

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF :

JOHN BARRY ROBERTS : NO. 89-A-034
(Certificate No. 05520R)

Respondent : DECISION

An administrative hearing was convened before the Louisiana State Board of Medical Examiners (the Board) on Thursday, December 7, 1989, and Friday, December 8, 1989, to adjudicate alleged violations of the Louisiana Medical Practice Act by John Barry Roberts, M.D. (the Respondent). Present representing the Board was a quorum of its membership including Drs. LaNasa, Muslow, Kaplan, Hackett and Bordelon. Also present were the Respondent represented by Mr. Jack Dampf, Attorney at Law, Mr. James J. Thornton, independent counsel for the Board, and Mr. Mark C. Surprenant, attorney for the Board. Elmo John LaBorde, M.D. took no part in either the hearing or the decision of the Board.

After consideration of the evidence which consisted of documentary evidence, depositions of witnesses in lieu of personal appearance, and the sworn testimony of Respondent and other witnesses, the Board renders the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent was at all times pertinent to the allegations and charges brought by the Board a physician licensed by the Board to practice medicine in the State of Louisiana as evidenced by Certificate No. 05520R.
2. The Board finds that on or about May 19, 1986, Respondent unlawfully violated Louisiana Revised Statutes, Title 14, Section 59(5), a misdemeanor, by filing with the Iberville Parish Sheriff's office a written report which stated

that a marijuana urinalysis test result from Roche Biomedical on Deputy Ronald Hebert was negative.

3. The Board finds that Respondent had knowledge that the report on Deputy Ronald Hebert was false. Subsequent to the event Respondent pled nolo contendere to the charge in the Louisiana District Court for Iberville Parish, which was, as a result of a plea bargain, handled under Article 894 of the Louisiana Code of Criminal Procedure. After the passage of a year, Respondent having paid the fine and costs as assessed by the court, an acquittal in behalf of Respondent was entered and the charges dismissed by the Court.

4. On or about June 10, 1986, the River West Medical Center withdrew Respondent's clinical privileges at the hospital on the ground that Respondent had provided inappropriate medical care that jeopardized patient safety in connection with his treatment of five separate patients. These five occurrences were selected by the hospital's Medical Executive Committee from approximately one thousand patients treated at the hospital by Respondent over the years in which he had been a member of the hospital's staff.

5. After thorough review of the evidence and testimony referent to these five cases, the Board finds that in none of the five cases did Respondent fall below the standard of professional care exercised by a physician of reasonable skill and competence.

6. Count three of the complaint filed against Respondent referenced alleged unprofessional conduct in the treatment of Lonnell Brister and his sisters, Lisa Brister and Linda Henderson. On the basis of the evidence offered, the Board finds no merit in these allegations.

CONCLUSIONS OF LAW

Based on the evidence, the testimony and the foregoing findings of facts, the Board concludes as a matter of law that:

1. By knowingly filing a false report with the Iberville Parish Sheriff's Office about the result of a marijuana urinalysis test referent to Deputy Ronald Hebert, Respondent violated the Medical Practice Act and more particularly, Section 1285(a) (2), (10), (11) and (13) of Title 37 of the Louisiana Revised Statutes.

2. The Board is favorably impressed by the Respondent's annual medical service in Mexico which, to the Board, demonstrates a commendable recognition by Respondent of a physician's obligations to those who sorely need medical services and, but for him, would go untreated.

DECISION

Considering the foregoing:

IT IS ORDERED that the license of John Barry Roberts, M.D., to practice medicine in the State of Louisiana as evidenced by Certificate No. 05520R is suspended for a period of six months from date of this decision, which suspension is itself suspended.

IT IS FURTHER ORDERED that John Barry Roberts, M.D., is ordered to pay to the Board as a fine the sum of Five Hundred (\$500.00) Dollars and to perform one hundred hours of Board approved community service within a period of one year from date of this decision.

Shreveport, Louisiana, this
19 day of December, 1989

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By *Lee M. Miller*