

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 _____

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: **06-I-537**
In The Matter Of :
: **KIMBERLY ANN HESS, M.D.**
(Certificate No. 14796R) : **CONSENT ORDER**
: *Respondent.* :
: _____
:
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The Investigating Officer ("I/O") of the Louisiana State Board of Medical Examiners (the "Board") undertook an investigation of Kimberly Ann Hess, M.D., a physician who at all times pertinent was practicing obstetrics and gynecology in and around Shreveport, Louisiana. The investigation was prompted by information indicating that Dr. Hess allowed unlicensed individuals to advertise and perform certain cosmetic procedures that constitute the practice of medicine *i.e.*, microdermabrasion, intense pulse light "IPLs," mesotherapy, and lap band maintenance, in her office when she was not present. In the course of the investigation the I/O subpoenaed medical records from the physician's office, interviewed persons with knowledge of the relationship between the physician and unlicensed practitioners and met with Dr. Hess to discuss the allegations. On her own behalf Dr. Hess advised the I/O that after receiving notification that conduct described was inappropriate and unlawful she immediately ceased such practices. Dr. Hess, furthermore, committed to the I/O that she would not, at anytime in the future, personally or in association with any other individual, perform cosmetic procedures or engage in the treatment of obesity.

Without admitting any violation of the Louisiana Medical Practice Act Dr. Hess, nonetheless, acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information could establish grounds under the Louisiana Medical Practice Act for the suspension, revocation or imposition of such other terms, conditions or restrictions as the Board might deem appropriate on her license to practice medicine in the state of Louisiana, pursuant to La. R.S. §§37:1285A(13) and (18).¹

¹ The Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of: '[U]nprofessional conduct; and

Predicated upon Dr. Hess' commitment to refrain from performing cosmetic procedures or engaging in the treatment of obesity, and based on the recommendation of the I/O respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing her right to have administrative adjudication of the matters mentioned above, at which time she would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her own behalf in defense or in mitigation of any 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. §§49:951, *et seq.*, Dr. Hess nonetheless, hereby waives her right to formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By her subscription hereto, Dr. Hess also acknowledges that she waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to her by law, to contest her agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By her subscription hereto, Dr. Hess 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 she waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Hess 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 pursue formal administrative charges against her or to the Board's capacity to adjudicate such charges should the Board decline to approve this Consent Order.

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 Kimberly Ann Hess, M.D., to practice medicine in the state of Louisiana, as evidenced by Certificate No. 14796R, is hereby **OFFICIALLY REPRIMANDED**; *provided, however*, that Dr. Hess' license to practice medicine and her continuing exercise of the rights and privileges granted to her thereby, shall be conditioned upon and subject to her acceptance of and strict compliance with the following terms and conditions:

(1) **Attendance at an Approved Course.** Within one hundred and twenty (120) days of the effective date of this Consent Order, Dr. Hess shall attend and successfully complete a course on professional boundaries approved by the Board. Dr. Hess shall provide the I/O with evidence of successful completion of such course attendance.

'[K]nowingly performing any act which, in any way, assists an unlicensed person to practice medicine . . .'; La. R.S. §§37:1285A(13) and (18), respectively.

(2) **Fine.** Within one hundred and twenty (120) days of the effective date of this Consent Order, Dr. Hess shall pay the Board a fine in the amount of Three Thousand and No/100 (\$3,000.00) Dollars.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms or conditions set forth by this Order by Dr. Hess shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Hess' 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. 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 17th day of September, 2007.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:

Kweli J. Amusa, M.D.
Kweli J. Amusa, M.D.
President

***Acknowledgment and Consent
Follows on Next Page***

STATE OF LOUISIANA
PARISH OF LINCOLN

**ACKNOWLEDGMENT
AND CONSENT**

I, KIMBERLY ANN HESS, M.D., hereby acknowledge, approve, accept and consent to
entry of the above and foregoing Order, this 13 day of August, 2007.

Kimberly Ann Hess M.D.
KIMBERLY ANN HESS, M.D.

WITNESSES:

Amanda J Ford
Signature

Amanda J Ford
Typed or Printed Name

4332 Hwy 822 Dubach LA
Address 71235

Elmiko D. Woodford
Signature

Elmiko D. Woodford
Typed or Printed Name

P.O. Box 1662, Gibsland, LA 71028
Address

Sworn to and subscribed before me at Ruston, Louisiana, this
13 day of August, 2007, in the presence of the two stated witnesses.

Pamela P. Baker #934
Notary Public (signed)

Pamela P. Baker, Notary Public
Ouachita Parish, Louisiana
My commission expires at death
Printed Name/Notary or Bar #