

# Louisiana State Board of Medical Examiners

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## IN THE MATTER OF

**THUY-KHANH MINH PHO, M.D**

*(Certificate No. MD.026220),*

*Respondent*

**No. 10-I-385**

**CONSENT  
ORDER**

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information which indicated that Thuy-Khanh Minh Pho, M.D. ("Dr. Pho") had not completed a residency program and has not been actively practicing medicine for approximately four (4) years. Accordingly, there is a basis for concern about whether Dr. Pho possesses current competency and ability to practice medicine with reasonable skill and safety to patients.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Dr. Pho, charging her with violation of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. §§37:1285A (12).<sup>1</sup>

Dr. Pho acknowledges the foregoing information, and as evidenced by her subscription hereto, Dr. Pho acknowledges that the reported information could provide the Investigating Officer with reasonable cause to pursue formal administrative proceedings against her for violation of the Act, La. Rev. Stat. §§37:1285(A)(12) and, further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, revocation or imposition of such other terms, conditions or restrictions on her license to practice medicine in the state of Louisiana as the Board might deem appropriate.

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<sup>1</sup> Pursuant to La. R.S. §37:1285A, the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of: (12) professional or medical incompetency; ...

Recognizing her right to have administrative adjudication of such charges, at which time she would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her 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. Pho, nonetheless, hereby waives her 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 her subscription hereto, Dr. Pho also waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.* or which otherwise may be afforded to her by law to contest her 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 her subscription hereto, Dr. Pho 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 she waives any objection to such disclosures under La. Rev. Stat. §49:960. Furthermore, Dr. Pho 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 her 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. Pho to maintain her 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 Thuy-Khanh Minh Pho, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. MD.026220, is hereby RESTRICTED.

**IT IS FURTHER ORDERED** that Dr. Pho shall not engage in the clinical practice of medicine and shall not provide any patient care services. This prohibition shall remain in place, until and unless the Board, in its sole discretion, issues and serves on Dr. Pho a written Order reinstating her authority to engage in the clinical practice of medicine. Before Dr. Pho may seek the removal or modification of this restriction, she must demonstrate to the Board her clinical competency through assessment at a program or facility approved in advance by the Board, or its designee, and has successfully completed any recommended remediation or training; or alternatively, Dr. Pho obtains placement in, and successfully completes a medical residency program that is pre-approved by the Board, or its designee.

**IT IS FURTHER ORDERED** that Dr. Pho shall only engage in administrative work that is customarily performed by physicians, such as chart review. The setting of the administrative practice is to be preapproved in writing by the Board, pursuant to a contract of employment specifying Dr. Pho's duties and responsibilities.

**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. Pho shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Pho'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 and it shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative.

Signed in New Orleans, Louisiana, and effective on this 17<sup>th</sup> day of October, 2011.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

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

*Acknowledgment and Consent on proceeding page*

**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF Louisiana

COUNTY/PARISH OF East Baton Rouge

I, THUY-KHANH MINH PHO, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 26 day of September, 2011.

Thuy Khanh Pho  
THUY-KHANH MINH PHO, M.D.

WITNESSES:

Sherry Daigle  
Signature

Sherry Daigle  
Printed Name

400 Convention St.  
Address

Baton Rouge, LA 70802  
City, State, Zip Code

Iris Hartzog  
Signature

Iris Hartzog  
Printed Name


400 Convention St.  
Address

Baton Rouge, LA 70802  
City, State, Zip Code

Sworn to and subscribed before me at Baton Rouge, Louisiana, this 26<sup>th</sup> day of September, 2011, in the presence of the two stated witnesses.

Deborah J. Juneau  
Notary Public (Signature & Seal)

Deborah J. Juneau (26354)  
Printed Name/Notary Number (or Stamp)

 **Deborah Johnson Juneau**  
Notary Public  
State Of Louisiana  
LA Bar Roll No. 26354  
My Commission is for Life