

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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**No. 12-I-007**

**IN THE MATTER OF:**

**DAVID JOHN HOMAN, JR., MD.**  
*(Certificate No. 202873),*  
*Respondent*

**CONSENT ORDER  
FOR REPRIMAND**

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An investigation was conducted by the Louisiana State Board of Medical Examiners (the "Board"), through its Investigative Officer ("I/O"), regarding the practice of medicine through an internet service known as Interactive MD by David J. Homan Jr., M.D. ("Dr. Homan"), a physician who at all pertinent times was licensed to practice medicine in the state of Louisiana, but who practiced both in Louisiana and California.

During the course of the investigation a Board Investigator registered with Interactive MD and paid for a telephone consultation. The Board Investigator was contacted by Dr. Homan and Dr. Homan took a history and the report of current symptoms from the Board Investigator. While Dr. Homan did not prescribe any medications, he did practice medicine by making a diagnosis and recommending treatment. Such telephone consultation, without having first established a prior patient/physician relationship, is not consistent with the standard of care in this state, and does not comply with the Board's Rules on Telemedicine.

On his own behalf, Dr. Homan contends that he agreed to provide internet consultation upon representations made to him that such consultations were authorized and not in violation of any Board Rules. While Dr. Homan's involvement with Interactive MD was limited to a few consultations, he now realizes that it is his responsibility to confirm that his practice activities are in compliance with Board Rules.

Predicated upon the foregoing information, the I/O determined that there was probable cause to initiate formal administrative proceedings against Dr. Homan's license to practice medicine in this state, pursuant to the Louisiana Medical Practice Act (the "Act"), La. Rev. Stat. §37:1285A (30).<sup>1</sup>

As evidenced by his subscription to this Order, Dr. Homan acknowledges the foregoing information, without agreeing to the facts as alleged, without admitting any violation of federal or state law or regulation, and for purposes of the 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. §§37:1285(A (30) 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. Homan, 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. Homan 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. Homan 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. Homan 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. Homan 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);

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<sup>1</sup>The 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: (30) Violation of any rules and regulations of the board, or any provisions of this Part.

**IT IS ORDERED** that David J. Homan Jr., M.D. is hereby **OFFICIALLY REPRIMANDED** for his conduct.

**IT IS FURTHER ORDERED** that Dr. Homan shall, within ninety (90) days of the date of this Order, pay to the Board a fine in the amount of One Thousand and No/100 (\$1,000.00) Dollars.

**IT IS FURTHER ORDERED** that within one hundred and twenty (120) days of the date of this Order Dr. Homan 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. Homan shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Homan'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 19<sup>th</sup> day of May, 2014.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

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

*Acknowledgement and Consent  
Follows on Next Page*

**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF <sup>(Kon)</sup>~~LOUISIANA~~ California  
PARISH OF San Diego

I, DAVID J. HOMAN JR., M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 6th day of May, 2014.

David Homan  
DAVID J. HOMAN JR., M.D

WITNESSES:

[Signature]  
Signature

Eun Young Lee  
Printed Name

8677 Villa La Jolla Dr  
Address

La Jolla, CA 92037  
City, State, Zip Code

[Signature]  
Signature

Brittany Ziminsky  
Printed Name

131 Diana St #3  
Address

Encinitas, Ca 92024  
City, State, Zip Code

Sworn to and subscribed before me at San Diego, California, ~~Louisiana~~, this 6th day of May, 2014, in the presence of the two stated witnesses. <sup>(Kon)</sup>

[Signature]  
Notary Public (Signature & Seal)

KNCHEOL NOH, Notary Public  
Printed Name/Notary Number (or Stamp)

