

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250



Telephone: (504) 524-6763

FAX: (504) 568-8893

Writer's Direct Dial:

(504) _____

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:
In The Matter Of
:
OSCAR D. DELLINGER, III, M.D.
:
(Certificate No. 09787R)
:
:
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NO. 00-I-035

**CONSENT
ORDER**

The above-entitled proceeding was docketed for investigation by the Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board"), following notification submitted on behalf of Oscar D. Dellinger, III, M.D. ("Dr. Dellinger"),¹ that in February 2000, he entered into a Consent Order with the Composite State Board of Medical Examiners, State of Georgia (the "Georgia Board"), which imposed terms and conditions upon his license to practice medicine in the state of Georgia.² The Georgia Board's action followed Dr. Dellinger's accidental overdose of the controlled substance meperidine in August 1999, and more than four (4) months of chemical dependency treatment at Talbott Recovery Campus, Atlanta, Georgia. Pursuant to such Order Dr. Dellinger's Georgia license was placed on probation for a period of five (5) years, subject to numerous terms, conditions and restrictions relating to the ongoing monitoring and therapy of his chemical dependency and restrictions relating to his practice.³

As evidenced by his subscription hereto, Dr. Dellinger acknowledges the substantial accuracy of the foregoing information and, further, that proof of such information upon an administrative evidentiary hearing would establish grounds under the Louisiana Medical Practice Act for the suspension, revocation or such other action as the Board might deem

¹Although Dr. Dellinger is licensed to practice medicine in the states of Georgia, Louisiana and Tennessee, he has, at all times pertinent, practiced in the state of Georgia.

²*Consent Order*, In the Matter of Oscar D. Dellinger, M.D., Lic. No. 042809, Docket No. 99-MB-0073 (Composite St. Bd. of Med. Exam., St. of GA, Feb. 4, 2000).

³Pursuant to the Georgia Board's Consent Order, Dr. Dellinger must continue in aftercare treatment, abstain from mood-altering substances, submit to random drug and alcohol screens, be supervised and monitored at work and in therapy by physicians acceptable to the board who are to provide it with periodic written reports, his controlled substance privileges for Schedule II is restricted to institutionalized patients, he is required to utilize triplicate prescriptions and maintain a prescription log for all controlled substances, the numbers of days per week which he is permitted to practice are specified, and he is prohibited from utilizing a physician assistant or nurse practitioner. *Consent Order*, In the Matter of Oscar D. Dellinger, M.D., Lic. No. 042809, Docket No. 99-MB-0073 (Composite St. Bd. of Med. Exam., St. of GA, Feb. 4, 2000).

appropriate against his license to practice medicine in the state of Louisiana, as a result of the restrictions imposed on his license to practice in the state of Georgia.⁴

Recognizing his right to have notice of the allegations and charges asserted against him, to administrative adjudication of such charges, pursuant to La. Rev. Stat. §§49:955-958, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. Dellinger, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Dellinger also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or legal counsel assisting him in that capacity 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. Dellinger expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel 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 the license of Oscar D. Dellinger, III, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 09787R, and his continuing exercise of the rights and privileges thereunder, shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (a) **Practice of Medicine in Louisiana Prohibited; Compliance with Georgia Consent Order.** Dr. Dellinger shall not engage in the practice of medicine in any form in the state of Louisiana, until and unless the Board issues and serves on him a written order authorizing his practice in this state. As an express condition to the issuance of such an order, Dr. Dellinger shall have successfully completed the original or any modified probationary terms and conditions imposed upon his license as a result of the Consent Order which he entered into with the Georgia Board. Dr. Dellinger shall, and does by his subscription hereto, authorize his monitoring physician and/or any representative of the Georgia Board to provide the Board with written and verbal reports relative to his compliance with the terms and conditions of his probation in Georgia. At the conclusion of the probationary period imposed by the Georgia Board, Dr. Dellinger shall cause the Georgia Board to

⁴La. Rev. Stat. §37:1285A(29).

direct correspondence to the Board advising of his successful completion of the terms and conditions of probation.

(b) **Notice of Relocation to Louisiana.** In the event that Dr. Dellinger should decide to relocate to Louisiana for the purpose of practicing medicine, he shall contact the Board at least sixty (60) days in advance of his return to this state to arrange an appearance before the Board at its next regularly scheduled meeting. At such meeting, Dr. Dellinger shall demonstrate his compliance with the probationary terms and conditions imposed upon him by the Georgia Board, and he shall discuss with the Board his intended plans for the practice of medicine in this state.

(c) **Additional Terms.** In addition to such other terms and conditions as are placed upon his license to practice medicine in this state by this Order, Dr. Dellinger hereby consents to, agrees with and acquiesces to the imposition of any additional terms, conditions or restrictions, as well as the length or nature thereof which, in the sole discretion of the Board, it may deem necessary or appropriate to impose upon his Louisiana license should he at any time henceforth decide to relocate to the state of Louisiana for the purpose of engaging in the practice of medicine.

(d) **Verification of Compliance/Probationary Officer.** Dr. Dellinger shall immediately notify the Board's Probationary Officer of any change in his personal and professional addresses and telephone numbers, and he shall direct all matters, requests or inquiries relating to this Order to the attention of the Probation Officer.

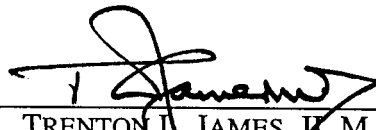
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Dellinger shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Dellinger's license to practice medicine in the state of Louisiana, or for such other 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.

New Orleans, Louisiana, this 24th day of May, 2000.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By:


TRENTON L. JAMES, II, M.D.
Vice-President

STATE OF GEORGIA

COUNTY OF HallACKNOWLEDGMENT
AND CONSENT

I, OSCAR D. DELLINGER, III, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 17 day of May 2000.

Oscar D. Dellinger III MD
OSCAR D. DELLINGER, III, M.D.

WITNESSES:

Crystal Holcombe
Signature

Crystal Holcombe
Typed Name

667 Lanier Park Drive, Gainesville
Address Ga.

Joy T. Brown
Signature

Joy T. Brown
Typed Name

667 Lanier Park Drive, Gainesville, Ga.
Address

Sworn to and subscribed before me at Gainesville, Georgia, this 17th day of May, 2000, in the presence of the two stated witnesses.

Carla Butry
Notary Public

Com exp 10-29-02