

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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(504) _____

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In The Matter of	:	No. 18-I-246
	:	
JORGE M. CONTRERAS, M.D.	:	CONSENT ORDER
<i>(Certificate No. MD.023608)</i>	:	FOR REPRIMAND WITH
<i>Respondent</i>	:	PROBATION
	:	
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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 regarding Jorge M. Contreras, M.D. ("Dr. Contreras"), a physician that is, and was at all times material to the facts and matters alleged herein, licensed by the Board as a physician and engaged in the practice of medicine in the state of Louisiana pursuant to the Louisiana Medical Practice Act, (the "Act"), La. Rev. Stat. §§37:1261-92. The investigation was initiated following the receipt of a patient's complaint of alleged sexual misconduct in the office. The investigation indicated that Dr. Contreras engaged in unprofessional, inappropriate behaviors with a female patient, and violated professional boundaries, which included social media communications and contact in person outside of the office in violation of LAC 46:XLV.7603.A.1. Dr. Contreras cooperated in part with the investigation and underwent most of the requested evaluations at a facility approved by the Board ("evaluating facility"). While there is no evidence to indicate a pattern of such conduct, Dr. Contreras has agreed to submit to the recommendations of the evaluating facility. He has attended a three (3) day, Board-approved course on professional boundaries, has enrolled and participated in a twelve (12) week Maintenance and Accountability module run by a PBI professional and has implemented certain policies, procedures and protocols in his practice.

Further, Dr. Contreras now acknowledges the substantial accuracy of the foregoing information and that proof of such information could provide the Investigating Officer for the Board with probable cause to pursue formal administrative proceedings against him for violations of the Act, La. Rev. Stat. §§37:1285A(13) and (30)¹ constituting sufficient cause

¹ Pursuant to La. R.S. §37:1285A "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: (13) Unprofessional conduct..."; and, (30) "violation of any rules and regulations of the board, or any provisions of this Part." See also, LAC 46:XLV.7603.A.1, which defines unprofessional conduct as including "failure to conform to the ethics of the medical profession including...the commission of any act contrary to honesty, justice, good morals, patient safety or the best interest of the patient." Unprofessional conduct includes but is not limited to "sexual misconduct -- any act of sexual

for the revocation, suspension or such other action against his license to practice medicine in the state of Louisiana as the Board may determine appropriate.

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Contreras 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. Contreras, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Dr. Contreras acknowledges that he hereby 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 may be afforded to him by any other law to contest or appeal his agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By his subscription hereto, Dr. Contreras also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this 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. Dr. Contreras expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order.

In consideration of the foregoing, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, 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 Jorge M. Contreras, M.D. is hereby **OFFICIALLY REPRIMANDED** for his conduct;

IT IS FURTHER ORDERED that the license of Jorge M. Contreras, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 023608, shall be placed on **ON PROBATION** for a period of three (3) years from the effective date of this Order; *provided, however*, that such license and Dr. Contreras'

intimacy, contact, exposure, gratification, abuse, exploitation or other sexual behavior with or in the presence of a patient....regardless of consent.”.

continuing exercise of rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Personal Appearance before the Board. Dr. Contreras shall personally appear before the Board or its designee to permit the Board to consider his intent to comply with the terms of this Order and to advise the Board or its designee of his intentions with respect to his continued practice of medicine.

(2) Board Approval of Other Practice Settings. If Dr. Contreras engages in practice other than his current practice setting, he must seek prior approval in writing from the Board.

(3) Practice Monitoring and Quarterly Reports. Within thirty (30) days of the effective date of this Order, Dr. Contreras shall enter into a contract with a monitoring organization/company approved by the Board ("the practice monitoring program"), to monitor and review Dr. Contreras' medical practice during the probationary period. All practice monitors shall be approved by the Board. The practice monitoring program will work in conjunction with the Board to develop parameters for monitoring Dr. Contreras' practice. The practice monitoring program will provide quarterly reports to the Board that will include an opinion as to whether Dr. Contreras is maintaining professional and personal boundaries in accordance with this Consent Order and practicing medicine in accordance with the prevailing standards of medical practice for maintaining proper boundaries and ensuring proper respect for patients and their rights. Dr. Contreras may petition the Board for relief from the requirements of this paragraph following receipt of six (6) quarterly reports attesting to the quality of his practice, which request the Board may grant or deny in its sole discretion. Dr. Contreras shall bear all costs associated with the practice monitor program.

(4) Chaperones; Reports. Dr. Contreras shall designate one or more workplace chaperones, acceptable to and preapproved by the Board or its designee, in whose physical presence and under whose direct observation he shall conduct the entirety of any and all visits and examinations of female patients in the office setting, in accordance with the procedures and protocols recommended by the practice monitoring program. Any chaperone shall be a nurse or other health care professional licensed by and in good standing with a health care professional and occupational regulatory board in this state. Dr. Contreras shall insure that the chaperones sign and date all charts/electronic health records. Dr. Contreras shall promptly report, and cause the chaperones to promptly report, in writing to the Board any instance of noncompliance with the requirements of this paragraph. For all encounters with female patients in any other healthcare setting (hospital, nursing home, etc.), Dr. Contreras shall also use chaperones who also shall meet the licensing requirements of the preapproved office setting chaperones. The name and professional title of all licensed chaperones shall be entered by Dr. Contreras into the medical record when Dr. Contreras visits, examines, or treats patients in these settings. Dr. Contreras may petition the Board for relief from his relationship with the practice monitoring program, but not the other requirements of this paragraph, at the same time he petitions the Board for relief from the requirements of paragraph 3 of this Order.

(5) Notification to Employers/Facilities. Dr. Contreras shall provide a copy of this Consent Order to each employer for whom he, and/or to each facility at which he, provides services as a physician in this state.

(6) Absence from the State/Practice/Effect on Probation. Should Dr. Contreras at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a physician, for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period ordered herein shall be deemed interrupted and extended for no less than the period of time during which he was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed at the Board's discretion.

(7) Cooperation with the Board's Probation and Compliance Officer. Dr. Contreras shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers, and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Consent Order.

(8) Probation Monitoring Fee. For each year of the probationary period, Dr. Contreras shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(9) Effect of Violation/Sanction. By his subscription hereto, Dr. Contreras acknowledges that his receipt of written notification that the Board has received reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise 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, constitute his irrevocable consent to the immediate suspension of his license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges.

(10) Social Media Contact with Patients. By his subscription hereto, within (30) days of this Order Dr. Contreras shall provide written confirmation to the Board in the form of an affidavit that he has ceased any and all personal social media contact with his patients whether through an electronic application, Facebook, Twitter, text messages, email, telephone, cell phone or otherwise.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Dr. Contreras shall be deemed adequate and sufficient cause, upon proof of such

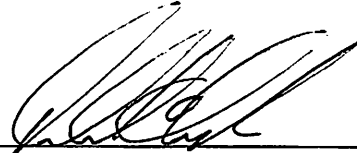
violation or failure, for such action against Dr. Contreras' license to practice medicine in this state as the Board may deem appropriate, as if such violation were enumerated among the causes provided in La. Rev. Stat. §37:1285; and,

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 9th day of December, 2019.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:



Roderick V. Clark, M.D.
President

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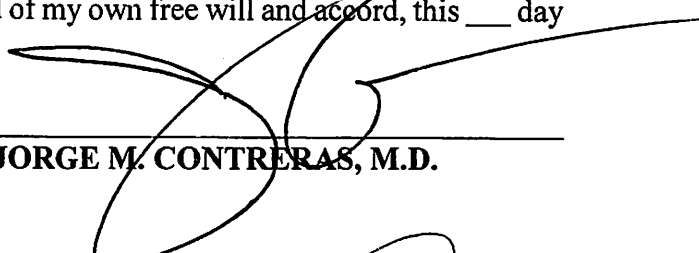
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Acknowledgment and Consent on Following Page.

**ACKNOWLEDGMENT
AND CONSENT**

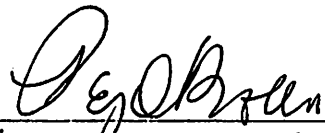
STATE OF Louisiana
PARISH OF Orleans

I, Jorge M. Contreras, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this ___ day of November, 2019.



JORGE M. CONTRERAS, M.D.

WITNESSES:

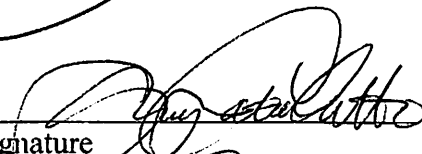


Signature
PEGGY O Bodine

Typed Name
1100 Poydras St. Ste 2150

Address
New Orleans, LA 70163

City/State/Zip Code



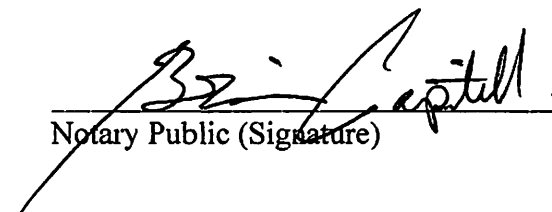
Signature
Gwyn PATALANOTTO

Typed Name
1100 Poydras St

Address
N.O. La 70163

City/State/Zip Code

Sworn to and subscribed before me this 15th day of November, 2019 in the presence of the two stated witnesses.



Notary Public (Signature)

Brian Capitelli La Bar #27398

Printed Name & Notary or Bar Number