

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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## BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

**NUMBER: 12-A-004  
IN THE MATTER OF:**

**DANIEL JOSEPH MOMPOINT, M. D.  
(Certificate No. 07579R)**

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### OPINION AND ORDER

The Board received a report that settlement of a malpractice case against Respondent Daniel Joseph Mompoint, M. D. had been reached by payments of \$192,500.00 and \$95,000.00, to plaintiff D. D. As is routine, the Board, on December 20, 2010, requested that Dr. Mompoint furnish, within thirty days, a detailed typewritten narrative report relative to this case. When Dr. Mompoint failed to respond, a second letter, dated February 11, 2011, was sent, once again requesting that Respondent furnish his personal narrative on the care of the patient, this time within ten days.

When Dr. Mompoint again failed to respond, a third letter, this time by certified mail and dated March 30, 2011, was sent to Dr. Mompoint. Copies of the previous correspondence were included. The letter was received on March 31, 2011. This time he was advised that if his typewritten narrative was not received within ten days, he would have to appear before the Malpractice Committee with his

MOMPOINT, August 2012

records on the case to discuss both the case, and his failure to respond to the previous requests. Once again Respondent failed to respond. After a phone call to his office on May 2, 2011, Dr. Mompoint, on the next day, faxed a handwritten response to the Board's office, which was a narrative of his office visits with D. D., but which did not address the complaints which formed the basis of the malpractice settlement. On May 26, 2011, he was advised by fax that his narrative must be typewritten, and that it should address the allegations in the malpractice report.

Dr. Mompoint has never responded to any further Board action, including the filing of the Administrative Complaint, and the pre-hearing conference, despite having been properly notified of all events. He was personally served with notice of this hearing, and signed acknowledging receipt of the notice. He was absent and unrepresented at the hearing.

The Medical Review Panel report in the case of D. D. was obtained by the Board's Investigator, which revealed that it found that Dr. Mompoint had not met the standard of care in that case. Subpoenas for the records in that case were ignored by Dr. Mompoint. Eventually the records were obtained by subpoena from Ochsner Medical Center – Westbank.

From these records, we learn that D. D. was under the care of Respondent during her pregnancy, and that she had been under his care in a previous pregnancy, in 2005, at which time she had developed elevated glucose levels (gestational diabetes) at thirty two weeks, which had been properly treated with insulin. In the case under question, D. D. was pregnant with twins. On March 1, 2009, she was admitted to labor and delivery for not feeling well. She was treated with hydration and for nausea, and released. On March 3, 2009, she was again admitted, com-

plaining of abdominal pain and weakness. Dr. Mompont ordered lab work, urinalysis, and IV fluids. She was also given three doses of terbutaline.

The lab tests showed a blood glucose of 1057, and a potassium level of 7.5. According to the Nurses' notes, Dr. Mompont was notified of these levels, but gave no orders for treatment to address the elevated blood glucose level.

At 6:10 pm Respondent ordered another blood profile, which showed a blood glucose level of 981. At 7:47 pm Respondent was notified of the latest results of the tests. He ordered oral hydration, and, if this was tolerated by the patient, she was to be discharged home. Once again, he did not address the elevated blood glucose level.

The patient returned at 3:45 pm on March 4, 2009. She was confused, and her blood glucose level was 1010. The fetuses were dead. She was referred to the ICU for treatment by an endocrinologist, who treated her with insulin, and brought her blood glucose levels under control. The deceased fetuses were delivered vaginally.

The Medical Review Panel found that Dr. Mompont failed to meet the standard of care when he discharged D. D. with blood glucose levels of 1057 and 981. They further found that the damages sustained by D. D., including the deaths of the fetuses, resulted from the discharge under those circumstances. We note that in the malpractice report, it is stated that the doctor states that "the nurses did not inform him of this glucose reading." However, as pointed out above, the nurses' notes are to the contrary.

Susan Jeanfreau, M. D., who is Board Certified in obstetrics and gynecology, was accepted as an expert in those fields. She was a member of the Medical Review Panel which considered this case. She testified that Dr. Mompoin's treatment of D. D. did not meet the standard of care.

We further note that Dr. Mompoin was involved in two prior malpractice reports, in 1995 and 2000. The 1995 Medical Review Panel was adverse to Respondent. In 2000, he failed to respond to any of the Board's communication until he was subpoenaed to appear before the Board.

As a result of the above circumstances, Dr. Mompoin has been charged in an Administrative Complaint with the following violations of the Medical Practice Act, R. S. 37:1261 et seq.:

First, he is charged with incompetency and recurring medical practice that is below the standard of care, in violation of R. S. 37:1285A(13) and (14).

Second, he is charged with unprofessional conduct for his repeated failure to respond to the Board's requests for information and documents and to otherwise cooperate in the investigation, in violation of R. S. 37:1285A(13) and (30), and La.Admin. C. 46:XLV.7603A.3.a.

Third, he is charged with failure to comply with the Board's subpoenas to appear and to furnish certain documents, in violation of R. S. 37:1278.1, and R. S. 37:1285A(30).

All of these charges are clearly supported by the evidence outlined above, which are unrefuted by Respondent, who has been given every opportunity to appear and respond to the charges against him. In addition to his professional transgressions, he has shown a complete lack of respect for the law, this Board, its rules and regulations, and the Board's personnel. We therefore find him guilty of all the charges against him, and impose the following sanctions:

First, the license of Daniel Joseph Mompoint, M. D. to practice medicine in the State of Louisiana, as evidenced by Certificate No. 07579R, is hereby **SUSPENDED** indefinitely, and shall remain suspended until such time as he has fully and satisfactorily complied with all Board orders and subpoenas. At that time the Board shall impose such further sanctions as it may deem appropriate under the circumstances.

Second, Respondent shall undergo a complete competency evaluation at a facility satisfactory to the Board. The Board, upon receipt of the report of said evaluation, shall impose such further sanctions as it may deem appropriate under the circumstances.

Third, Respondent shall undergo a complete mental and psychological evaluation, at a facility satisfactory to the Board. The Board, upon receipt of the report of said evaluation shall impose such further sanctions as it may deem appropriate under the circumstances.

Fourth, Respondent shall pay a fine of \$5000.00, and all costs of these proceedings, such fine and costs to be payable immediately.

Fifth: Upon completion of the various sanctions imposed above, Respondent shall make a personal appearance before the Board.

**NEW ORLEANS, LOUISIANA, this 20<sup>th</sup> day of AUGUST 2012.**

**LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**



**BY: MELVIN G. BOURGEOIS, PRESIDENT**