

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NUMBER: 04-A-021

IN THE MATTER OF:

STAN J. GUILLORY, ACU
(Applying for Licensure)

OPINION AND RULING

Stan J. Guillory is applying for licensure as an acupuncturist's assistant in Louisiana. In his application, he answered "yes" to the question "Have you ever, either as an adult or juvenile, been cited, arrested, charged, convicted or pled nolo contendere to, violation of any: a) State statute? b) Federal statute?" In his affidavit explaining the "yes" answer, he stated that, in 1988, he had been arrested and charged with two counts of distribution of cocaine, to which he pled guilty, and received five years probation, a fine, and community service. He states that he served out his probation and community service without event.

The criminal records check run on Mr. Guillory revealed that he had actually pled guilty to three counts of distribution of cocaine, and that, apparently, there was an additional charge of false representation, of which there was no disposition, and which he had failed to mention in his affidavit.

After a review of the above information, the Board advised Mr. Guillory of its intention to deny licensure, and he requested this hearing before the Board.

In the Administrative Complaint, Mr. Guillory is charged with being in violation of the Board's Rules and Regulations pertaining to Acupuncturists and Acupuncturists' Assistants, La. Admin. C. 46:5113(A)(1), in that he has pled guilty to a felony under the laws

GUILLORY, February 2006

of Louisiana.

He is further charged with violation of La. Admin. C. 46: 5113A(3) and (4), in that he falsely stated that he had been convicted on two counts of distribution of cocaine, when, in fact, he pled guilty to three counts.

He is further charged with violation of La. Admin. C. 46:5113A(3), in that he failed to reveal that he had been charged with the crime of false representation.

Mr. Guillory testified that, when he prepared the affidavit which was attached to his application for licensure, he relied on his memory, and did not check the records. He testified that he has no recollection of the third charge of distribution of cocaine, and that he does not recall having been charged with false representation. He stated that he had no intent to deceive the Board.

In view of the fact that the offenses were committed over fifteen years ago, we are inclined to accept Respondent's statement that he did not intend to deceive us when he executed the affidavit. However, intentional or not, there is no doubt that false statements were made in the supporting affidavit, and that he was convicted of a felony. He is therefore guilty of the charges against him.

Because of the time that has elapsed since the convictions, and since Mr. Guillory has satisfactorily completed his probationary period, and has since maintained a clear record, we will issue a license to Mr. Guillory as an Acupuncturist's Assistant, upon receipt of a satisfactory commitment from a physician, satisfactory to the Board, who will supervise Mr. Guillory's practice, but on probation, and subject to the following terms and conditions:

1) **IT IS ORDERED** that a license as an Acupuncturist's Assistant in the State of Louisiana be issued to Stan J. Guillory, but said license shall be on **PROBATION** for a period of two years from this date, subject to the general terms and conditions which are attached hereto as "Exhibit A", and to the following special terms and conditions:

2) Mr. Guillory's practice shall be closely monitored during the period of his probation by his supervising physician, who shall submit quarterly reports of Mr. Guillory's performance of his duties to the Board.


3) One year from the date of this opinion, Mr. Guillory, and his supervising physician shall appear before the Board to report on Mr. Guillory's performance in his practice, and to answer such questions as the Board may have.

GUILLORY, February 2006

4) Mr. Guillory shall pay all costs of this proceeding.

NEW ORLEANS, LOUISIANA, this 20th day of February, 2006.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



BY: KWELI J. AMUSA, M. D., VICE-PRESIDENT

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

"EXHIBIT A"

The following general conditions are imposed on all persons placed on supervised probation by the Louisiana State Board of Medical Examiners:

- 1) The probationer is required to report, in person to his probation officer, within 48 hours of receipt of notification that the opinion of the Board is final and executory.
- 2) The probationer is required immediately to complete all forms, fully and carefully, when received, and to present these to his probation officer at the first meeting.
- 3) The probationer is required to report to his probation officer, in person, at such times as may be directed.
- 4) The probationer is required immediately to report to his probation officer any changes in his home address, practice address, practice location, practice affiliation, and any changes in home numbers, including Fax lines, and home and business phones.
- 5) The probationer is required to allow such access to his home or office, as well as all medical and/or psychiatric records, and substance abuse records, as may be necessary to his supervision.
- 6) Upon request of the Board's probation officer, the probationer shall immediately execute and provide, as may be necessary, such authorization and/or medical releases as may be requested to obtain photocopies of medical treatment records of probationer, including but not limited to substance abuse, alcohol, psychiatric or other records which may otherwise be protected by any state or federal law.
- 7) Upon request of the Board's probation officer, the probationer shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records pertaining to probationer of any hospital, institution or other health care entity where probationer has had or has privileges.
- 8) Probationer shall submit to alcohol or drug screens through a urine, blood or hair specimen, at the request of the probation officer without prior notice, to determine chemically through laboratory analysis that probationer is free of prohibited drugs and/or alcohol. Probationer shall pay for the costs of such chemical analysis.

- 9) The probationer is required fully to conform to accepted standards of professional conduct, and with all civil and criminal laws, rules and regulations.
- 10) The probationer is required to submit to such medical or psychiatric examinations, or both, as may be directed by the Board.
- 11) The probationer is required immediately to report to his probation officer any and all investigations, inquiries, charges, convictions, or disciplinary actions taken by any local, state, or Federal agency, or any institution or facility.
- 12) The probationer is required to fulfill all special conditions of probation.
- 13) In addition to such other terms and conditions as are placed upon his license to practice medicine by this Order, the probationer hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length or nature thereof, including, but not limited to, additional treatment, reports and evaluations and extensions of his suspension and probationary periods, which the Board in its sole discretion may deem necessary or appropriate to impose thereon.
- 14) By his subscription hereto, the probationer acknowledges that his receipt of written notification from the Board that he has received apparently reliable information which indicates his failure to abide by the terms and conditions of this Order, shall, without need for formal hearing or providing him with 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, constitute his consent to the immediate suspension of his license to practice medicine in this state pending the issuance of a decision by the Board following administrative adjudication of such charges.
- 15) The probationer shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers, and he shall direct all matters required pursuant to this Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Order.
- 16) Should the probationer at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period ordered herein and all terms and

conditions thereof shall be deemed interrupted and extended and shall not commence to run until the probationer notifies the Board in writing that he has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance, the probationer shall not receive credit toward completion of the probationary period for the time during which he was absent from the State of Louisiana.

- 17) At least sixty (60) days prior to the conclusion of the probationary term imposed herein, the probationer shall provide the Board with an executed affidavit certifying that he has complied with each of the terms of probation imposed upon him by this Order, and he shall contact the Board and arrange for a personal appearance before the Board, or such other committee as may be designated by the Board, at its meeting preceding the expiration of the probationary term ordered herein.
- 18) For each year of the probationary term the probationer shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be done not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.