ave., Ste., 200, Baton Rouge, Louisiana and/or was a domestic business entity domiciled in the Parish of East Baton Rouge, State of Louisiana, and doing business in the Parish of East Baton Rouge, State of Louisiana.

EBR1563748

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4.

On or about August 10, 2011, Plaintiff sought consultation with Defendant Dammers at the facilities of the Co-Defendant, Neuromedical Center.

5.

As a result of Plaintiff's August 10, 2011, initial visit with him, Defendant Dammers, among other things:

- a) Prescribed Plaintiff the fibromyalgia drug, Savella;
- b) Gave Plaintiff a "sample pack" of Savella; and,
- c) Arranged for Plaintiff to undergo a series of psychometric tests at the facilities of the Co-Defendant, Neuromedical Center.

6.

When contacted about a life-threatening reaction Plaintiff had to the medication Savella, in September of 2011, Defendant Dammers responded by, among other things;

- a) Failing to show for an appointment he, Dammers, had scheduled with Plaintiff for September 21, 2011, expressly for Dammers to medically-manage Plaintiff's adverse reaction to the Savella;
- b) Abandoning Plaintiff's care; and,
- c) Contacting one or more third parties and making derogatory, false or defamatory statements about Plaintiff, including contacting an individual who had offered Plaintiff employment, the Baton Rouge, Louisiana attorney, James R. Clary, Jr.

7.

In October of 2011, Plaintiff reviewed his medical records at the Neuromedical Center. He found the records of Defendant Dammers to contain numerous errors, inaccuracies and/or false information.

8.

When Defendant Dammers failed to respond to requests by Plaintiff and by the aforementioned attorney, James R. Clary, Jr., to correct the errors, inaccuracies and/or false information in Plaintiff's medical records, Plaintiff made written contact with the Administration of the Neuromedical Center in the form of a facsimile of November 02, 2011, to its CEO, Nancy M. Kelly, seeking the Neuromedical Center's assistance.

9.

Plaintiff's contact with the Administration of the Neuromedical Center in the form and nature of his aforementioned November 02, 2011, facsimile to Ms. Kelly, sought, among other things, to enforce his rights under the federal Rehabilitation Act and the federal Americans with Disabilities Act relative to Defendant Dammers' actions.

10.

Neither Ms. Kelly nor anyone else from the Administration of the Co-Defendant, the Neuromedical Center, ever responded to Plaintiff's November 02, 2011, communication. Instead Plaintiff's November 02, 2011, facsimile to Co-Defendant Kelly was somehow immediately presented to Defendant Dammers.

11.

Upon his receipt of this facsimile communication on November 02, 2011, Defendant Dammers responded by, among other things:

- a) Immediately sending a copy of Plaintiff's November 02, 2011, facsimile to the aforementioned attorney, James R. Clary, Jr., whom Plaintiff had a lucrative offer of full-time paralegal employment from;
- b) Engaging in a series of telephone, text and e-mail communications with Mr. Clary in November of 2011 during which he, Dammers, made numerous derogatory, false or defamatory statements about Plaintiff to Clary; and,
- c) Subsequently admitting to Mr. Clary in approximately mid-November 2011 that he, Dammers, had falsified his records on Plaintiff because he was "pissed at" Plaintiff.

12.

Plaintiff avers the following non-exclusive particulars with regards to Defendant Dammers:

- a) The sole, express and exclusive intent of Defendant Dammers' actions involving Mr. Clary occurring on November 02, 2011 and subsequent, was to intentionally, willfully and maliciously cause as much harm as possible in Plaintiff's employment, personal and legal relationships with Mr. Clary, including but not limited to the sabotaging of Plaintiff's employment opportunities with Clary and the compromising of certain legal matters which Mr. Clary was representing Plaintiff in at the time, including but not limited to the intent on Dammers' part to bring about the abandonment of Plaintiff's legal representation by Clary.
- b) That even if the foregoing actions of Defendant Dammers were not done with the sole, express and exclusive intent of Dammers to willfully, maliciously and intentionally cause harm to Plaintiff, they were nonetheless done by Dammers subsequent to his termination of Plaintiff's care on or about September 30, 2011. As such, they were unrelated to, did not occur during and did not form part of, Plaintiff's medical care or treatment by Dammers. Plaintiff was no longer a patient of Dammers when these acts occurred. They thus fall outside of the ambit of medical malpractice as defined under the Louisiana Medical Malpractice Act (LMMA), *La.R.S. 40:1299.41 et seq.*
- c) That Defendant Dammers' actions of November 02, 2011, and subsequent, were done as acts of intentional retaliation by Dammers against Plaintiff over Plaintiff's attempts to enforce his rights under the federal Rehabilitation Act and the federal Americans with Disabilities Act. As intentional acts transgressing protected federal civil rights, they, too, fall outside the ambit of the LMMA.
- d) That at some point in time—presently not precisely known to Plaintiff, but likely occurring in the November 2011 period and subsequent—Defendant Dammers took active, willful and intentional steps to destroy, alter or

otherwise attempt to hide or conceal, documents, e-mails, text messages, phone records, medical records and other tangible evidence relative to both his interactions with Plaintiff and to his interactions with others regarding Plaintiff. These intentional acts, done subsequent to Dammers' termination of Plaintiff's care, likewise fall outside of the statutory confines of the LMMA.

13.

Plaintiff avers the following non-exclusive particulars with regards to Defendant The Neuromedical Center:

- a) That employees, agents, officers or representatives of Defendant The Neuromedical Center, whose identities are presently unknown to Plaintiff, acted in concert or conspiracy with, or otherwise facilitated the actions of Defendant Dammers of November 02, 2011, and subsequent, in Dammers' acts of intentional retaliation against Plaintiff over Plaintiff's attempts to enforce his rights under the federal Rehabilitation Act and the federal Americans with Disabilities Act. As intentional acts transgressing protected federal civil rights, their actions fall outside the ambit of the LMMA.
- b) That at some point in time—presently not precisely known to Plaintiff, but likely occurring in the November 2011 period and subsequent—employees, agents, officers or representatives of Defendant The Neuromedical Center whose identities are presently unknown to Plaintiff, acted in concert or conspiracy with, or otherwise facilitated the actions of Defendant Dammers in his active, willful and intentional steps to destroy, alter or otherwise attempt to hide or conceal, documents, e-mails, text messages, phone records, medical records and other tangible evidence relative to both his interactions with Plaintiff and to his interactions with others regarding Plaintiff.
- c) That, upon information and belief, all such employees, agents, officers or representatives of Defendant The Neuromedical Center described in

paragraphs 13(a) and 13(b), above, were not "health care providers" as defined under the LMMA at the time of their acts.

- d) That even if any of the employees, agents, officers or representatives of Defendant The Neuromedical Center described in paragraphs 13(a) and 13(b), above, were health care providers as defined under the LMMA at the time of their acts, their actions complained of were not only intentional, placing them outside of the ambit of the LMMA, but they also occurred after Plaintiff was no longer a patient at that facility, additionally placing them outside of the statutory confines of the LMMA.
- e) That Defendant The Neuromedical Center is vicariously liable for both the negligent and the intentional acts of its employees, agents, officers or representatives.
- f) That because any actions of these employees, agents, officers or representatives of Defendant The Neuromedical Center occurring in November of 2011 and subsequent, took place after Plaintiff was no longer a patient at that facility, they fall outside of the ambit of the LMMA be they negligent or intentional in nature.

14.

Because of the actions of the Defendants, Paul M. Dammers, Ph.D. and The Neuromedical Center, APMC, Plaintiff alleges that he has suffered harm in the following non-exclusive particulars:

- (a) The loss of employment opportunities with James R. Clary, Jr.;
- (b) The intentional infliction of severe mental and emotional distress, including but not limited to Plaintiff now being unable to trust mental health care providers;
- (c) The loss of future treatment or care opportunities at the Neuromedical Center;
- (d) The loss of the opportunity for Plaintiff to receive appropriate treatment or care at health care providers other than the Neuromedical Center due to the false or erroneous information contained in his medical records there.

- (e) The deprivation of his civil rights as guaranteed under the federal Rehabilitation Act and the federal Americans with Disabilities Act; and,
- (f) Such other harm as may be shown through discovery or at trial.

15.

Defendants, Paul M. Dammers, Ph.D. and The Neuromedical Center, APMC, are liable to Plaintiff jointly, severally and *in solido*.

16.

Plaintiff specifically reserves his rights to amend and/or supplement this petition as to damages, as to defendants, and/or as to claims, actions, causes rights or other issues as may be afforded him under law as the prosecution of this matter and/or discovery may warrant, including but not limited to the naming of additional parties whose identities are presently unknown.

17.

Plaintiff expressly incorporates and makes part of this petition, as if copied *in extenso* hereto, the attached copy of his "Medical Review Panel Request" regarding the Defendants named herein, Paul M. Dammers, Ph.D. and the Neuromedical Center, APMC, dated August 08, 2012, and filed with the Division of Administration of the State of Louisiana, per the provisions of *La.R.S. 40:1299.47A(2)(a)(b)*.

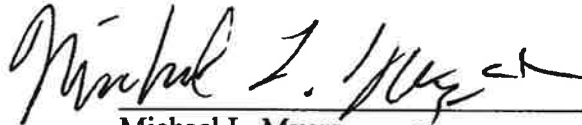
18.

Lastly, Plaintiff respectfully represents that this action is being brought upon his good faith belief that in order for his allegations to properly proceed before a Medical Review Panel, a court of competent jurisdiction must make a *Coleman v. Deno*, 813 So.2d 303, 2001-1517 (La. 1/25/02) ruling on which elements of his claims are properly defined as medical malpractice under the Louisiana Medical Malpractice Act (LMMA), *La.R.S. 40:1299.41, et seq.*; and which elements, if any, fall outside of the ambit of the Louisiana Medical Malpractice Act and hence are not subject to the Medical Review Panel process.

**WHEREFORE**, your petitioner and Plaintiff, Michael L. Myers, prays that after due proceedings be had, judgment be rendered in his favor and against Defendants, Paul M. Dammers, Ph.D. and The Neuromedical Center, APMC, jointly, severally and *in solido*, for


damages as are reasonable in the premises, for all court costs and attorney fees, for legal interest from date of judicial demand until satisfied and all other general and equitable relief.

Respectfully submitted:

  
Michael L. Myers, *pro se*

*Mailing address--*  
P.O. Box 65097  
Baton Rouge, Louisiana 70896  
Ph.: (225)273-7836  
*(Service address—*  
3270 Ottawa Dr.  
Baton Rouge, Louisiana 70819)

**SERVICE INFORMATION: Please hold service at this time.**

FILED  
EAST BATON ROUGE PARISH, LA  
2012 NOV -9 AM 11:34  
  
DEPUTY CLERK OF COURT



19<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NO: *U211083*

DI

**SEC. 22**

IN RE: MEDICAL REVIEW PANEL OF MICHAEL L. MYERS

VERSUS

THE NEUROMEDICAL CENTER, APMC, AND  
PAUL M. DAMMERS, Ph.D.

COST OK \$ *872.00*  
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DEPUTY CLERK OF COURT

FILED: \_\_\_\_\_

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**PETITION TO ALLOT CASE NUMBER**

NOW INTO COURT, through undersigned counsel, comes Petitioner, Paul Dammers, Ph.D., who with respect avers:

1.

Petitioner, Paul Dammers Ph.D., has been named in a complaint filed by Michael L. Myers with the Louisiana Division of Administration pursuant to LSA-R.S. 40:1299.41, et. seq.

2.

Pursuant to the authority of LSA-R.S. 40:1299.47, Petitioner desires that the processes of the Court be used for the purposes of conducting discovery, including, but not limited to, written interrogatories, request for production of documents, depositions, subpoenas, subpoenas duces tecum, as well as the filing of motions, protective orders, and exceptions.

3.

Petitioner desires that a docket number be assigned to this matter for the purpose of allowing the basic identity needed to employ the processes of this Honorable Court for the above purposes.

WHEREFORE, Petitioner prays that this Honorable Court allot a case number and section for the filing of compulsory process for discovery procedure and other matters.

EBR2133474

REC'D C.P.  
DEC 10 2013

FAX COPY FILED *12/9/13*  
ORIGINAL FILED *12/10/13*

Respectfully submitted,

**ADAMS AND REESE LLP**

  
DON S. MCKINNEY (#26685)

KATIE F. WOLLFARTH (#31729)

4500 ONE SHELL SQUARE

701 POYDRAS STREET

NEW ORLEANS, LOUISIANA 70139

Telephone: (504) 581-3234

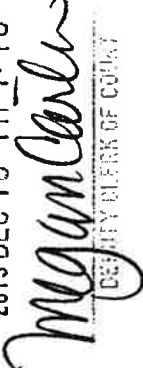
Facsimile: (504) 566-0210

Attorneys for Petitioner, Paul M. Dammers, Ph.D.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing pleading has been served upon all counsel of record by email, facsimile and/or depositing same in the United States mail, properly addressed, and first class postage prepaid this 10<sup>th</sup> day of December, 2013.

  
DON S. MCKINNEY

FILED  
EAST BATON ROUGE PARISH, LA  
2013 DEC 10 PM 1:16  
  
DEPUTY CLERK OF COURT

MATTHEW LANGLEY, INDIVIDUALLY,  
AND AS THE ADMINISTRATOR OF  
MINOR, BRYCELIN LANGLEY; AND  
KAYLA LANGLEY, INDIVIDUALLY

: 14<sup>TH</sup> JUDICIAL DISTRICT COURT

*Handwritten initials: JdL, BW*

VS. NO. 2013-3345 F

: PARISH OF CALCASIEU

*Handwritten: PARTY # 12*

LAKISHA SHANTELL WILLIAMS, PSY.D  
AND THE PSYCHIATRIC CENTER, L.L.C.

: STATE OF LOUISIANA

*Vertical stamp: 2013 JUL 19 PM 3:33  
CLERK OF COURT  
CALCASIEU PARISH*

FILED: JUL 19 2013

: Brian N. Theriot  
DEPUTY CLERK

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**PETITION FOR DAMAGES**

The Petition of MATTHEW LANGLEY, INDIVIDUALLY, AND AS THE ADMINISTRATOR OF  
MINOR, BRYCELIN LANGLEY; AND KAYLA LANGLEY, INDIVIDUALLY, persons of the age of  
majority of the State of Louisiana, Parish of Allen, with respect, represents that:

1.

Made defendants herein are:

- a. DR. LAKISHA WILLIAMS, a person of the full age of majority of the State of Louisiana, Parish of Calcasieu, who may be served at 1202 Kirkman Street, Suite A, Lake Charles, Louisiana 70601.
- b. THE PSYCHIATRIC CENTER, L.L.C., a domestic corporation authorized to do and doing business in the State of Louisiana which may be served through its agent for service of process, Ehtesham-UI-Haq Syed, 324 West Hale Street, Lake Charles, Louisiana 70601.

2.

Defendants are justly and truly indebted to the petitioner for the following reasons.

3.

Brycelin Langley, 4 years old and approximately 42 pounds, was under the care of Dr. Lakisha Williams at the Psychiatric Center in Lake Charles, for treatment of attention deficit disorder with hyperactivity.

*Handwritten notes:*  
Date: 07-19-2013  
Check # 644016  
From: The Townsend Law  
Amt: 375.00  
Rec'd by: CL



**PROCESSED**  
Date: AUG - 5 2013

4.

The Psychiatric Care Center was aware of Brycelin's history of myoclonic epilepsy, as well as, his current medications that were prescribed by his neurologist.

5.

On May 17, 2012, Dr. Lakisha Williams prescribed Focalin XR.

6.

The prescription was written for 10 mg of Focalin XR to be given in the morning, with an additional 5 mg dose to be given at noon.

7.

Brycelin Langley was not evaluated by Dr. Lakisha Williams prior to prescribing the Focalin.

8.

On May 24, 2012, Dr. Lakisha Williams wrote a prescription for 1 mg of Tenex to be given at noon, with a second dose of 1 mg of Tenex to be given three hours later at 3:00 PM.

9.

The prescription for the Tenex was filled by Brycelin's mother, Kayla Langley on May 24, 2012.

10.

On May 25, 2012, Brycelin's grandmother administered the prescribed medication of Tenex as directed.

11.

Kayla Langley noticed that Brycelin was very sleepy when she arrived to pick him up. She immediately brought Brycelin to the emergency department of Acadian Medical Center in Eunice.

12.

Brycelin's blood pressure was 101/36. Poison control was notified and instructions were given to admit Brycelin to the Intensive Care Unit to be monitored.

13.

Prior to Brycelin being prescribed the Tenex, his myoclonic seizures were under control and manageable with his medications.

14.

After the Tenex overdose on May 25, 2012, his seizures became worse and increased in frequency.

15.

Defendant, DR. LAKISHA WILLIAMS, clearly deviated from applicable medical standards in the following particulars:

- A. Prescribing an unsafe dosage of Tenex;
- B. Failing to consider the drug's interaction with Brycelin's other medications;
- C. Failing to keep an organized, accurate medical record.
- D. Failing to utilize her knowledge and expertise to ensure the best outcome for Brycelin Langley.

16.

Defendant, THE PSYCHIATRIC CENTER, L.L.C., is liable under the doctrine of respondeat superior for the negligent actions of its employees who were acting within the course and scope of their employment at the time of the incident described herein.

17.

Defendant, THE PSYCHIATRIC CENTER, L.L.C. clearly deviated from applicable medical standards in the following particulars:

- A. Failing to have a process in place to ensure proper communication between treating physicians; and
- B. Failing to keep an organized, accurate medical record.

18.

As a result of the above stated breaches, minor Brycelin Langley suffered a Tenex overdose that caused harm to him, worsened his underlying seizure disorder, cognitive impairment, physical sickness and which has resulted in his developmental regression, past and future physical pain and suffering, past and future emotional distress and loss of enjoyment of life for which plaintiffs are entitled to recover from the defendants in a reasonable amount to be fixed by this Honorable Court.

19.

As a result of the negligence of defendants, DR. LAKISHA WILLIAMS AND THE PSYCHIATRIC CENTER, L.L.C., plaintiffs, MATTHEW LANGLEY, INDIVIDUALLY, AND KAYLA LANGLEY, INDIVIDUALLY, have incurred past and future medical expenses on behalf of minor, BRYCELIN LANGLEY, for which petitioners are entitled to recover from the defendant in a reasonable amount to be fixed by this Honorable Court.

20.

As a result of the above described incident, MATTHEW LANGLEY, individually has suffered a loss of consortium, services and society of his minor son, BRYCELIN LANGLEY, for which he is entitled to recover from the defendants in a reasonable amount to be fixed by this Honorable Court.

21.

As a result of the negligence of defendants, DR. LAKISHA WILLIAMS AND THE PSYCHIATRIC CENTER, L.L.C., plaintiff, MATTHEW LANGLEY, individually, sustained a negligent infliction of emotional distress.

22.

As a result of the above described incident, KAYLA LANGLEY, individually has suffered a loss of consortium, services and society of her minor son, BRYCELIN LANGLEY, for which she is

entitled to recover from the defendants in a reasonable amount to be fixed by this Honorable Court.

23.

As a result of the negligence of defendants, DR. LAKISHA WILLIAMS AND THE PSYCHIATRIC CENTER, L.L.C., plaintiff, KAYLA LANGLEY, individually, sustained a negligent infliction of emotional distress.

24.

Petitioners' claim was timely filed with the Louisiana Compensation Fund on May 16, 2013 in accordance with the Louisiana Medical Malpractice Act.

25.

The Louisiana Patient's Compensation Fund notified plaintiffs in a letter dated May 22, 2013 that defendant's, Dr. Lakisha Williams and The Psychiatric Center, LLC, were not considered qualified and neither defendant had coverage in the Patient's Compensation Fund under the provisions of Louisiana Revised Statutes 40:1299.41, et seq.

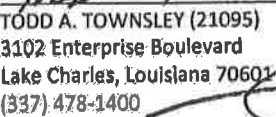
WHEREFORE, petitioners, MATTHEW LANGLEY, INDIVIDUALLY, AND AS THE ADMINISTRATOR OF MINOR, BRYCELIN LANGLEY; AND KAYLA LANGLEY, INDIVIDUALLY, pray for service and citation on the defendants according to the law and after due proceeding had and trial thereof, there be a judgment herein in favor of petitioners, MATTHEW LANGLEY, INDIVIDUALLY, AND AS THE ADMINISTRATOR OF MINOR, BRYCELIN LANGLEY; AND KAYLA LANGLEY, INDIVIDUALLY, and against the defendants, DR. LAKISHA WILLIAMS AND THE PSYCHIATRIC CENTER, LLC, in just and reasonable sums as prayed for herein, together with

costs of Court, prejudgment interest, and for all such other relief, both general and special, in law and in equity, to which they may show themselves justly entitled.

Respectfully submitted,

THE TOWNSLEY LAW FIRM

BY:

  
TODD A. TOWNSLEY (21095)  
3102 Enterprise Boulevard  
Lake Charles, Louisiana 70601  
(337) 478-1400

**SERVICE INSTRUCTIONS:**

PLEASE SERVE DEFENDANTS  
AS OUTLINED IN PARAGRAPH  
1 OF THIS PETITION.



# Louisiana State Board of Medical Examiners

Mailing Address: P.O. Box 30250, New Orleans, LA 70190-0250

Physical Address: 630 Camp Street, New Orleans, LA 70130

Phone: (504) 568-6820

Fax: (504) 568-5754

Web site: <http://www.lsbme.louisiana.gov>



Telephone: 568-6820

Fax 568-5754

----- X  
: **IN THE MATTER OF** : **No. 10-A-019**  
: : **No. 10-I-562**  
: **CURTIS VINCENT, PH.D., M.P.** : **CONSENT ORDER**  
: (Certificate No.MP.0381) :  
: *Respondent* :  
: :  
: :  
: :  
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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") pursuant to an application by Curtis M. Vincent, Ph.D, M.P. ("Dr. Vincent") to obtain a Certificate of advanced practice pursuant to the Medical Psychology Practice Act (the "Act"), La. Rev. Stat. §§37:1360.51 to 1360.71. As part of the investigation of Dr. Vincent's qualifications for a certificate of advanced practice, apparently reliable information was obtained to suggest that Dr. Vincent had failed to comply with certain portions of the Act that require consultation and collaboration with a licensed physician.

As evidenced by his subscription to this Order, Dr. Vincent acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer for the Board with probable cause to pursue formal administrative proceedings against him for violation of the Act, La. R.S. §37:1360.67A, (28),<sup>1</sup> constituting sufficient cause for the rejection of his application for a certificate of advanced practice and/or grounds to pursue revocation, suspension or such other action against his license to practice medical psychology in the state of Louisiana as the Board may determine appropriate.

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Vincent would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in

<sup>1</sup> Pursuant to La. R.S. §37:160.67A(4), the Board may refuse to issue, or may suspend or revoke any license or certificate, or impose probationary or other restrictions on any license or certificate issued under this Part of the following causes: (28) Violation of any rules and regulations of the board, or any provisions of this Part.

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. Vincent, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Dr. Vincent acknowledges that he hereby 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 may be afforded to him by any other law to contest or appeal his agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By his subscription hereto, Dr. Vincent also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this 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. Vincent 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 adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1360.67, La. Rev. Stat. §49:955(D), and the Consent Order heretofore entered herein;

**IT IS FURTHER ORDERED** that the license of Curtis Vincent, Ph.D., M.P. to practice medical psychology in the state of Louisiana, as evidenced by Certificate No. MP.0381, is hereby issued an **OFFICIAL REPRIMAND**; *provided, however*, that Dr. Vincent'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/Course on Professionalism and Proper Prescribing.** Within one hundred eighty days (180) of issuance of this order, Dr. Vincent shall provide written confirmation that he has attended and successfully completed one or more courses of study, acceptable to and pre-approved in writing by the Board, in the area of professionalism and proper prescribing. All courses required by this provision shall be comprehensive in nature (greater than 20 credit hours) and shall be acceptable to and pre-approved in writing by the Board or its designee.
- (2) **Attendance at Approved Seminar/Course on Adult ADHD.** Within one hundred eighty days (180) of issuance of this order, Dr. Vincent shall provide written confirmation that he has attended and successfully completed one or more courses of study, acceptable to and pre-approved in writing by the Board, in the area of adult attention deficit/hyperactivity disorder. All courses required by this provision shall be comprehensive in nature (totalling at least 20 credit hours) and shall be acceptable to and pre-approved in writing by the Board or its designee.
- (3) **Demonstration of Knowledge of Board Rules.** Dr. Vincent shall provide evidence to the Board's satisfaction that he has gained an understanding of the law and the Board's rules and regulations respecting Medical Psychologist.

To confirm compliance with this provision, Dr. Vincent shall allow a designee of the Board to randomly select no less than fifteen (15) adult patient records during an unannounced visit to supply to the Board or its designee for review.

**(4) Limitation on Advanced Practice License Application.** Dr. Vincent shall not seek to apply for an Advanced Practice License, which application the Board may, in its sole discretion, grant or deny, until such time as he has complied with paragraphs (1), (2) and (3) above.

**(5) Personal Appearance before the Board.** Dr. Vincent shall personally appear before the Board or its designee to advise the Board of his intentions with respect to his plans to continue the practice of medical psychology.

**(6) Cooperation with Board's Probation and Compliance Officer.** Dr. Vincent 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.

**(7) Payment of Fine.** Within twelve (12) months of the effective date of this Order Dr. Vincent shall pay to the Board a fine in the amount of One Thousand and no/100 (\$1,000.00) Dollars.

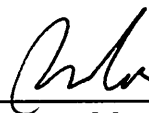
**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Vincent shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Vincent's license to practice medical psychology 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. §37:1360.67.

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

Signed at New Orleans, Louisiana, and effective on this 13<sup>th</sup> day of February, 2012.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By:



MELVIN G. BOURGEOIS, M.D.  
*President*

**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA  
PARISH OF East Baton Rouge Parish

I, CURTIS VINCENT, Ph.D., M.P., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 26 day of January, 2012.

*Curtis Vincent, M.P.*  
CURTIS VINCENT, Ph.D., M.P. 6513

WITNESSES:

*Susan Elise Vincent*  
Signature

*Lisa Austin*  
Signature

Susan Elise Vincent  
Typed Name

Lisa Austin  
Typed Name

8856 Cottage Ave  
Address

P.O. Box 136  
Address

BATON ROUGE LA 70806  
City/State/Zip Code

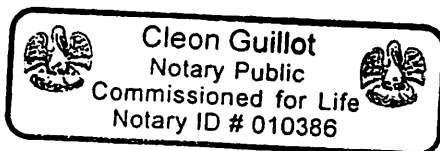
Jarreau LA 70749  
City/State/Zip Code

Sworn to and subscribed before me this 26 day of JANUARY, 2012, in the presence of the two stated witnesses.

*Cleon Guillot*  
Notary Public (Signature)

**Cleon Guillot ID#: 010386**

Printed Name & Notary or Bar Number





20130423

EVA PEGGY THIBODEAUX and JOHN THIBODEAUX

NUMBER \_\_\_\_\_ DIVISION B

VERSUS

15<sup>TH</sup> JUDICIAL DISTRICT COURT

PARISH OF LAFAYETTE

CHRISTOPHER SCOTT ECKHOLDT, PhD

STATE OF LOUISIANA

**DIV. "B"**

**PETITION FOR DAMAGES**

**NOW INTO COURT**, through undersigned counsel, come plaintiffs, Eva Peggy Thibodeaux and John Thibodeaux, persons of the full age of majority and residents of the Parish of Lafayette, State of Louisiana, who respectfully represent that:

CLERK OF COURT  
LAFAYETTE PARISH, LA.  
2013 JAN 24 AM 9:48

1.

Made defendant herein is:

- a. **CHRISTOPHER SCOTT ECKHOLDT, Ph.D.**, (hereinafter referred to as "Dr. Eckholdt") a person of the full age of majority believed to be residing in the Parish of Lafayette, State of Louisiana, and who can be served at his place of employment, Center for Psychiatric Solutions located at 800 Kaliste Saloom Road, Lafayette, LA 70508.

2.

On October 31, 2012, a request for a medical review panel was filed on behalf of the plaintiffs naming Christopher Scott Eckholdt, Ph.D., and others healthcare providers as defendants. By letter dated, November 26, 2012, from the Patient's Compensation Fund and January 4, 2013 from the Division of Administration, plaintiff's counsel was advised that Dr. Eckholdt was not enrolled with the PCF nor qualified as a state health care provider and, thus, is not a qualified healthcare provider entitled to have all medical malpractice claims asserted against him reviewed by a medical review panel.

3.

The above-named defendant, jointly and/or individually, are liable unto plaintiffs for general and special damages sustained by them as described hereinafter, together with legal interest from the date of judicial demand until paid and for all costs of these proceedings, for the following reasons:

4.

At all times pertinent herein, Eva and John Thibodeaux were married to each other and living together as husband and wife.

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5.

Eva Peggy Thibodeaux was first admitted to Our Lady of Lourdes Regional Medical Center (hereinafter "Lourdes") on October 20, 2011 for elective back surgery which was performed by Dr. Neil Romero. As planned, she was discharged home on October 21, 2011 to continue to recuperate from the surgery.

6.

At home she had unmanageable pain and then developed neurological deficits in her lower extremities, so she was re-admitted to Lourdes by Dr. Romero. He performed additional spine surgery on her to relieve pressure on the spine above and below the original surgical site. She did well after this surgery and was cleared for transfer to the rehabilitation unit at Lourdes on October 31, 2011.

7.

She was admitted to the rehab unit under the care of Dr. Norman Anseman, who was primarily responsible for her care and treatment while in rehab. She was also seen in consultation by Dr. Eckholdt after her admission to the rehab unit.

8.

Upon information and belief, the psychology consult performed by Dr. Eckholdt was part of the standard protocol for patients admitted to rehab and was not in response to a specific complaint or concern from the patient or her family.

9.

On November 1, 2011, Dr. Eckholdt examined Mrs. Thibodeaux and diagnosed her with major depressive disorder and recommended starting her on Pristiq®. Dr. Anseman approved the Pristiq® recommendation and placed an order for a daily dose of this medication.

10.

On November 3, 2011, Mrs. Thibodeaux was seen in consultation by Dr. Jay Jaikishen for management of multiple medical problems. He discontinued the Pristiq®, believing it was causing hyponatremia. On the same day, Dr. Eckholdt recommended starting Mrs. Thibodeaux on Ritalin®. This was again approved and prescribed by Dr. Anseman.

11.

During this admit to the rehab unit and while receiving Pristiq® and Ritalin® prescribed by Dr. Eckholdt, Mrs. Thibodeaux experienced electrolyte imbalances, including low sodium. She was also experienced periods of hypertension and tachycardia.

12.

In the early morning hours of November 4, 2011, Mrs. Thibodeaux experienced a significant change in her condition with desaturations, hypertension, tachycardia, tachypnea, nausea and vomiting. She was transferred to the ICU by Dr. Jaikishen, where she was diagnosed with a large, acute myocardial infarction. She was noted to have atrial fibrillation, pulmonary edema, congestive heart failure and respiratory failure.

13.

While Mrs. Thibodeaux ultimately survived the cardiac event, she has been left with irreversible damage to the heart and impairment of her cardiac function. Her physical rehabilitation was interrupted and she has had a sub-optimal recovery from her back surgeries. She is in need of future medical care and related benefits.

14.

It is alleged that defendant, **CHRISTOPHER SCOTT ECKHOLDT, Ph.D.**, jointly and/or individually, was negligent, breached the standard of care and/or is strictly liable for the following acts:

- a. failed to take a complete medical history from the patient;
- b. failed to take a complete psychological history from the patient;
- c. failed to perform an adequate physical examination of the patient;
- d. failed to perform an adequate psychological assessment of the patient;
- e. mis-interpreted the patient's post-operative condition as being the signs and symptoms of depression;
- f. mis-diagnosed the patient with severe depressive disorder;
- g. failed to take the patient's prior medical condition into account when recommending or prescribing medications;
- h. failed to recommend medical management of the patient's condition during rehab;
- i. recommending and/or ordering prescription medications (Pristiq® and Ritalin®) when it was not safe or medically advisable to do so; and
- j. otherwise failed to protect the patient from a reasonably foreseeable risk of injury.

15.

Due to the above actions, inactions and/or omissions, as well as strict liability, of the defendant, Eva Peggy Thibodeaux suffered the following damages:

- a) Physical pain and suffering, past and future;
- b) Emotional anguish and suffering, past and future;
- c) Permanent and irreversible physical damage to her heart and impairment of her cardiac function;

- d) Worry, concern and inconvenience;
- e) Loss of enjoyment of life;
- f) Past and future medical expenses; and
- g) All other elements of general or special damages that may be proven at trial.

16.

Due to the above actions, inactions and/or omissions of the defendant, John Thibodeaux suffered the following damages:

- d) Loss of consortium, services and society; and
- e) Emotional and psychological anguish and suffering.

17.

Plaintiffs aver that it will be necessary to call expert witnesses to testify at the trial of this cause, and that fees for said expert witnesses, whether for written reports, oral testimony given by deposition, or for court appearances, should be taxed as court costs herein and assessed against the defendant.

18.

Plaintiffs request a trial by jury as to all issues allowed by law.

**WHEREFORE**, plaintiffs, Eva Peggy Thibodeaux and John Thibodeaux, pray that the defendant herein be served with this petition and cited to appear and answer same within the delays provided by law, and that after all legal delays and due proceedings are had, there be a money judgment rendered herein in favor of plaintiffs and against the defendant, **CHRISTOPHER SCOTT ECKHOLDT, Ph.D.**, for general and special damages reasonable in the premises, together with legal interest from the date of judicial demand, until paid; for all costs of these proceedings; for trial by jury; and for all general and equitable relief within the discretion of this Court.

By Attorneys:

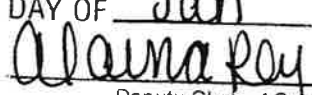
**McGLYNN, GLISSON & MOUTON**

By: 

**BENJAMIN P. MOUTON #20305**  
 340 Florida Street (70801)  
 P.O. Box 1909  
 Baton Rouge, LA 70821-1909  
 Telephone: (225) 344-3555  
 Facsimile: (225) 344-3666  
 ben@mcglynnnglisson.com

**PLEASE SERVE:**

**CHRISTOPHER SCOTT ECKHOLDT, Ph.D.**  
 who can be served at his place of employment  
 Center for Psychiatric Solutions  
 800 Kaliste Saloom Road  
 Lafayette, LA 70508

FILED THIS 24  
 DAY OF Jan 2013  
  
 Deputy Clerk of Court



Print Date: 4/11/2016

Print Time: 9:54 AM

### Civil Suit Search Results

Page 1

Search Type: Plaintiff & Defendant

Suit Kinds: C,P

Dates: All Dates

Suit Causes: All Causes

Searching For: Eckholdt

| Plaintiff                     | Defendant                   | Suit Number | Date Filed | Cause   | Attorney           |
|-------------------------------|-----------------------------|-------------|------------|---------|--------------------|
| THIBODEAUX, EVA PEGGY et. al. | ECKHOLDT, CHRISTOPHER SCOTT | C- 20130423 | 1/24/2013  | DAMAGES | MOUTON, BENJAMIN P |