

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130

General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250

www.lsbme.org



Telephone: (504) 568-6820

FAX: (504) 568-8893

Writer's Direct Dial:

Ext. _____

No. 04-I-6648

In The Matter Of

LEOPOLDO A. DEALVARE, M.D.

(Certificate No. 07819R)

CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board"), following receipt of information indicating that during the year 2004 Leopoldo A. DeAlvare, M.D. ("Dr. DeAlvare"), a physician who at all times pertinent has been licensed to practice medicine in this state, and engaged in practice in and around Lafayette, Louisiana, was charged with the felony crime of threatening a public official, a police officer, during the course of a traffic stop. At the time of his subsequent arrest he was also allegedly found to be in possession of drug paraphernalia (a pipe with marijuana residue). Although such charges were ultimately dismissed by virtue of his participation in a pretrial diversion program, a review of the Board's records reveal that Dr. DeAlvare neglected to inform the Board of the charges or disposition, as he was required to do, on the renewal application for his medical license for the year 2005.

Investigation of the captioned matter was assigned to Cecilia Mouton, M.D., Director of Investigations for the Board. Dr. Mouton's review and analysis of the matter confirms to her satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. DeAlvare, charging him with enumerated violations of the Act.¹ With respect to the incident giving rise to this investigation, Dr. DeAlvare, on his own behalf, asserts that while he was frustrated and perhaps spoke in anger, that he never threatened or intended to harm anyone. He adamantly denies the use of any illicit substance and states that he had no knowledge of drug paraphernalia, which was allegedly discovered in a shed on his property at the time of his arrest. He now recognizes and

¹ Pursuant to La. Rev. Stat. §37:1285A(3), (13), and (31), the Board may refuse to issue or may suspend or revoke any license or permit, or impose probationary or other restrictions on the license of a physician for: (3) . . . [D]eceipt . . . in obtaining any diploma, license, or permit; (13) '[U]nprofessional conduct;' or (31) '[F]ailure by a physician to self-report in writing to the board any personal action which constitutes a violation of this Part within thirty days of the occurrence.'

acknowledges his responsibility to insure the complete accuracy of information on his renewal application for medical licensure.

Without admitting any violation of the Louisiana Medical practice Act, Dr. DeAlvare, nonetheless, acknowledges the substantial accuracy of the foregoing and that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension, revocation or imposition of such other terms, conditions or restrictions as the Board might deem appropriate on his license to practice medicine in the state of Louisiana. Recognizing his right to have notice of such allegations and charges asserted against him, to administrative adjudication of such charges, at which time he 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. Rev. Stat. §§49:955-965, Dr. DeAlvare, nonetheless, hereby waives his right to notice of charges and formal adjudication. Pursuant to La. Rev. Stat. §49:955(D), Dr. DeAlvare consents to entry of the Order set forth hereinafter and acknowledges and waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act or which otherwise may be afforded to him by law to contest his agreement to or the force and effect of this document in any court relating to the matters referred to herein. By his subscription hereto, Dr. DeAlvare 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. Rev. Stat. §49:960. Dr. DeAlvare expressly acknowledges that the disclosure of 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, accordingly, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §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. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Leopoldo A. DeAlvare, M.D. is hereby OFFICIALLY REPRIMANDED for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that for a period of six months from the date of this Order, Dr. DeAlvare shall submit to periodic, unannounced blood, urine, saliva, and/or hair collection for the presence of controlled or other mood-altering substances by a program or physician designated by the Board. Dr. DeAlvare shall authorize and cause the results of such drug screens to be reported to the Board not less frequently than monthly during such six-month period.

IT IS FURTHER ORDERED that within ninety (90) days of the date of this Order that Dr. DeAlvare shall pay to the Board a fine in the amount of Three Thousand and no/100 Dollars (\$3,000.00).

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Dr. DeAlvare shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

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

Signed in New Orleans, Louisiana, and effective this 20th day of March, 2006.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY:

Kweli J. Amusa, MD
KWELI J. AMUSA, M.D.
Vice President

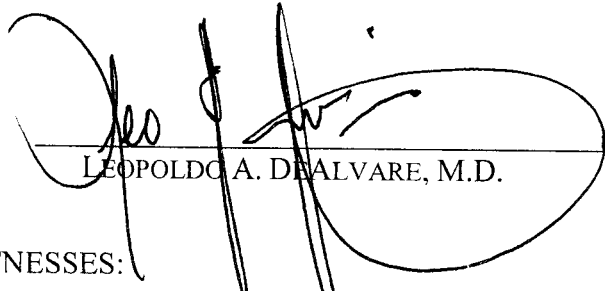
*Acknowledgment and Consent
on Following Page*

STATE OF LOUISIANA

PARISH OF _____

**ACKNOWLEDGMENT
AND CONSENT**

I, LEOPOLDO A. DEALVARE, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 16 day of February 2006.


LEOPOLDO A. DEALVARE, M.D.

WITNESSES:

Jane L Vincent
Signature

Tracy L Vincent
Printed Name

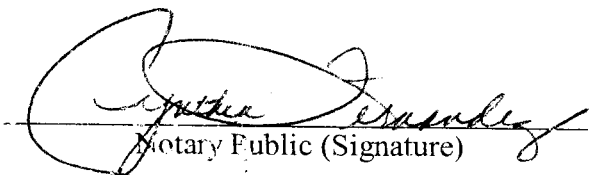
113 Nellie's Lane, Broussard
Address LA 70518

Mary C Ligon
Signature

Mary C. Ligon
Printed Name

105 Swoon Drive, Lafayette, LA
Address 70508

Sworn to and subscribed before me at Lafayette, Louisiana, this 16th day of February, 2006, in the presence of the two stated witnesses.


Notary Public (Signature)

CYNTHIA FERNANDEZ 68602
Printed Name/Notary #