

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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No. 13-I-983

IN THE MATTER OF:

AUGUSTO CHIRIBOGA M.D.
(Certificate No. 06961R),
Respondent

**CONSENT ORDER
FOR REPRIMAND**

An investigation was conducted by the Louisiana State Board of Medical Examiners (the "Board"), through its Investigative Officer ("I/O"), of the appropriateness of certain interventional pain procedures being performed by Augusto Chiriboga, M.D. ("Dr. Chiriboga"), while contracted part time as a physician provider at the Medical and Diagnostic Clinic, owned and operated by Irshan Chaudary, D. C.

During the course of the investigation the records of several patients who had received interventional pain procedures in the form of a protocol which involved a series of ankle blocks for peripheral neuropathy, were reviewed by an expert consultant. It was determined that the interventional procedures were not performed in accordance with the standard of care for patients with complaints of lower extremity pain and/or numbness related to peripheral neuropathy. Furthermore, there is no established indication for performing multiple ankle blocks for the treatment of peripheral neuropathy, and in some cases, the procedures may have been contraindicated. The blocks did not typically result in long term relief and resulted in expensive charges without any real benefit. Overall, the "protocol" utilized in these patients is not consistent with the standard of care in the treatment of lower extremity pain.

On his own behalf, Dr. Chiriboga contends that he served only briefly at the Clinic and that he terminated his relationship, in part, based upon his concern for appropriateness of the recommended treatments. He was paid a fixed rate by the agency that placed him in the locum tenens position at the clinic and did not receive any payments from patients or third party payers.

Predicated upon the foregoing information, the I/O determined that there was probable cause to initiate formal administrative proceedings against Dr. Chiriboga's license to practice medicine

in this state, pursuant to the Louisiana Medical Practice Act (the "Act"), La. Rev. Stat. §37:1285A (13) and (14).¹

As evidenced by his subscription to this Order, Dr. Chiriboga acknowledges the foregoing information, without agreeing to the facts as alleged against him, without admitting the violation of any federal or state law or regulation, and for the purposes of this Consent Order only, and that such acknowledgement and the reported information could provide the I/O with probable cause to pursue formal administrative proceedings against him for violation of the Act, La. Rev. Stat. §§37:1285A(13) and (14), respectively and, further, that proof of such information upon administrative evidentiary hearing could establish grounds under the Act 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 administrative adjudication of such charges, at which time he 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. Chiriboga, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. Chiriboga also 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 otherwise may be afforded to him by law to contest his agreement to or the force and effect of this document in any court or other forum or body relating to the matters referred to herein. By his subscription hereto, Dr. Chiriboga 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. Furthermore, Dr. Chiriboga expressly acknowledges that the disclosure of information to the Board by the I/O shall be without prejudice to the I/O's authority to pursue Administrative Complaints against him or to the Board's capacity to adjudicate such Complaints 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. Chiriboga 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);

¹The Board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued under this Part for the following causes: (13) [u]nprofessional conduct (14) [c]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state;

IT IS ORDERED that Augusto Chiriboga, M.D. is hereby **OFFICIALLY REPRIMANDED** for his conduct.

IT IS FURTHER ORDERED that Dr. Chiriboga shall, within one hundred and twenty (120) days of the date of this Order, pay to the Board a fine in the amount of Three Thousand and No/100 (\$3,000.00) Dollars.

IT IS FURTHER ORDERED that within one hundred and eighty (180) days of the date of this Order Dr. Chiriboga shall provide written confirmation to the Board that he has successfully completed a course that is approved in advance by the Board or its designee in medical ethics and professionalism.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Chiriboga shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Chiriboga'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, and effective on this 19th day of May, 2014.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: Mark A. Dawson, M.D.
MARK HENRY DAWSON, M.D.
President

*Acknowledgement and Consent
Follows on Next Page*

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF TEXAS

COUNTY OF Hidalgo

I, AUGUSTO CHIRIBOGA, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 10th day of May, 2014.



AUGUSTO CHIRIBOGA M.D.

WITNESSES:

Yvonne Rendon

Signature
Yvonne Rendon

Printed Name
501 S. Jackson Rd.

Address
Pharr, TX 78571

City, State, Zip Code

Julie Maldonado

Signature
Julie Maldonado

Printed Name
501 S. Jackson Rd

Address
Pharr TX 78577

City, State, Zip Code

Sworn to and subscribed before me at Pharr, Texas, this 10th day of May, 2014, in the presence of the two stated witnesses.

Erika Chapa

Notary Public (Signature & Seal)
Erika Chapa

Printed Name/Notary Number (or Stamp)

