



LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

No. 2023-I-30

IN THE MATTER OF:

CONSENT ORDER

ROBERT K. DEAN, M.D.
(Credential No. MD.11621R)
Respondent

The Louisiana State Board of Medical Examiners (“the Board”) has received reliable information that, on or about December 20, 2022, Robert K. Dean, M.D., a physician who at all times pertinent has been licensed by the Board, as evidenced by Credential No. MD.11621R, and engaged in the practice of family medicine in and around Baton Rouge, Louisiana, entered a plea of guilty to two counts of making false statements relating to health care matters in violation of 18 U.S.C. § 1035, in the United States District Court for the Middle District of Louisiana, each count of which is a felony under the laws of the United States.¹

In the plea agreement, Dr. Dean stipulated that:

Beginning in or around 2017 and continuing through in or around March 2019, Dean worked as an independent contractor, typically through staffing companies, for various purported telemedicine companies. In this role, these various purported telemedicine companies paid Dean to review requests for [durable medical equipment (“DME”)] prepared by associated marketing companies and approve orders for DME. In approving these DME requests, Dean electronically signed orders and letters of necessity falsely and fraudulently certifying that he had consulted with beneficiaries and conducted various examinations and tests prior to ordering DME (collectively, “fraudulent orders”). For example, Dean signed fraudulent orders stating that he was ordering DME “[b]ased on my examination of this patient.” In reality, Dean occasionally contacted beneficiaries via telephone but never saw beneficiaries fact-to-face and never conducted the identified tests and examinations that he certified as having performed. The various telemedicine

¹ See Plea Agreement, Doc. No. 35, *United States v. Dean*, No. 20-cr-67 (M.D. La. Dec. 20, 2022); see also Bill of Information, Doc. No. 1, *United States v. Dean*, No. 20-cr-67 (M.D. La. Sept. 30, 2022).

Dr. Dean timely self-reported his guilty plea to the Board and advised that, as of October 2022, he had not been actively practicing medicine.

companies paid Dean approximately \$30 for each DME request he approved, irrespective of Dean's whether he [(sic)] performed the necessary tests and examinations, and thereafter sold Dean's fraudulent orders to various DME suppliers, including DME suppliers located in the Middle District of Louisiana and elsewhere.²

Dr. Dean further stipulated that:

In total, based on Dean's false statements and fraudulent orders, Dean caused various DME suppliers to submit \$1,335,449.41 million in claims to Medicare, specifically for supplying to knee braces to beneficiaries located in the Middle District of Louisiana and elsewhere that were medically unnecessary. Of this amount, the DME suppliers were reimbursed approximately \$717,317.60. For his participation in the scheme, Dean personally profited in the approximate amount of \$108,400.³

Dr. Dean's sentencing is currently set for March 16, 2023.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists to file formal charges against Dr. Dean for violations of the Louisiana Medical Practice Act (the "Act"), pursuant to La. R.S. 37:1295(A)(1)⁴, (2)⁵, (11)⁶, and (19).⁷

As evidenced by his subscription hereto, Dr. Dean acknowledges that the above-described information would constitute probable cause for the institution of administrative proceedings against his medical license and that proof of such information upon administrative evidentiary

² Plea Agreement, at 6.

³ Plea Agreement, at 7.

⁴ La. R.S. 37:1285(A)(1) ("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: (1) Conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States.").

⁵ La. R.S. 37:1285(A)(2) ("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: . . . (2) Conviction of a crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of medicine.").

⁶ La. R.S. 37:1285(A)(11) ("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: . . . (11) Making or submitting false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value.").

⁷ La. R.S. 37:1285(A)(19) ("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: . . . (19) Soliciting, accepting, or receiving anything of economic value in return for and based on the referral of patients to another person, firm, or corporation or in return for the prescription of medications or medical devices.").

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 and administrative adjudication of any charges that may be filed in this matter, at which time Dr. Dean 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. 49:950 *et seq.*, Dr. Dean, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision and pursuant to La. R.S. 49:975(D)⁸, consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. Dean also waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:950 *et seq.*, or which 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 or other forum or body relating to the matters referred to herein. By his subscription hereto, Dr. Dean 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. R.S. 49:977.2.⁹ Further, Dr. Dean 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 filing and adjudication of an Administrative Complaint against him, or to the Board's capacity to adjudicate any charges that may be filed in this matter should the Board decline to approve this Order.

Based upon the information provided, accordingly, 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, 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. 49:975(D);

IT IS ORDERED that the license of Robert K. Dean, M.D., to practice medicine in the State of Louisiana, as evidenced by Credential No. MD.11621R, is hereby placed on **INDEFINITE SUSPENSION**.

IT IS FURTHER ORDERED that the reissuance or reinstatement of Dr. Dean's license to practice medicine in the State of Louisiana shall be subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

1. Suspension; Reissuance/Reinstatement. Dr. Dean shall not practice medicine in the State of Louisiana until and unless the Board issues and serves on him a written order reissuing or reinstating his medical license. As express conditions to Dr. Dean's petition or request of the Board for such an order, Dr. Dean shall have: (1) been released from any period of incarceration and successfully completed any period of probation/supervised release imposed by the Court as a result of the above mentioned conviction; (2) scheduled and met with the Investigating Officer of

⁸ Redesignated from La. R.S. 49:955 by 2022 La. Act No. 663, eff. Aug. 1, 2022.

⁹ Redesignated from La. R.S. 49:960 by 2022 La. Act No. 663, eff. Aug. 1, 2022.

the Board to discuss his then-current status and plans for resumption of practice; (3) satisfied the eligibility and other requirements of the Board's rules governing license issuance or reinstatement as of the date of his petition or request, La. Admin. Code tit. 46, pt. XLV, ch. 3; and (4) demonstrated to the Board's satisfaction his competency to resume practice with skill and safety to patients. Thereafter, any petition or request for reissuance or reinstatement of medical licensure made by Dr. Dean shall be granted or denied, at the sole discretion of the Board, and on such probationary terms, conditions and/or restrictions as the Board may then deem appropriate.

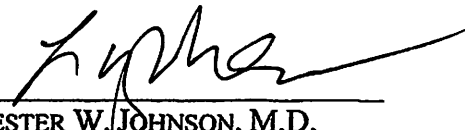
2. **Effective Date.** This Consent Order shall be effective on the date it is approved and accepted by the Board as shown by the signature of its representative below.

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. Dean shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Dean's license to practice medicine in the State of Louisiana, or for such other action 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 27th day of February, 2023.

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 Livingston

I, ROBERT K. DEAN, 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 8 day of February, 2023.



ROBERT K. DEAN, M.D.

WITNESSES:

Kayla McClendon
Signature

Kaylee McClendon
Typed Name

34409 LA Hwy 16
Street Address
Denham Springs
Baton Rouge, LA 70706
City/State/Zip Code

(KD)



Tasha McClendon
Typed Name

34409 LA Hwy 16
Street Address

Denham Springs, LA 70706
City/State/Zip Code

Sworn to and subscribed before me this 8 day of February, 2023, in the presence of the two stated witnesses.

Kathy Duda
Notary Public (Signature)

Name: Kathy Duda
Notary/Bar No.: 25949
Commission expires: 4/1/24

