



# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130  
Phone: (504) 568-6820; Fax: (504) 324-0994  
Web site: <http://www.lsbme.la.gov>

## BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

No. 2022-I-535

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IN THE MATTER OF:

CONSENT ORDER

**JANET R. SMITH, M.D.**  
(*Credential No. 327051*),  
*Respondent*

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The above-captioned matter was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information indicating that Janet R. Smith, M.D. ("Dr. Smith"), a physician who at all times pertinent has been licensed and engaged in the practice of medicine in and around Covington, Louisiana, had a return to use.

Dr. Smith had previously executed a monitoring agreement with the Healthcare Professionals Foundation of Louisiana ("HPFL") on or around June 17, 2021, for a substance use disorder. In her HPFL monitoring agreement, Dr. Smith agreed to maintain "complete and total abstinence from any and all potentially addictive chemicals which may be over-the-counter, scheduled, or unscheduled (including but not limited to alcohol, alcohol containing products, marijuana, [and other substances]) except as prescribed for a legitimate medical condition by a healthcare provider who is knowledgeable in, and aware of my history, diagnosis, and/or treatment for chemical dependency." Dr. Smith also agreed to undergo "drug testing by breath, blood, urine, saliva, and/or hair sample."

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 Dr. Smith tested positive for THC on or around May 31, 2022, and July 13, 2022, while under her HPFL monitoring agreement. At the HPFL's request, Dr. Smith underwent an evaluation at a Board-approved facility, after which Dr. Smith's evaluators recommended that she complete an eight-week residential addiction treatment program. Dr. Smith completed the recommended residential addiction treatment program, and her evaluators diagnosed her with: (1) cannabis use disorder, moderate; (2) alcohol use disorder, mild, relapse; and (3) sedative/hypnotic use disorder, mild, in remission. Dr. Smith also completed an intensive outpatient treatment program, after which her treatment providers determined that she is fit to practice medicine with reasonable skill and safety as long as she follows her treating providers' recommendations.

Dr. Smith has cooperated with the investigation, including by undergoing the evaluation recommended by the HPFL, following her evaluators' treatment recommendations, and meeting with the Investigating Officer to discuss the investigation. Dr. Smith has taken responsibility for her actions and executed a new HPFL monitoring agreement on or around October 11, 2022.

As evidenced by her subscription hereto, Dr. Smith 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 her license to practice medicine pursuant to the Louisiana Medical Practice Act (the "Act"), La. R.S. 37:1285(A)(5) and (12).<sup>1</sup>

Recognizing her right to have notice and administrative adjudication of any charges that may be asserted against her in these proceedings, at which time Dr. Smith would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her 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. Smith, nonetheless, hereby waives her 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. Smith acknowledges that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951 et seq., or which may be afforded to her by any other law to contest or appeal her agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By her subscription hereto, Dr. Smith 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 she waives any objection to such disclosures under La. R.S. 49:960. Dr. Smith 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 her 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 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 Janet R. Smith, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Credential No. 327051, be and the same is hereby, placed **ON PROBATION** for a period of five (5) years from the effective date of this Order, or upon the successful completion of Dr. Smith's current, five-year HPFL contract (executed on October 11, 2022), whichever occurs first (the "probationary period"), *provided*,

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<sup>1</sup> Pursuant to La. R.S. 37:1285(A)(5), "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 pursuant to this Part for the following causes:...(5) Habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence....[and] (12) An inability to practice medicine with reasonable skill or safety due to mental illness or deficiency, including but not limited to deterioration through the aging process or the loss of motor skills or excessive use or abuse of drugs, including alcohol."

*however*, that Dr. Smith's continuing exercise of the rights and privileges granted thereby, shall be conditioned upon and subject to her acceptance of and strict compliance with the following terms, conditions, and restrictions:

- (1) **Continuing Treatment, Participation in HPFL, Reports to Board.** Dr. Smith shall continue to maintain a monitoring agreement with the HPFL for a period of no less than five (5) years. Dr. Smith shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring which are contained in her current monitoring 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 her treating physicians and those prescribed by any other health care provider involved in her care to the extent that they continue to follow her. Dr. Smith shall, in addition, authorize and cause her 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 her then-current treatment diagnosis, prognosis, course of treatment, her fitness and ability to practice medicine with reasonable skill and safety to patients, and her compliance with the terms, conditions and restrictions of this Order and her HPFL monitoring agreement.
- (2) **Maintenance of Complete Abstinence.** Dr. Smith shall maintain complete and total abstinence from the use of alcohol, controlled and any mood-altering substance for as long as she holds a license to practice medicine in this state, except as may be prescribed by a treating physician other than herself for a legitimate medical condition. Dr. Smith shall personally inform the HPFL and the Board's Compliance Officer, both orally and in writing, within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by her from any physician for treatment of a legitimate medical condition. If the prescription is from another physician, she shall also inform her treating/monitoring physician in this same manner.
- (3) **Drug and Alcohol Screens.** Dr. Smith shall submit to periodic, unannounced blood, urine, saliva and/or hair collection and/or other screens, including EtG and PEth levels, to detect the presence of alcohol and/or other mood-altering substances for the duration of the probationary period. Such screenings shall be random and shall occur at a frequency determined by the HPFL or its designee. Unless and until this condition is modified or rescinded by the Board or its designee, Dr. Smith shall authorize and cause such physician or testing facility and/or the HPFL to report the results of such drug screens to the Board or its designee not less frequently than quarterly throughout the probationary period.
- (4) **Participation in Required Alcoholics Anonymous Meetings.** Dr. Smith shall participate in Alcoholics Anonymous ("AA") meetings at the specified frequency required by her monitoring agreement with the HPFL.
- (5) **Aftercare and Caduceus Programs.** Dr. Smith shall, within thirty (30) days of the effective date of this Order, provide confirmation that she is enrolled in individual

aftercare and Caduceus programs on a weekly basis that are consistent and compliant with her HPFL monitoring agreement and that are acceptable to and have been approved by the Board or its designee in writing. Dr. Smith shall update the Board or its designee annually on her continuing participation in the aftercare program. Dr. Smith shall also return to an outpatient facility approved by the Board or its designee for mirror imaging quarterly for the first year of the probationary period. Thereafter, any mirror imaging requirements shall occur on a basis to be determined by her outpatient facility.

- (6) **Counseling.** Dr. Smith shall, within thirty (30) days of the effective date of this Order, provide confirmation that she is enrolled in counseling that is consistent with her treating providers' recommendations and her HPFL monitoring agreement and that has been approved by the Board or its designee in writing. Dr. Smith further shall ensure that such approved counselor provides a monthly written report to the Board or its designee confirming her participation in counseling.
- (7) **Board Access to Treatment Records and Reports.** Dr. Smith shall, and does by her subscription hereto, authorize any physician, healthcare professional or any institution at which she undergoes treatment, as well as any physician under whose care she may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor her, to provide the Board or its designee with copies of all medical reports relating to Dr. Smith's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board or its designee with written and verbal reports relative thereto. Dr. Smith expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and acknowledges that she shall immediately provide the Board or its designee written authorization to obtain such records upon request.
- (8) **Notification and Authorization.** Dr. Smith shall provide a copy of this Consent Order and any Superseding Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom she provides services as a physician in this state, and upon request of the Board's probation officer Dr. Smith shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or employment records pertaining to Dr. Smith from any hospital, institution or health care entity at which Dr. Smith has or has had privileges.
- (9) **Cooperation with Board's Probation and Compliance Officer.** Dr. Smith shall immediately notify the Board's Probation and Compliance Officer of any change in her current home and professional addresses and telephone numbers and she shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officers, with whom she shall cooperate on all matters and inquiries pertaining to her 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 this Consent Order.

- (10) **Absence from the State/Practice/Effect on Probation.** Should Dr. Smith at any time 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 she will so advise the Board 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. Smith notifies the Board in writing that she has resumed the practice of medicine in Louisiana.
- (11) **Probation Monitoring Fee.** For each year of the probation, Dr. Smith 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 date of this order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
- (12) **Effect of Violation/Sanction.** By her subscription hereto, Dr. Smith acknowledges that her receipt of written notification that the Board has received reliable information indicating her 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 her with any right to which she 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 her by law, constitute her irrevocable consent to the immediate or continued suspension of her license to practice medicine 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.
- (13) **Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Smith shall provide the Board with an affidavit certifying that she 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. Smith's compliance with the requirements of this provision.
- (14) **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 Dr. Smith may, with the advocacy of the HPFL, petition the Board for relief from probationary status and/or any of the above terms, no sooner than three (3) years from the effective date of this Order, which petition the Board may, in its sole discretion, grant, grant in part, or deny. As an express condition to the consideration of such petition, Dr. Smith shall provide the Board with an affidavit certifying that she has complied with each of the terms of probation imposed by this Order, and she shall make herself available upon request for a personal appearance before the Board or its designee to discuss her compliance and then-current practice and future plans for practice in this state.

**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. Smith shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Smith'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.

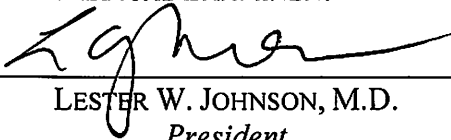
**IT IS FURTHER ORDERED** that this Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

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

New Orleans, Louisiana, this 23<sup>RD</sup> day of January, 2023.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

By:

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

*Acknowledgment and Consent on Following Page*

**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA  
PARISH OF Orleans

I, JANET R. SMITH, 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 November, 2022.

Janet R. Smith M.D.  
JANET R. SMITH, M.D.

WITNESSES:

[Signature]  
Signature

Sam Hill/Doug Clark  
Typed Name

422 S. Broad Street  
Street Address

New Orleans, LA 70119  
City/State/Zip Code

Janet R. Smith M.D. *gs*  
Signature

Janet R. Smith, M.D.  
Typed Name

3615 Louisiana Avenue Pkwy  
Street Address

New Orleans, LA 70125  
City/State/Zip Code

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

[Signature]  
Notary Public (Signature)

Name: Susan W. Bergeron  
Notary/Bar No.: 85448  
Commission expires: Life

Susan W. Bergeron  
Statewide Notary Public # 85448  
State of Louisiana, Parish of Jefferson  
My Commission Is For Life