

# Louisiana State Board of Medical Examiners

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IN THE MATTER OF

DAHLIA V. KIRKPATRICK, M.D.

(Certificate No. 06503R)

*Respondent*

No. 10-I-596

INTERIM  
CONSENT ORDER

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The Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board") has received reliable information that Dahlia V. Kirkpatrick, M.D., a physician who at all times pertinent was licensed by the Board and engaged in the practice of medicine in and around New Orleans, Louisiana, was indicted in the United States District Court, Middle District of Louisiana,<sup>1</sup> and subsequently pled guilty to one count of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C §1349, a felony under the laws of the United States. Among other items, the indictment alleged that Dr. Kirkpatrick facilitated a durable medical equipment company's submission of fraudulent claims to Medicare by writing prescriptions for health care benefits, items and services that were not medically necessary. In January 2011, Dr. Kirkpatrick was sentenced to thirty (30) months in the custody of the United States Bureau of Prisons, to be followed by three (3) years of supervised probation.<sup>2</sup> Formal administrative charges are pending against Dr. Kirkpatrick before the Board, alleging specified violations of the Louisiana Medical Practice Act.<sup>3</sup> The physician has requested a hearing on the charges pending before the Board.

As evidenced by her subscription hereto, Dr. Kirkpatrick acknowledges her right to have written notification of any charges that may be asserted, as well as the right to have evidence of

<sup>1</sup>*Superseding Indictment, United States of America vs. Dahlia V. Kirkpatrick*, Cr. No. 10CR00105 (Sept. 29, 2010).

<sup>2</sup>*Judgment in a Criminal Case, United States of America vs. Dahlia Kirkpatrick*, (Jan. 6, 2011).

<sup>3</sup>Pursuant to the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285A, the Board may take action against the license of a physician as the result of: (1) '[C]onviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States;' (2) '[C]onviction of a crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of medicine;' (11) '[M]aking or submitting false, deceptive or unfounded claims, reports, or opinions to any . . . governmental authority for the purpose of obtaining anything of economic value;' (13) '[U]nprofessional conduct;' and (31) '[F]ailure by a physician to self-report in writing to the board any personal action which constitutes a violation of this Part within thirty days of the occurrence.'

such charges asserted during an administrative hearing at which time she will be entitled to be represented by legal counsel, to call witnesses and to present evidence 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. §§49:951, *et seq.* While maintaining such rights, Dr. Kirkpatrick, nonetheless, hereby consents to the indefinite suspension of her license to practice medicine in the state of Louisiana, with reinstatement thereof subject to the terms and conditions of this Order. By her subscription hereto, Dr. Kirkpatrick also authorizes the Investigating Officer designated by the Board with respect hereto to present this Interim Consent Order to the Board for its consideration and to fully discuss with and disclose to the Board the nature and extent of such charges and she waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Kirkpatrick expressly acknowledges that disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to prosecute the abovementioned administrative charges and any additional charges filed in this matter or to the Board's capacity to adjudicate such charges. 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 Dahlia V. Kirkpatrick, M.D. to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 06503R, is hereby, as of the effective date of this Order, **SUSPENDED**.

**IT IS FURTHER ORDERED** that Dahlia V. Kirkpatrick, M.D. shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves on her a written decision reinstating her license to practice following: (1) Dr. Kirkpatrick's release from the period of incarceration imposed as a result of her criminal conviction; and (2) an administrative hearing before the Board and the issuance of a final decision on any charges filed in this matter; alternatively, by the Board's acceptance of such other disposition of the charges as it may determine appropriate.

**IT IS FURTHER ORDERED** that any violation or failure to comply with the restrictions set forth by this Order by Dahlia V. Kirkpatrick, M.D. shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of her license to practice medicine 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. §37:1285.

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

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

**LOUISIANA STATE BOARD OF  
MEDICAL EXAMINERS**

BY:



MELVIN G. BOURGEOIS, M.D.

*President*

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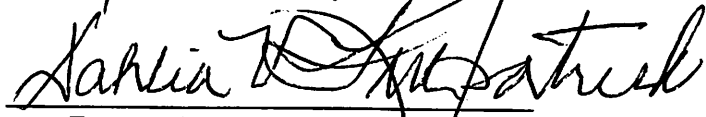
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STATE OF LOUISIANA  
PARISH OF \_\_\_\_\_

ACKNOWLEDGMENT  
AND CONSENT

I, DAHLIA V. KIRKPATRICK, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 24 day of Jan, 2012.

  
\_\_\_\_\_  
DAHLIA V. KIRKPATRICK, M.D.

WITNESSES:

  
\_\_\_\_\_  
Signature Manuel Pulido  
\_\_\_\_\_  
Printed Name  
501 Central Cir Nk  
\_\_\_\_\_  
Address Thibodaux, LA 70301

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Address

Sworn to and subscribed before me at \_\_\_\_\_, Louisiana this \_\_\_\_\_ day of \_\_\_\_\_, 2012, in the presence of the two stated witnesses.

\_\_\_\_\_  
Notary Public (Signature)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Bar No. or Notary No.