



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

IN THE MATTER OF:

RENE JOHN HYMEL, D.P.M.
(Credential No. 303928),
Respondent

No. 2020-I-1091

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 Rene John Hymel, D.P.M. ("Dr. Hymel"), a podiatrist licensed to practice podiatric medicine in the state of Louisiana as evidenced by Credential No. 303928, had self-reported to the Healthcare Professionals Foundation of Louisiana ("HPFL") after engaging in boundary violations. Although Dr. Hymel currently practices podiatric medicine at the New Orleans Veterans Affairs Medical Center, at all times material to the facts and matters alleged herein, Dr. Hymel had been engaged in the practice of podiatric medicine in private practice in and around Hammond, Louisiana.

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. Upon investigation, the Board learned that Dr. Hymel, in an effort to seek treatment at a Board-approved facility, self-reported engaging in sexual relationships, including with two former female patients over the course of his career. Dr. Hymel thereafter provided a written statement to the Board in which he acknowledged his sexual misconduct and also accepted responsibility for his actions.

At the Investigating Officer's request, Dr. Hymel thereafter underwent an evaluation at a Board-approved facility. Dr. Hymel's evaluators concluded that he is fit to practice podiatry with reasonable skill and safety provided that he continued to adhere to the systems of accountability that have been established by his treatment providers.

Dr. Hymel has accepted responsibility for his past behaviors, including by self-reporting his misconduct and voluntarily obtaining treatment at a Board-approved facility. Dr. Hymel also has executed a monitoring agreement with the Healthcare Professionals Foundation of Louisiana ("HPFL"), and he remains compliant with his monitoring agreement. Dr. Hymel also has presented evidence that he continues to comply with his workplace recommendations and systems of accountability recommended by his treatment providers and that he has not had any additional boundary violations beyond those he has self-reported.

Predicated upon the information outlined above, the Investigating Officer assigned by the Board with respect to this matter determined that reasonable cause exists to pursue administrative proceedings against Dr. Hymel for violation of the Louisiana Podiatry Practice Act (the "Act"), La. R.S. 37:624(A)(19).¹

As evidenced by his subscription hereto, Dr. Hymel acknowledges that the foregoing information would constitute probable cause for the institution of administrative proceedings against his podiatric licensure, pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing may establish grounds under the Act for the suspension or revocation of his license to practice podiatric medicine in the state of Louisiana or other such 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. 49:950 *et. seq.* and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. Hymel, nonetheless, hereby waives his right to formal charges and formal adjudication and pursuant to La. R.S. 49:975(D),² consents to entry of the Order set forth hereinafter. By his subscription hereto Dr. Hymel acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Practice Act, La. R.S. 49:950 *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. Hymel, 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. 49:977.2.³ Dr. Hymel 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, 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. 37:624 and La. R.S. 49:975(D);

IT IS ORDERED that, that the license of Rene John Hymel, D.P.M., to engage in the practice of podiatric medicine in the State of Louisiana, as evidenced by Credential No. 303928, be and the same is hereby placed **ON PROBATION** for a period of two (2) years from the effective date of this Order (the "probationary period"), or upon the successful completion of Dr.

¹ Pursuant to La. R.S. 37:624(A), "[t]he board may refuse to issue, suspend, or institute proceedings in any court of competent jurisdiction to revoke any license, permit, or certificate issued under this Chapter for any of the following causes: . . . (19) Unprofessional conduct."

² Redesignated from La. R.S. 49:955 by 2022 La. Act No. 663, eff. Aug. 1, 2022.

³ Redesignated from La. R.S. 49:960 by 2022 La. Act No. 663, eff. Aug. 1, 2022.

Hymel's current, five-year HPFL contract (executed on November 23, 2020), *provided, however*, that Dr. Hymel's continuing exercise of the rights and privileges granted thereby shall be conditioned upon and subject to his continuing acceptance of and strict compliance with the following terms, conditions, and restrictions:

- (1) **Continuing Treatment, Participation in HPFL, Reports to Board.** Dr. Hymel shall continue to maintain a monitoring agreement with the HPFL for a period of no less than two (2) years from the effective date of this Order. Dr. Hymel shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring which are contained in his 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 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. Hymel 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 treatment diagnosis, prognosis, course of treatment, 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.** Within one hundred and twenty (120) days of the effective date of this Order, Dr. Hymel shall provide confirmation that he has registered for, attended, and successfully completed twenty (20) hours of continuing medical education course(s) on boundaries that are acceptable to and have been approved by the Board or its designee in writing prior to scheduling or completing the course(s). Such course(s) shall be in addition to the twenty (20) hours of Board-approved continuing medical education courses required by La. Admin. Code tit. 46 pt. XLV § 1373.
- (3) **Outpatient Program.** Within one hundred and twenty (120) days of the effective date of this Order, Dr. Hymel shall provide confirmation that he is enrolled in an individual outpatient therapy program that is consistent and compliant with his evaluators' recommendations and that is acceptable to and has been approved by the Board or its designee in writing prior to enrollment.
- (4) **Workplace Chaperone.** Within one hundred and twenty (120) days of the effective date of this Order, Dr. Hymel 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. 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. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall remain in effect so long as Dr. Hymel shall hold any form of license or permit to practice medicine in the state of Louisiana.

- (5) **Supervising Physician/Practice Monitor.** Within thirty (30) days of the effective date of this Order, Dr. Hymel shall identify a supervising physician at his place of employment or shall engage the services of a practice monitor at his sole expense to provide the Probation and Compliance Officer with quarterly reports on the status of his maintenance of professional boundaries with his female patients and coworkers.
- (6) **Fine.** Dr. Hymel shall, within one hundred and twenty (120) days of the date of this Order, pay to the Board a fine in the amount of One Thousand Dollars and No/100 (\$1,000.00).
- (7) **Board Access to Treatment Records and Reports.** Dr. Hymel shall, and does by his subscription hereto, authorize any physician, healthcare professional or any institution at which he undergoes treatment, as well as any physician under whose care he may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board or its designee with copies of all medical reports relating to Dr. Hymel's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board or its designee with written and verbal reports relative thereto. Dr. Hymel expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and acknowledges that he shall immediately provide the Board or its designee written authorization to obtain such records upon request.
- (8) **Notification and Authorization.** Dr. Hymel 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. Hymel shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or employment records pertaining to Dr. Hymel from any hospital, institution or health care entity at which Dr. Hymel has or has had privileges.
- (9) **Cooperation with Board's Probation and Compliance Officer.** Dr. Hymel 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 Officers, 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 this Consent Order.
- (10) **Probation Monitoring Fee.** For each year of the probation, Dr. Hymel 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.

- (11) **Effect of Violation/Sanction.** By his subscription hereto, Dr. Hymel 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. 49:950, *et seq.*, or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate or continued suspension of his 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.
- (12) **Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Hymel 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. Hymel's compliance with the requirements of this provision.
- (13) **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.

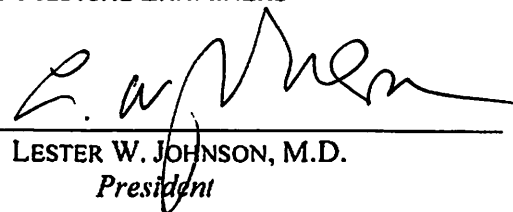
IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms set forth by this Order by Dr. Hymel shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Hymel's license to practice podiatric medicine 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. 37:624.

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 March, 2023.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: _____


LESTER W. JOHNSON, M.D.
President

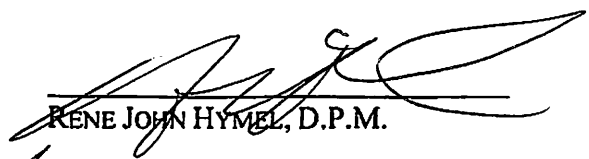
Acknowledgment and Consent on Following Page

**ACKNOWLEDGMENT
AND CONSENT**

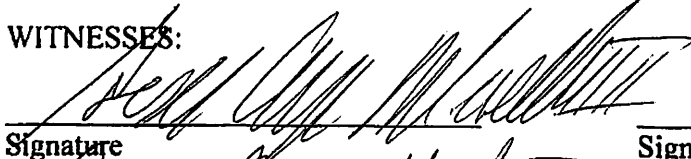
STATE OF LOUISIANA

PARISH OF Jefferson


I, RENE JOHN HYMEL, D.P.M., 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 9th day of March, 2023.


RENE JOHN HYMEL, D.P.M.

WITNESSES:


Signature

George August Mueller
Typed Name


Signature

Jennifer A. Minden
Typed Name

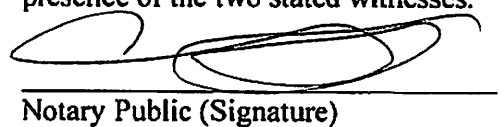
Street Address

City/State/Zip Code

Street Address

City/State/Zip Code

Sworn to and subscribed before me this 9 day of March, 2023, in the presence of the two stated witnesses.


Notary Public (Signature)

Name: _____
Notary/Bar No.: _____
Commission expires: _____

CONRAD MEYER
NOTARY PUBLIC
State of Louisiana
La Bar Roll No. 27574/Notary ID No. 64966
My commission is issued for Life