

**LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**

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**BEFORE THE  
LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

**No. 2021-I-1120**

**IN THE MATTER OF:**

**JUAN CARLOS MARTINEZ PEREZ, M.D.**  
*(Credential No. 307204),  
Respondent*

**CONSENT ORDER**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of apparently reliable information that Juan Carlos Martinez Perez, M.D. ("Dr. Martinez"), a physician licensed to practice medicine in the state of Louisiana as evidenced by Credential No. 307204, had self-reported to the Healthcare Professionals Foundation of Louisiana ("HPFL") after a patient complained that he made unprofessional comments during a patient visit. At all times material to the facts and matters alleged herein, Dr. Martinez had been engaged in the practice of family medicine in and around Hammond, Louisiana.

Dr. Martinez was previously referred by the Board to the HPFL in 2014 as a condition to the Board granting Dr. Martinez a residency permit to practice in the Louisiana Family Medicine residency program. The Board referred Dr. Martinez to the HPFL because he had previously been monitored by the Washington State Physicians Health Program in connection with two boundary violations that had occurred there in 2007. Dr. Martinez successfully completed both his residency and his HPFL contract without incident.

Investigation of the captioned matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., Director of Investigations (the "Investigating Officer") for the Board. During the course of the investigation, the Investigating Officer confirmed that, on or around August 25, 2021, Dr. Martinez self-reported to the HPFL after being accused by a patient of making unprofessional comments during a patient visit. The investigation also revealed that, on or around November 15, 2021, Dr. Martinez resigned from the clinic at which he was employed due to the unprofessional comments at issue. The investigation also revealed that the patient complaint pertained only to inappropriate language and that there were no allegations of inappropriate physical contact with patients, colleagues, or staff.

Dr. Martinez has cooperated with the Investigating Officer and HPFL throughout the investigation, including by attending at HPFL's request an evaluation at a Board-approved facility on or around September 1, 2021, after which Dr. Martinez's evaluators determined that he was fit to practice medicine with reasonable skill and safety as long as he adhered to his evaluators' treatment recommendations. On September 17, 2021, Dr. Martinez executed a new five-year monitoring agreement with the HPFL that incorporates his evaluators' treatment recommendations, and as of the Effective Date of this Order, Dr. Martinez remains in good standing with the HPFL.

Dr. Martinez also has accepted responsibility for his behavior and has demonstrated a commitment to fully comply with all educational and monitoring requirements to ensure his future safety to practice, including by completing a Board-approved three-day CME course on Maintaining Proper Boundaries. Finally, Dr. Martinez has not practiced medicine in an in-person clinical setting since being made aware of the patient complaint and has spent most of the time since the complaint refraining from the practice of medicine entirely so that this matter could be resolved.

As evidenced by his subscription hereto, Dr. Martinez acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing would establish sufficient cause to take action with respect to his license pursuant to the Louisiana Medical Practice Act (the "Act") pursuant to La. R.S. 37:1285(A)(13).<sup>1</sup>

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Martinez 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. R.S. 49:955-65, Dr. Martinez, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. R.S. 49:955(D) consents to entry of the Order set forth hereinafter. Dr. Martinez acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 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. Martinez 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. R.S. 49:960. Dr. Martinez 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.

Based upon the information provided, and upon the recommendation of the Investigating Officer, the Board hereby concludes that, consistent with its mandate under La. R.S. 37:1261, the

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<sup>1</sup> The Board may take action against a medical license for "[u]nprofessional conduct, including but not limited to, conduct manifested as sexual misconduct[.]" La. R.S. 37:1285(A)(13); *see also* La Admin. Code tit. 46, pt. XLV, § 7603.

interests of public health, safety, and welfare 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 the license of Juan Carlos Martinez Perez, M.D., to practice medicine in the State of Louisiana as evidenced by Credential No. 307204, is hereby placed ***ON PROBATION*** for a period of five (5) years or until such time as he shall have successfully completed his current HPFL contract, whichever occurs first (the “probationary period”), *provided, however*, that the continuing exercise of any rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) Continuing Treatment, Participation in HPFL, Reports to Board.** Dr. Martinez shall continue to maintain his current monitoring agreement with the HPFL through completion. Dr. Martinez shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring which are contained in his current HPFL agreement and any amendments thereto, or any subsequent agreement or amendments thereto which may be recommended by the HPFL as well as those recommended by his treating physicians and those prescribed by any other health care provider involved in his care to the extent that they continue to follow him. Dr. Martinez shall, in addition, authorize and cause his treating and monitoring physicians and/or the HPFL to submit to the Board or its designee, not less frequently than quarterly, written reports and/or verbal reports, should the Board or its designee desire the latter, on his then-current prognosis, participation in treatment or therapy, his fitness and ability to practice medicine with reasonable skill and safety to patients, and his compliance with the terms, conditions and restrictions of this Order and his HPFL monitoring agreement.
- (2) Continuing Medical Education.** Dr. Martinez shall, within sixty (60) days of the Effective Date of this Order, provide confirmation that he has taken and successfully completed a continuing medical education course on maintaining proper boundaries that is acceptable to the Board.
- (3) Workplace Chaperones.** Prior to his return to the practice of medicine, Dr. Martinez shall designate one or more female 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, examinations, and interactions with female patients. Any chaperone shall be a nurse or other health care professional licensed by and in good standing with a health care professional occupational regulatory board in this state.
- (4) Notification of Order and Authorization.** Dr. Martinez shall provide a copy of this Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state, and upon request of the Board’s probation officer Dr. Martinez shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review

records or other employment records pertaining to Dr. Martinez from any hospital, institution or other health care entity where Dr. Martinez has or has had privileges.

- (5) Cooperation with Board's Probation and Compliance Officer.** Dr. Martinez shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and/or 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, specifically including without limitation providing cooperation and assistance to the Board or its designee in obtaining any records under Sections 4 and 5 of this Consent Order.
- (6) Absence from the State/Practice/Effect on Probation.** Should Dr. Martinez at any time be absent from the State of Louisiana, relocate to and/or take up residency in another state or country for a period of thirty (30) days or more, he will so advise the Board or its designee in writing. In such instance, the probation ordered herein and all terms, conditions and restrictions thereof shall be deemed interrupted and extended and shall not commence again until Dr. Martinez notifies the Board in writing that he has resumed practicing as a physician in Louisiana.
- (7) Probation Monitoring Fee.** For each year of the probation, Dr. Martinez shall pay the Board an annual 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.
- (8) Effect of Violation/Sanction.** By his subscription hereto, Dr. Martinez acknowledges that his receipt of written notification that the Board has received reliable information indicating his failure to comply with the requirements set forth by this Consent 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. R.S. 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 as a physician in this state pending a hearing before the Board and the conclusion of the administrative proceeding by issuance of a final decision following administrative adjudication of such charges.
- (9) Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Martinez shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Martinez's compliance with the requirements of this provision.

**(10) Effective Date.** This Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

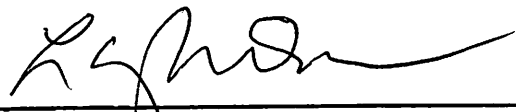
**IT IS FURTHER ORDERED** that any violation of or failure of strict compliance with any of the terms set forth by this Order by Dr. Martinez shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Martinez's license to practice medicine in the state of Louisiana as the Board may deem appropriate as if such violations were enumerated among the causes provided in La. R.S. 37:1285.

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

New Orleans, Louisiana, this 16<sup>th</sup> day of September, 2022.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

By: \_\_\_\_\_



LESTER W. JOHNSON, M.D.  
*President*

*Acknowledgment and Consent on Following Page*

**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA

PARISH OF St Tammany

I, JUAN CARLOS MARTINEZ PEREZ, 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 9 day of September, 2022.

JCMartinez?

JUAN CARLOS MARTINEZ PEREZ,

M.D.

WITNESSES:

[Signature]

Signature

TRACY SALVAGGIO  
Typed Name

1705 Hwy 190 STE 11  
Street Address

MONROVIE LA 70448  
City/State/Zip Code

[Signature]

Signature

Kristin Cheney  
Typed Name

515 Mayhew Branch Dr  
Street Address

Monroville, La 70448  
City/State/Zip Code

Sworn to and subscribed before me this 9 day of Sept, 2022, in the presence of the ~~two~~ stated witnesses.

Notary Public (Signature)

Name: Carole A Brancowicz  
Notary/Bar No.: 65477  
Commission expires: upon death

