

Louisiana State Board of Medical Examiners

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IN THE MATTER OF

JOHN ROBERT TUCKER, III M.D.

(Certificate No. MD.10080R),

Respondent

No. 11-I-688

CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of an application for renewal of license in which the applicant, John Robert Tucker, III, M.D. ("Dr. Tucker") disclosed that he suffers from a medical condition which affects his ability to practice medicine, and has been deemed disabled from the practice of medicine by his treating physicians. In a meeting with the Director of Investigation, Dr. Tucker stated that he had not engaged in the clinical practice of medicine in over a year, but desired to maintain an active license in the event that at some future date his medical condition would improve to the point that he could safely return to practice.

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. Tucker, charging him with violation of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. §§37:1285A (25).¹

Dr. Tucker acknowledges the foregoing information, and as evidenced by his subscription hereto, Dr. Tucker acknowledges that the reported information could provide the Investigating Officer with reasonable cause to pursue formal administrative proceedings against him for violation of the Act, La. Rev. Stat. §§37:1285(A)(25) 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 his license to practice medicine in the state of Louisiana as the Board might deem appropriate.

¹ Pursuant to La. R.S. §37:1285A, the Board may take action against the license of a physician as a result of: (25) Inability to practice medicine with reasonable skill or safety to patients because of mental illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; and or excessive use or abuse of drugs, including alcohol.

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. Tucker, 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. Tucker 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. Tucker 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. Tucker 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. Tucker to maintain his 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 John Robert Tucker, III, M.D., Certificate No. MD.10080R, **shall not engage in the practice of medicine in this state.** This prohibition shall remain in place, until and unless the Board, in its sole discretion, issues and serves on Dr. Tucker a written Order reinstating his ability to engage in the clinical practice of medicine.

IT IS FURTHER ORDERED that John Robert Tucker, III, M.D. shall not seek the removal or modification of this Order until full compliance with the following terms and conditions:

- (1) **Satisfactory reports concerning his medical condition.** Dr. Tucker shall not practice medicine in any form in the State of Louisiana until and unless the Board, in its sole discretion, issues and serves on Dr. Tucker a written Order reinstating his authority to engage in the practice of medicine. As express conditions to the consideration of such order, in addition to such other conditions as are set forth herein, the Board shall have received the opinion of two (2) physicians acceptable to the Board that Dr. Tucker is then capable of

practicing medicine with reasonable skill and safety to patients, based upon their personal examination, evaluation and diagnosis of Dr. Tucker. Dr. Tucker further agrees to undergo any additional evaluations of his medical/physical/mental abilities requested by the Board to allow them to consider his request.

- (2) **Evaluation and/or Demonstration of Competence.** Before Dr. Tucker may petition the Board for removal or modification of this restriction, he must demonstrate to the Board his 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. Tucker obtains placement in a medical residency program that is pre-approved by the Board, or its designee.
- (3) **Personal Appearance Before the Board or Designee.** In connection with a request to return to practice, Dr. Tucker shall contact the Board at least sixty (60) days in advance of his desired return and arrange a personal appearance before the Board or its designee. At such meeting, Dr. Tucker shall demonstrate his compliance with each of the terms imposed by this Order and he shall discuss with the Board his intentions with respect to the practice of medicine.

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. Tucker shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Tucker'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 7th day of December, 2011.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

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

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF Louisiana

COUNTY/PARISH OF Washington

I, JOHN ROBERT TUCKER, III, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 23rd day of November, 2011.

John Robert Tucker III MD
JOHN ROBERT TUCKER, III, M.D.

WITNESSES:

Shay Wilson
Signature

SHAY WILSON
Printed Name

344 MLK DR
Address

BOGALUSA, LA 70427
City, State, Zip Code

Alvina Helling
Signature

Alvina B. Helling
Printed Name

344 MLK DR
Address

BOGALUSA, LA 70427
City, State, Zip Code

Sworn to and subscribed before me at Bogalusa, Louisiana, this 23rd day of November, 2011, in the presence of the two stated witnesses.

Michelle M. Gooch
Notary Public (Signature & Seal)
065705

Michelle M. Gooch
Printed Name/Notary Number (or Stamp)