

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

No. 12-I-221

VICTOR JAY ZUCKERMAN, DO
(Certificate No. 000189)
Respondent

CONSENT ORDER

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 Victor Jay Zuckerman, D.O. ("Dr. Zuckerman"), a physician who at all times material to the facts and matters alleged herein is licensed and engaged in the practice of medicine in and around Shreveport, Louisiana, had agreed to serve as the Medical Director of the Longevity Center in Shreveport, which was owned and operated by a registered nurse. During the course of an onsite investigation by Board staff, the nurse was found to be administering Botox to a patient in the absence of physician supervision. The nurse admitted to the investigators that she was the primary provider at the Longevity Center and regularly administered both Botox and other Dermal Fillers without a physician evaluation, order or physical presence. As the Medical Director, Dr. Zuckerman was responsible for assuring that the care provided to patients was performed by appropriately trained and licensed individuals. He allowed this individual to use his name in promoting her practice and did not take steps to prevent her from engaging in the unauthorized practice of medicine.

Upon notice of the investigation Dr. Zuckerman discontinued the conduct in question, and severed all professional relationships with the nurse in question. In a subsequent meeting with the DOI, Dr. Zuckerman stated that he did not condone the behavior of the nurse, he did not authorize her to perform these procedures, nor did he profit financially from her performance of the procedures. Nevertheless, Dr. Zuckerman acknowledges that he did not fulfill his professional obligations as a Medical Director.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter determined that reasonable grounds existed such that a formal Administrative Complaint could be filed against Dr. Zuckerman, charging him with a violation of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. §37:1285A(13), and

(18).¹

As evidenced by his subscription hereto, Dr. Zuckerman acknowledges the substantial accuracy of the foregoing information and that such information and acknowledgement would constitute probable cause for the institution of administrative proceedings against his medical license pursuant to Administrative Complaint, and that proof of such information upon an administrative evidentiary hearing could establish grounds under the Act, La. Rev. Stat. §§37:1285(A)(13), and (18), respectively 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.

Recognizing his right to have notice and administrative adjudication of such charges, at which time Dr. Zuckerman 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. Zuckerman, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. § 49:955(D), consents to entry of the Order set forth hereinafter. Dr. Zuckerman also acknowledges that he hereby 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 he may be afforded by any other law to contest his agreement to or the force and effect of the Board's investigation or this Consent Order in any court or other forum. By his subscription hereto, Dr. Zuckerman 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. Dr. Zuckerman expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of 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. Zuckerman 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);

¹ Pursuant to La. Rev. Stat. §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: (13) "[U]nprofessional conduct;" and (18) "[k]nowingly performing any act which, in any way, assists an unlicensed person to practice medicine, or . . . lending one's name to an illegal practitioner."

IT IS ORDERED that Victor Jay Zuckerman, DO, who is licensed to practice medicine in the state of Louisiana, as evidenced by license number 000189, is hereby **OFFICIALLY REPRIMANDED** for the conduct identified hereinabove, provided, however, that such license and Dr. Zuckerman's continuing exercise of rights and privileges there under shall be conditioned upon his acceptance of and strict compliance with the following terms, and conditions:.

(1) Continuing Medical Education - Ethics and Professionalism Course

Within within six (6) months of the effective date of this Order Dr. Zuckerman shall attend and successfully complete a course in medical ethics and professionalism. All courses required by this provision shall be pre-approved by the Board or its designee.

(2) Payment of Fine. Within six (6) months of the effective date of this Order Dr. Zuckerman shall pay to the Board a fine in the amount of Two Thousand (\$2,000) dollars.

(3) Effect of Violation/Sanction. By his subscription hereto, Dr. Zuckerman acknowledges that his receipt of written notification that the Board has received apparently reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise 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 irrevocable consent to the immediate suspension of his license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges.

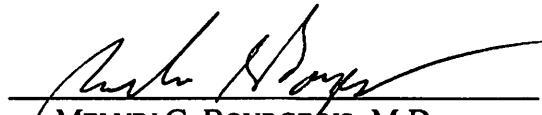
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms and conditions set forth by this Order by Dr. Zuckerman shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such further action against Dr. Zuckerman's license to practice 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.

Signed in New Orleans, Louisiana, on and effective this 18th day of March, 2013.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:



MELVIN G. BOURGEOIS, M.D.
President

*Acknowledgement and Consent
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*Acknowledgement and Consent
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STATE OF LOUISIANA
PARISH OF Ouehite

**ACKNOWLEDGMENT
AND CONSENT**

I, VICTOR JAY ZUCKERMAN, DO, hereby acknowledge, approve, accept and consent to
entry of the above and foregoing Order, this 13 day of Feb, 2013.


VICTOR JAY ZUCKERMAN, DO

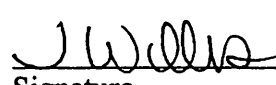
WITNESSES:


Signature

Lanetta Basham
Typed Name

2211 W 7th St
Address

West Monroe LA 71291
City/State/Zip Code


Signature

J. Willis
Typed Name

211 W. 1st St.
Address

West Monroe LA 71291
City/State/Zip Code

Sworn to and subscribed before me this 13th day of February, 2013, in the
presence of the two stated witnesses.


Notary Public (Signature and Seal)

DANA MCCARTHY, NOTARY ID #062848

Printed Name/Notary or Bar Number