

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE  
LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

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**IN THE MATTER OF:**

**JOHN SCOTT McCABE, M.D.**  
*(Certificate No. MD.05196R)*  
*Respondent*

**No. 19-I-223**

**CONSENT ORDER  
FOR ISSUANCE OF REDUCED  
FEE LICENSE**

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information relating to Dr. John Scott McCabe, M.D. ("Dr. McCabe"). Dr. McCabe is a physician with a specialty in plastic surgery, who at all times material to the facts and matters alleged herein was licensed and engaged in the practice of medicine in and around Alexandria, Louisiana, as evidenced by Certificate No. MD.05196R. Dr. McCabe voluntarily surrendered his clinical privileges at an area ambulatory surgical center following an investigation which revealed that he had removed a patient's breast implant from an infected breast wound and reused the same implant in the patient during a subsequent surgery approximately six weeks later.

Dr. McCabe provided a written response to the Investigating Officer assigned by the Board. In his written response, Dr. McCabe acknowledged that he resigned from the surgical center as a result of reusing a breast implant, and further acknowledged that such conduct is not compliant with current standards of medical practice.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter has determined that probable cause exists to file formal charges against Dr. McCabe, for violation of the Louisiana Medical Practice Act (the "Act"), pursuant to La. R.S. 37:1285A(13)<sup>1</sup> and (14).<sup>2</sup>

Dr. McCabe subsequently advised the Investigating Officer that he voluntarily allowed his medical license to lapse in October 2019, he has been retired for over seven months, and that he no longer wishes to actively practice medicine in this state. Dr. McCabe is over seventy years old and, therefore, meets the age requirement for issuance of a reduced fee license. Dr. McCabe further has fully cooperated in the Board's investigation of this matter.

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<sup>1</sup> Under La. R.S. 37:1285A(13), the Board may take action against the license of a physician based on "[u]nprofessional conduct, including but not limited to . . . failing to practice within the scope of education, training, and experience, intentionally falsifying or fraudulently altering records, or failing to create or maintain records."

<sup>2</sup> Under La. R.S. 37:1285A(14), the Board may take action against the license of a physician based on "[m]edical incompetency, including but not limited to, incompetency manifested by continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state."

As evidenced by his subscription hereto, Dr. McCabe acknowledges that the information developed by the Board's investigation would constitute probable cause for the institution of administrative proceedings against his medical license and that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate.

Recognizing his right to have notice of any allegation or charge asserted against him, to administrative adjudication of such allegation or charge pursuant to La. R.S. 49:951 *et. seq.* and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. McCabe, nonetheless, hereby waives his right to formal charges and formal adjudication and pursuant to La. R.S. 49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto Dr. McCabe acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Practice Act, La. R.S. 49:951 *et. seq.* or otherwise may be afforded to him by law to contest his agreement to or the force and effect of the Board's investigation or this document in any court. Dr. McCabe, furthermore, 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. R.S. 49:960. Dr. McCabe expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order. Based upon the information provided, 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. R.S. 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. R.S. 37:1285 and La. R.S. 49:955(D);

**IT IS ORDERED** that John Scott McCabe, M.D. shall no longer hold an unrestricted license to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. MD.012775, but his license shall hereby permanently be **CONVERTED TO A REDUCED FEE BASIS** pursuant to Louisiana Administrative Code 46:XLV § 418, provided, however, that such license and Dr. McCabe's 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) No Active Medical Practice in Louisiana.** Pursuant to Louisiana Administrative Code 46:XLV § 418(C), and at no time following the effective date of this Order shall Dr. McCabe engage or seek to engage in the active practice of medicine in this state, including but not limited to the business of, or the actual engagement in, the diagnosing, treating, curing, or relieving of any bodily or mental disease, condition, infirmity, deformity, defect, ailment, or injury in any human being, other than himself, whether by the use of any drug, instrument or force, whether physical or psychic, or of what other nature, or any other agency or means; or the examining, either gratuitously or for compensation, of any person or material from any person

for such purpose whether such drug, instrument, force, or other agency or means is applied to or used by the patient or by another person; or the attending of a woman in childbirth without the aid of a licensed physician or midwife.

- (2) **No Prescribing Authority.** Pursuant to Louisiana Administrative Code 46:XLV § 418(A), and if Dr. McCabe has not done so already, he shall surrender his DEA registration and any other federal or state licensure or registration to prescribe, dispense, or administer any medications, including but not limited to, controlled substances and legend drugs, and at no time following the effective date of this Order shall Dr. McCabe continue to hold, obtain, or seek to obtain state licensure or federal registration for the prescribing, dispensing or administration of any medications and Dr. McCabe shall not prescribe, dispense, or administer controlled substances or legend drugs to any person.

**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. McCabe shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. McCabe's license in the state of Louisiana as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. R.S. 37:1285(A).


**IT IS FURTHER ORDERED** that if, after issuance of such reduced-fee license, Dr. McCabe seeks to return to practice medicine in this state, he must fully comply with the terms of this Order and with the procedures outlined in Louisiana Administrative Code 46:XLV § 418(C), which requires application to and approval by the Board. For any such application the Board in its sole discretion may grant or deny, and for any such re-licensure or re-admission the Board shall provide any and all terms, conditions and requirements that the Board, in its sole discretion, may order.

**IT IS FURTHER ORDERED** that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 28th day of September, 2020.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

BY: \_\_\_\_\_

  
RODERICK V. CLARK, M.D.  
President

*Acknowledgment and Consent on Following Page*

**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA

PARISH OF Rapides

I, JOHN SCOTT MCCABE, 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 20<sup>th</sup> day of July, 2020.

John Scott McCabe  
JOHN SCOTT MCCABE, M.D.

WITNESSES:

Nancy A. McCabe  
Signature

NANCY A. MCCABE  
Typed Name

160 Kincaid Lane  
Street Address

Boyce, LA 71409  
City/State/Zip Code

Brandy Gintz  
Signature

Brandy Gintz  
Typed Name

215 Philadelphia Rd  
Street Address

Pineville, LA 71360  
City/State/Zip Code

Sworn to and subscribed before me this 20<sup>th</sup> day of July, 2020, in the presence of the two stated witnesses.

Jill Hooper  
Notary Public (Signature)

Name: Jill Hooper

Notary/Bar No.: 59346

Commission expires: upon death