

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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## IN THE MATTER OF:

**RICHARD CLEMENT, M.D.**  
(Certificate No. 009446)  
Respondent

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## OPINION and RULING 02-A-003

This matter comes before the Board pursuant to an Administrative Complaint which alleges that Respondent, Richard J. Clement, M. D., has refused to undergo inpatient evaluation to ascertain if he is suffering from a psychiatric, neurologic, or physical condition which renders him incapable of practicing medicine with reasonable skill and safety to patients.

The matter was heard before a panel consisting of Drs. Gage-White, LeBlanc, Amusa, Bourgeois, and Laborde, President.

Despite proper notice, Dr. Clement was neither present nor represented.

The matter arose because of a number of complaints from patients relative to the manner in which Respondent was conducting his office practice. There was some correspondence between the Board and Dr. Clement. This correspondence, along with a number of other documents, was submitted by the Board to a specialist in forensic medicine, who was of the opinion that, based on the materials, Dr. Clement could be suffering from an impairment which could affect his ability to practice medicine. This opinion was rendered on January 30, 2002.

Dr. John B. Bobear, the Board's Director of Investigations, then wrote a letter to Dr. Clement, apprising him of the complaints and requesting that he schedule a meeting to discuss the matter. Apparently the meeting was scheduled for February 28, 2002, but Respondent failed to appear. On March 4, 2002, Dr. Bobear once again wrote to Dr. Clement requesting that he reschedule the meeting.

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On March 14, 2002, the March 4, 2002 letter was personally served on Dr. Clement by one of the Board's investigators. When Respondent failed to reply to that letter, Dr. Bobear addressed a third letter to him, on March 27, 2002, advising him that the Board was concerned, not only about the complaints received, but about his mental health, for reasons expressed in the letter. It was suggested that, in lieu of the meeting with Dr. Bobear, which remained an available option, that he undergo an inpatient evaluation for assessment of his mental health. A list of nine facilities, acceptable to the Board, was furnished him. This letter was also personally served on Dr. Clement, and the investigator was advised by Mrs. Clement that Dr. Clement was not going anywhere, and that they were turning the matter over to their lawyer.

The investigator was also advised that Mrs. Clement held full power of attorney from Dr. Clement, and that he would not sign any receipt for the letter, but that she would, and she did so.

Once again, there was no response from Respondent.

On April 8, 2002, Dr. Bobear wrote to Respondent once again. He was advised that, since he had refused a voluntary evaluation, the Board was mandating that he seek inpatient evaluation at a facility approved by the Board. He was further advised that his failure to do so might provide grounds for the Board to take action against his license to practice medicine in Louisiana. This letter was served by certified mail, which was returned unclaimed. It was also served by the Board's investigator on Mrs. Clement, who would not permit the investigator to see Dr. Clement.

Once again there was no response, and, on May 21, 2002, the Administrative Complaint, which is the basis for this hearing, was accepted by the Board. The notice which accompanied the Administrative Complaint set a Pre-Hearing Conference for June 26, 2002. The certified mailing of the above documents was returned unclaimed, but the regular mail was not returned. Dr. Clement did not appear for the Pre-Hearing Conference on June 26, 2002, and the matter was set for hearing on July 17, 2002.

The notice of hearing was sent by certified mail, regular mail, and personal service was attempted. The certified mail was returned unclaimed. The regular mail was not returned. No one answered the knock at Dr. Clement's office and home, so the letter was slipped under the door by the investigator.

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After the above events, the Board's Independent Counsel received a phone call from Mrs. Clement, who said that Dr. Clement had sent in his license, but that Board personnel would not call off the hearing. Independent Counsel advised Mrs. Clement to send a copy of the letter which she said accompanied the license, together with a copy of the license, which she said she had, to him, at his address, and he would see what was going on. Mrs. Clement never sent that material to the Independent Counsel. Board personnel stated that they had never received the license.

Because of his failure to submit to evaluation, Dr. Clement is charged in the complaint with violation of R.S. 37:1270B(5), R.S. 37:1278A, and R.S. 37:1285A(29). The former two sections provide that anyone applying for or accepting a license to practice medicine in Louisiana shall be deemed to have given his consent to submit to mental or physical examination when so directed by the Board. Under R.S. 37:1285A(29), the Board has the authority to discipline the license of anyone who violates any of the provisions of the Medical Practice Act.


From the record, we find it entirely clear that Dr. Clement has been, at all times, fully aware of the nature of the proceedings against him, and has been properly notified of each step in the proceedings. There is ample ground to require an evaluation of Dr. Clement, and he has consistently refused to honor the requests, and the orders of the Board to submit himself to such an examination.

We therefore find Dr. Clement to be guilty of the charges against him, and the following sanctions are imposed.

1. The license of Richard J. Clement, M. D. to practice medicine in the State of Louisiana, Certificate No. 009446, is hereby suspended indefinitely, until such time as he submits himself for inpatient evaluation as heretofore ordered by the Board. Upon receipt of such evaluation, the Board may issue such further sanctions as it may deem appropriate.
2. Respondent shall pay a fine of \$5,000.00, and all costs of this proceeding.

LAFAYETTE, LOUISIANA, this 31<sup>st</sup> day of July, 2002.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

  
BY: ELMO J. LABORDE, M.D., PRESIDENT

Clement, July 2002