

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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No. 13-I-1327

IN THE MATTER OF:

CONSENT ORDER

EUGENE A. MANGIERI, M.D.
(Certificate No. 201032)
Respondent

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 Eugene A. Mangieri, M.D. ("Dr. Mangieri"), a physician who at all times material to the facts and matters alleged herein is and was licensed to practice medicine in Louisiana, had been the subject of disciplinary action by the Medical Licensure Commission of Alabama, and this information may not have been reported to the Board. Upon information and belief, Dr. Mangieri does not maintain a practice in Louisiana, as his primary practice is and was in the state of Alabama.

The investigation disclosed that Dr. Mangieri had failed to report actions taken on his licenses to practice medicine in both Alabama and Florida. Particularly, Dr. Mangieri had entered into a Stipulation and Consent Order on September 14, 2012, wherein the Medical Licensure Commission of Alabama found that Dr. Mangieri had committed acts of unprofessional conduct in violation of Alabama law. Thereafter, on April 1, 2013 and again on August 12, 2013, in renewing his license to practice medicine in this state, Dr. Mangieri failed to disclose the action taken on his license to practice medicine in Alabama. Additionally, he failed to reveal that he was under investigation at the time of his last renewal to the Board, by the State of Florida, Department of Health, relative to his failure to report the action taken by the Alabama Medical Licensure Commission against his license to practice medicine in Alabama. Dr. Mangieri has completed all necessary steps to return to a full and unrestricted license to practice medicine in Alabama.

Predicated upon the foregoing information, the Board with respect to this matter determined that reasonable cause exists such that a formal Administrative Complaint could be

filed against Dr. Mangieri, charging him with violations of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. §37:1285A(4), (13), and (29).¹

On his own behalf, Dr. Mangieri acknowledges that it was his responsibility to report actions taken by other Boards relative to his other medical licenses and he acknowledges the seriousness of the underlying allegations, additionally, as evidenced by his subscription to this Order, Dr. Mangieri acknowledges the substantial accuracy of the foregoing information and that such acknowledgment, and the reported information, could provide the Investigating Officer with probable cause to pursue formal administrative proceedings against him for violation of the Act, La. Rev. Stat. §§37:1285(A)(4), (13), and (29), respectively and, further, that proof of such information upon administrative evidentiary hearing would 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. Mangieri, 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. Mangieri 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. Mangieri 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. Mangieri expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer'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.

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: (4) Providing false testimony before the board or providing false sworn information to the board;... (13) [u]nprofessional conduct; ... and (29) The refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice medicine in that state or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate.

Based upon the information provided, the Board has concluded that the public interest would be properly protected and served by allowing Dr. Mangieri 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);

IT IS ORDERED that Eugene A. Mangieri M.D., is hereby **OFFICIALLY REPRIMANDED** for his conduct.

IT IS FURTHER ORDERED that Dr. Mangieri shall, within ninety (90) days of the date of this Order, pay to the Board a fine in the amount of Five Thousand and No/100 (\$5,000.00) Dollars.

IT IS FURTHER ORDERED that Dr. Mangieri shall, prior to initiating any type of practice in this state, personally appear before the Board or its designee, to advise the Board of his intentions with respect to his practice of medicine in this state.

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. Mangieri shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Mangieri'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 21st day of July, 2014.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: Mark Henry Dawson
Mark Henry Dawson, M.D.
President

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF ALABAMA

COUNTY OF TUSCALOOSA

I, EUGENE A. MANGIERI, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 23rd day of June, 2014.


EUGENE A. MANGIERI, M.D.

WITNESSES:

Brandi Kalb
Signature

Brandi Kalb
Printed Name

2223 Heartwood Ave
Address

Cottontale, AL 35453
City, State, Zip Code

Brittany Kalb
Signature

Brittany Kalb
Printed Name

5807 Clearview Hills Circle
Address

Cottontale, AL 35453
City, State, Zip Code

Sworn to and subscribed before me at Northport, Alabama, this 23rd day of June, 2014, in the presence of the two stated witnesses.


Notary Public (Signature & Seal)

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Sept 29, 2015
BONDED THRU NOTARY PUBLIC UNDERWRITERS

Mona A. Grammer
Printed Name/Notary Number (or Stamp)