

[Send to printer](#)[Close window](#)

Sanctioned Physicians

A list no doctor wants to make

BROBSON LUTZ M.D.



JOSEPH DANIEL FIEDLER ILLUSTRATION

Each August New Orleans Magazine publishes Top Doctors™, an area list from a national company that polls physicians and clinic/hospital administrators across the country. There is another list of doctors, published within the industry four times a year, on which no physician craves a mention. This list names physicians who have competency issues, drug and alcohol problems, prescribe controlled drugs without legitimate medical justification and cross the line in other ways. It represents the actions of the Louisiana State Board of Medical Examiners, which can sanction or revoke licenses for violation of various medical practice laws.

After Mayor Mitch Landrieu selected Dr. Joia Crear-Perry to serve as Director of Health for New Orleans last May, it didn't take The Times-Picayune long to spill the beans. The Louisiana State Board of Medical Examiners had suspended Crear-Perry's license to practice medicine months previously because she violated an earlier consent order when she promised not to practice obstetrics. The board had serious concerns about adverse outcomes in her obstetrics practice in addition to other issues.

As Crear-Perry's private practice fell apart, city health director Dr. Kevin Stephens hired her as director of clinical services. During the waning months of the Nagin administration, she continued to receive a physician's salary even with her suspended medical license. After Landrieu's election, Crear-Perry was appointed to Landrieu's health transition team. She headed a sub-committee and expressed interest in being appointed Director of Health.

Crear-Perry's licensure problem was not privileged information or a state secret. All the documents were and are on the board's website: www.lsbme.louisiana.gov. Dr. Karen DeSalvo, a Tulane physician and co-chair of Landrieu's health transition team, knew about Crear-Perry's problems and lauded her in an email sent several days before the mayor's announcement: "I was aware of this issue and also know that Joia has now undertaken necessary measures for remediation ... I have complete confidence in Joia's ability to manage the health department and the public health needs of the city." Crear-Perry's two-day-or-so tenure as acting Director of Health ended with the public outcry that followed the newspaper article and subsequent television coverage of her appointment.

Another high-profile physician also had his license revoked last year. George Farber is a legend of sorts in local dermatology circles. His frequent non-prime time television commercials promote a series of dermatology clinics with his moniker, but current commercials have dropped the MD after his name and he no longer refers to himself as "Doctor." His clinics employ other physicians to treat the patients as the board "revoked and cancelled" Farber's license to practice medicine in October 2009.

In a nine-page online public ruling (also available online), the board ordered Farber to notify his patients that his license had been revoked. The order cited other problems with Farber dating back to 1983. His license was suspended for three months and he was placed on a three-year probation then for prescribing controlled substances in other than a legal manner, including drugs for animals in violation of the Louisiana Veterinary Practice Act. He was then sanctioned again a few years later for medical practice concerns.

More recently the board investigated suspected violations of agreements Farber had signed with the board in 2002 and '05 regarding practice issues, billing irregularities, and not reporting some scrapes with the law involving unprofessional conduct. (He reportedly billed an insurance company for removing squamous cell carcinomas from a patient with sun-damaged skin.)

Farber was also alleged to have failed to let the board know about several summonses he received for disturbing the peace, disorderly conduct and simple battery after several physical altercations with patients and employees. One charge was withdrawn before trial, and he was found not guilty in another. But Farber had to complete a Diversion Program to settle another charge. In one argument over treatment issues a patient testified that Farber "raised up his hand with the fist, or the palm of his hand, and pushed me in my left breast enough to knock me backwards."

Farber testified that he had simply used his hand to block a heavy purse being used as a weapon.

Another physician is still able to practice, but his license is on probation for five years because of "opiate dependency." This physician cooperated with the board and is in a drug treatment program. He has agreed to complete abstinence from alcohol and self-prescribing of all other mood altering drugs including the pain medication Toradol.

Each year the board acts on 500 or so complaints and also reviews certain malpractice settlements and judgments.

It only revokes three or four licenses a year. Often impaired physicians voluntarily surrender their licenses and others work out probation arrangements with the board that might include additional continuing medical education or training, drug abuse treatment programs and an agreement not to prescribe certain drugs.

The present board members are appointed for six-year terms by the governor. It is a diverse group of physicians with members nominated to insure representation of rural, family practice and minority physicians. The board members receive an hourly stipend for their part-time service and board meetings. An extensive support staff headed by former Louisiana State University medical school dean Dr. Robert Marier handles the day-to-day details of the office.

It is appropriate that the board's headquarters are in New Orleans, as our city required licensure of physicians before the state had any such requirements. A law passed in 1808 authorized the mayor of New Orleans to appoint the city's four oldest physicians to a board which would examine and review the diploma of any physician wishing to practice medicine in the city. Whether legit or quack, those already in practice were grandfathered into the fold.

By 1816 the State of Louisiana passed a law recognizing the Comité Médical de la Nouvelle Orléans as a medical licensing board. The French-named board reflected the French origin and Paris training of most physicians in New Orleans at the time. The legislature established another board to cover the Opelousas and Alexandria areas, but most of rural Louisiana had no formally trained physicians.

All these early efforts to regulate medicine turned to naught when the state legislature – in its wisdom of the time – eliminated state licensure requirements for physicians in 1852. In New Orleans the local medical society helped maintain some control and minimum standards until the 1860s. After the War Between the States quacks and charlatans proliferated.

Physicians established the Louisiana State Medical Society in 1878 and planted the seeds for licensing reform. The legislature put Charity Hospital in charge of medical licensing, but Charity administrators refused to enforce any meaningful regulations. The agency we know now as the Louisiana State Board of Medical Examiners was established in 1894. At their first meeting the newly established board refused licenses to two of the 16 first applicants citing the “abysmal ignorance” of one and the presentation of a “diploma from a fraudulent institution” of the other.

The state legislature continues to update the medical practice act, but the board plays a large role in rule making and day-to-day issues in the practice of medicine. Today the board is responsible for “protecting the public's health and safety by determining qualifications of applicants for licensure, enforcing the medical practice act through the rule making process and by disciplining licensees who don't follow the rules or adhere to generally accepted standards of practice.