

SPINE DIAGNOSTICS CENTER OF BATON ROUGE, INC. **COST OK Amt.** ✓ \* NUMBER 536,009 SECTION "D"

VERSUS

DEC 4 2007 \* 19<sup>TH</sup> JUDICIAL DISTRICT COURT  
BY *[Signature]*  
CLERK OF COURT

LOUISIANA STATE BOARD OF NURSING through the LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS and AUGUST J. RANTZ, III \* STATE OF LOUISIANA  
\* PARISH OF EAST BATON ROUGE

\*\*\*\*\*

**JUDGMENT**

By order of this Court, the above captioned matter came for trial on all issues on November 29 and 30, 2007, and December 3, 2007.

Present in court were the following:

1. John P. Wolff, III, Chad A. Sullivan, and Michel M. Thompson, on behalf of plaintiff, Spine Diagnostics Center of Baton Rouge, Inc.;
2. E. Wade Shows, Jeffrey Cody, and Ronnie Berthelot, on behalf of the Louisiana State Board of Nursing through the Louisiana Department of Health and Hospitals and August Rantz, III;
3. Christopher L. Whittington, on behalf of Louisiana Society of Anesthesiologist; and
4. Sherri Morris and Larry M. Roedel, on behalf of the Louisiana Association of Nurse Anesthetists.

Trial was held on all issues in the above captioned matter by and between plaintiff, Spine Diagnostics Center of Baton Rouge, Inc., defendants, Louisiana State Board of Nursing through the Louisiana Department of Health and Hospitals and August Rantz, III, and intervenors, the Louisiana Association of Nurse Anesthetists, and Louisiana Society of Anesthesiologists.

After considering the testimony, exhibits, stipulations, and all evidence submitted at the trial on the merits:

The Court ORDERS, ADJUDGES and DECREES, the following in connection with the declaratory judgment:

1. The statement issued by the LSBN substantively expands the scope of practice for CRNAs into an area where they have not traditionally practiced, i.e. chronic or

**REC'D C.P.**  
DEC 05 2007

interventional pain management.

- 2. The practice of interventional pain management is not within a CRNAs scope of practice.
- 3. The practice of interventional pain management is solely the practice of medicine.
- 4. The opinion issued by the LSBN is an effort to substantively expand CRNA scope of practice and is an improper attempt at rule making.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that in connection with the permanent injunction:

- 1. A permanent injunction issue prohibiting the LSBN from enforcing the statement.
- 2. A permanent injunction issue prohibiting August Rantz, III from performing chronic interventional pain procedures in connection with the LSBN statement.
- 3. The LSBN shall remove the advisory opinion from its website.
- 4. The LSBN shall post the judgment of this Court on its website and publish it in the LSBN publication, *The Examiner*.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that

- 1. LSBN is taxed with all costs associated with these proceedings;
- 2. LSBN is taxed with all expert costs and fees;
- 3. LSBN is taxed \$7,500.00 in litigation costs pursuant to LA R.S. 49:965.1(A);
- 4. LSBN is taxed with costs of all deposition transcripts.

The Court further finds that the trial of this matter was intended to and did dispose of all claims and issues in this lawsuit. Accordingly, the Court finds that there is no just reason for delay, and designates this judgment as final for purposes of Article 1915 of the Louisiana Code of Civil Procedure.

READ AND SIGNED this 10 day of January 2007, in Baton Rouge, Louisiana.

*Janice Clark*  
HONORABLE JUDGE JANICE CLARK

I hereby certify that on this day a notice of the above judgment was mailed by me, with sufficient postage affixed, to Shana, Herchy, Watts, Mario, Whiteington, Cathy, Rust, Thompson Done and signed on 1-10-08

*E. Knight*  
Deputy Clerk of Court

CERTIFIED TRUE COPY

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DEPUTY CLERK OF COURT

10TH JUDICIAL DISTRICT

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DEPUTY CLERK & RECORDER FOR

DONO WELBORN

CLERK OF COURT E.B.R. PARISH

RESPECTFULLY SUBMITTED,

BY:

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**Chad A. Sullivan**, Bar #27657  
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*Attorneys for Plaintiff, Spine Diagnostics  
 Center of Baton Rouge, Inc.*

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DEPUTY CLERK OF COURT

19TH JUDICIAL DISTRICT  
COURT CLERK OFFICE  
1000 PINE ST  
BATON ROUGE, LA 70802

2007 DEC -4 PM 3:55

BY:   
DEPUTY CLERK & RECORDER FOR

DOUG WELBORN

CLERK OF COURT E.B.R. PARISH

SPINE DIAGNOSTICS CENTER OF  
BATON ROUGE, INC.

\* NUMBER 536,009 SECTION "D"

VERSUS

\* 19<sup>TH</sup> JUDICIAL DISTRICT COURT

LOUISIANA STATE BOARD OF  
NURSING through the LOUISIANA  
DEPARTMENT OF HEALTH AND  
HOSPITALS and AUGUST J. RANTZ, III

\* PARISH OF EAST BATON ROUGE

\* STATE OF LOUISIANA

\*\*\*\*\*

### AMENDED JUDGMENT

By order of this Court, the above-captioned matter came for trial on all issues on November 29 and 30, 2007, and December 3, 2007.

Present in court were the following:

1. John P. Wolff, III, Chad A. Sullivan, and Michel M. Thompson, on behalf of plaintiff, Spine Diagnostics Center of Baton Rouge, Inc.;
2. E. Wade Shows, Jeffrey Cody, and Ronnie Berthelot, on behalf of the Louisiana State Board of Nursing through the Louisiana Department of Health and Hospitals and August Rantz, III;
3. Christopher L. Whittington, on behalf of Louisiana Society of Anesthesiologist; and
4. Sherri Morris and Larry M. Roedel, on behalf of the Louisiana Association of Nurse Anesthetists.

Trial was held on all issues in the above captioned matter by and between plaintiff, Spine Diagnostics Center of Baton Rouge, Inc., defendants, Louisiana State Board of Nursing through the Louisiana Department of Health and Hospitals and August Rantz, III, and intervenors, the Louisiana Association of Nurse Anesthetists, and Louisiana Society of Anesthesiologists.

After considering the testimony, exhibits, stipulations, and all evidence submitted at the trial on the merits:

**The Court ORDERS, ADJUDGES and DECREES**, the following in connection with the declaratory judgment:

1. The statement issued by the LSBN substantively expands the scope of practice for CRNAs into an area where they have not traditionally practiced, i.e. chronic or interventional pain management.
2. The practice of interventional pain management is not within a CRNAs scope of practice.
3. The practice of interventional pain management is solely the practice of medicine.
4. The opinion issued by the LSBN is an effort to substantively expand CRNA scope of practice and is an improper attempt at rule making.

**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that in connection with the permanent injunction:

1. A permanent injunction issue prohibiting the LSBN from enforcing the statement.
2. A permanent injunction issue prohibiting August Rantz, III from performing chronic interventional pain procedures in connection with the LSBN statement.
3. The LSBN shall remove the advisory opinion from its website.
4. The LSBN shall post the judgment of this Court on its website and publish it in the LSBN publication, *The Examiner*.

**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that:

1. LSBN is taxed with all costs associated with these proceedings;
2. LSBN is taxed with all expert costs and fees;
3. LSBN is taxed \$7,500.00 in litigation costs pursuant to LA R.S. 49:965.1(A);
4. LSBN is taxed with costs of all deposition transcripts.

The Court further finds that the trial of this matter was intended to and did dispose of all claims and issues in this lawsuit. Accordingly, the Court finds that there is no just reason for delay, and designates this judgment as final for purposes of Article 1915 of the Louisiana Code of Civil Procedure.

READ AND SIGNED this 17 day of Jan, 2008, in Baton Rouge,  
Louisiana.

Janice Clark  
HONORABLE JUDGE JANICE CLARK

CERTIFIED TRUE COPY

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DEPUTY CLERK OF COURT

I hereby certify that on this day a notice of the  
above judgment was mailed by me, with sufficient  
postage affixed, to: Shane, Morris, Whittington,  
Hendrix, Wolff, Cody, King, Thompson  
Done and signed on 1-18-08

D. Knight

Deputy Clerk of Court

19th JUDICIAL DISTRICT  
EAST BATON ROUGE PARISH, LA  
FILED

2008 JAN 15 PM 4:11

DEPUTY CLERK & RECORDER FOR

DOUG WELBORN

CLERK OF COURT E.B.R. PARISH