

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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IN THE MATTER OF  
EMILE EDWARD RILEY, M.D.

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## ADMINISTRATIVE PROCEEDINGS

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A formal hearing was convened by the Louisiana State Board of Medical Examiners (Board) on March 3, 1977, to adjudicate alleged specified violations of the Louisiana Medical Practice Act by Emile Edward Riley, M.D., to wit: "Entry of a plea of guilty...to a criminal charge" and "making or submitting false or deceptive claims to any...governmental authority... ." LSA-R.S. 37:1285(1), (11). A quorum of the Board was present. Dr. Riley was present and was represented by Constant G. Marquere, Jr., Esq. of the Louisiana Bar.

The Board received into evidence, inter alia, a certified copy of a Federal Grand Jury Indictment, filed December 28, 1976, charging Dr. Riley with violation of 18 USC §2, 371 and 29 USC § 1131. The Board also received a certified copy of the January 5, 1977 Minute Entry of the United States District Court for the Eastern District of Louisiana, reflecting Dr. Riley's plea of guilty to such charges. Dr. Riley and his counsel acknowledged the authenticity of the aforementioned documents, responded to the Board's inquiries, and presented written evidence in the physician's behalf.

Upon consideration of the exhibits filed herein, Dr. Riley's statements and the arguments of his counsel, and the record as a whole, the Board renders the following Findings of Fact, Conclusions of Law, and Decision.

### FINDINGS OF FACT

1.

On January 5, 1977, Dr. Emile Edward Riley entered a plea of guilty to six (6) counts of a federal indictment charging viola-

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tion of the Employee Retirement Income Security Act by false and fraudulent claims and misrepresentations made in the course and scope of his medical practice. United States of America v. Emile Edward Riley, M.D., No. 76-732 (Eastern District of Louisiana, filed December 28, 1976).

2.

The Board finds the allegations of criminal activity set forth in said indictment to be true, and adopts and incorporates the same as its own findings of fact, said indictment forming part of the record herein as exhibit "Board 2."

3.

On February 18, 1977, Dr. Riley was sentenced by the United States District Court for the Eastern District of Louisiana to a three (3) year period of active probation contingent upon (a) performance of two (2) full days of voluntary work each week for ninety (90) consecutive weeks beginning April 1, 1977 and (b) restitution of \$3,731.00. A fine of \$5,000.00 was also imposed.

4.

The Board finds that it was the intent of the sentencing Court that Dr. Riley perform the required voluntary work in the service of a medical institution for which medical licensure may be necessary, and that revocation or unconditional suspension of the license of Dr. Emile Edward Riley would tend to frustrate the sentence and probationary terms designed by the Court.

#### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that:

1.

Dr. Emile Edward Riley has entered a plea of guilty to a criminal charge directly relating to his practice of medicine in

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the State of Louisiana; and that, accordingly, just cause exists for action against his license. LSA-R.S. 37:1285(1).

2.

Dr. Emile Edward Riley has made and submitted false, fraudulent and deceptive claims to insurance companies and/or governmental authorities for the purpose of obtaining monetary compensation for services rendered; and, therefore, just cause exists for action against his license. LSA-R.S. 37:1285(11).

3.

The sentence and probationary terms ordered by the United States District Court for the Eastern District of Louisiana do not affect the Board's Statutory authority to revoke, suspend or take other disciplinary action against Dr. Riley's medical licensure. The Board recognizes, however, that revocation or unconditional suspension of Dr. Riley's licensure would adversely affect the Court's effort at rehabilitative sentencing. As a result, the Board concludes that an order in conformity with the Court's probationary terms is appropriate under the evidenced circumstances and will adequately protect the public health and safety.

#### DECISION

Considering the foregoing, IT IS ORDERED that the license of Emile Edward Riley, M.D., to practice medicine in the State of Louisiana, as evidenced by Certificate No. 2585, be, and the same is hereby, suspended for a period of three (3) years from the date hereof;

IT IS FURTHER ORDERED that the foregoing Order of Suspension be, and the same is hereby, suspended; PROVIDED, however, that Emile Edward Riley, M.D., accept and comply with the following probationary terms and conditions:

- (a) Dr. Emile Edward Riley shall strictly comply with all of the terms and probationary conditions to which he was sentenced by the United States District Court for the Eastern District of Louisiana on February 18, 1977 in respect

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of the criminal proceedings entitled "United States of America v. Emile Edward Riley, M.D.," No. 76-732 on the docket of the United States District Court for the Eastern District of Louisiana; and

- (b) At three (3) month intervals, commencing July 1, 1977, Dr. Emile Edward Riley shall submit or cause to be submitted to the Louisiana State Board of Medical Examiners satisfactory written verification that during the preceding three (3) month period his activities have been in compliance with the terms and conditions of his judicial sentence and probation as hereinabove described. Such written verification shall be separately submitted by the United States Probation Officer then supervising the physician's probation as well as by the Administrator of the hospital or other medical institution at which the physician is then performing the volunteer work required by the terms of the aforesaid probation.

PROVIDED FURTHER, that violation of any of the probationary terms as hereinabove set forth without justifiable cause therefor to be determined in the sole and absolute discretion of the Board, shall result in automatic reinstatement of the Order of Suspension.

New Orleans, Louisiana, this 17th day of March, 1977.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

BY Charles B. Odom  
CHARLES B. ODOM, M.D.  
President