

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. _____

BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NUMBER: 03-A-011

IN THE MATTER OF:

BRUCE H. MARKO, M.D.
(APPLICANT FOR LICENSURE)

OPINION AND RULING

This matter comes before the Board following the Board's notice of intent to deny an application for licensure filed in Louisiana by Respondent Bruce H. Marko, M. D. Dr. Marko requested a hearing, and an Administrative Complaint detailing the reasons for the denial was filed. This hearing was held pursuant to that Complaint. The matter was heard before a panel consisting of Drs. LeBlanc, Laborde, Ferdinand, Amusa, and Bourgeois, constituting a quorum of the Board.

The Complaint alleges that Dr. Marko completed an application for licensure in Louisiana, in which he answered "yes" to Question No. 11, "Have you ever voluntarily surrendered, or did you have suspended, revoked, placed on probation, or restricted in any manner, any professional licensing authority?" In the same application he answered "no" to Question No. 12 "Have you ever been the subject of any type of disciplinary action or inquiry by any licensing agency, hospital, institution, society, etc." He explained his answer to Question 11 by a sworn letter, dated May 9, 2003, as follows:

"I received a reprimand form (sic) the Florida board of Medicine in November of 1996. I was the medical consultant for a diet center called Transformations. The clinic used appetite suppressants and a hormone called Human Chorionic Gonadatropin (HCG) as well as a healthy eating plan for weight loss. The Florida Board of Medicine took exception because HCG was not approved for the use in

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weight loss. We explained that many medications are used for non-approved indications and provided literature with regard to HCG and weight loss. The Board placed me on two years probations (sic), fined me six (6,000) thousand dollars and required community service.

My practice of Obstetrics and Gynecology was not limited in any way. The only requirements were that I appear before the Board once every six months and that I not own or work for any diet center without first receiving approval from the Board of Medicine. I have no further issues with the Florida Medical Board or any other entity."

The record reveals that on March 20, 1994, an Administrative Complaint, No. 92 12501, was filed against Dr. Marko by the Board of Medicine of the State of Florida. In the complaint he was charged, with respect to a single patient, with a number of violations. It is alleged that he was the Medical Director of a weight loss clinic, and that on four separate occasions, a patient was prescribed, and dispensed Schedule III and IV controlled substances, without having been seen or examined by Dr. Marko, and at times when he was not on the premises of the clinic. It is also alleged that the patient was given Human Chorionic Gonadatropin by a nurse, and given syringes of the same substance to self administer. It is alleged that the said substance has no known effect on weight loss.

As a result of the above Complaint, Respondent entered into a Consent Agreement with the Florida Board, in which he neither admitted nor denied the truth of the allegations against him. Under the provisions of that order, he was ordered to pay a fine, and was placed on probation, subject to certain conditions. This Consent Order was approved by the Florida Board in a Final Order, dated December 14, 1995.

Dr. Marko either failed or was unable to pay the fine assessed against him, and an additional Administrative Complaint was filed against him, on August 27, 1997, as No. 96 15418, for that reason, and for practicing medicine when the fine had not been paid as ordered. The allegations are that Respondent was advised by the Board on July 18, 1996, to cease practicing until his fine was paid; and was advised again of that ruling by certified mail. The Complaint alleges dates on which he practiced medicine thereafter. This led to a second Consent Agreement, dated July 9, 1998, which was approved by a Final Order, dated November 6, 1998.

We note that Dr. Marko's explanation, quoted above, does not refer to either the second Administrative Complaint, nor to the subsequent Consent Agreement. Dr. Marko explained that he did not realize that there was a second Complaint and Agreement, but that he thought it was part of the same case.

Both Agreements provide that Dr. Marko would receive a reprimand from the Florida Board.

Respondent provided this Board with a letter from the Probable Cause Committee of the Florida Board of Medicine, dated March 15, 1997, stating that the panel had voted to dismiss a complaint against him, and issue a letter of guidance. However, this letter refers to a different case, which is identified only by number, and is apparently unrelated to the matters being considered here. Respondent failed to reveal this matter to this Board.

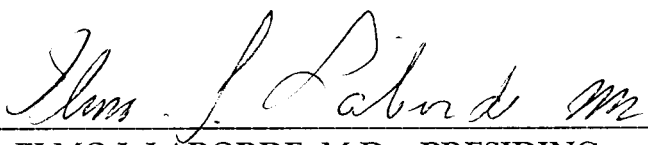
He further testified that he presently holds an unrestricted license to practice medicine in Florida, and that, since the Florida cases, he has been licensed to practice in both Georgia and North Carolina after having made the same disclosure that he made in this case. He stated that he never had any intent to deceive this Board, or misrepresent what happened to him in Florida.

In this case, Dr. Marko is charged with violating R. S. 37:1285A(3), which proscribes the use of fraud, deceit, or perjury in obtaining any license pertaining to the Medical Practice Act.; and with violating R. S. 37:1285A(4), which provides that the Board may refuse to issue a license to a physician who has provided false testimony to the Board or who has provided false sworn information to the Board.

We find that, not only did Dr. Marko fail to make a full disclosure of his problems with the Florida Board arising out of his actions at the weight loss clinic, but he further failed to reveal that there was at least one other case in which he received a letter of guidance. We have emphasized, on many occasions in the past, the importance of a full and truthful revelation of any and all difficulties an applicant may have had in other jurisdictions. We do not accept Dr. Marko's statement that he was unaware of the second proceeding against him, or that he was not trying to deceive this Board. We find that he is guilty of the charges against him, and decline to issue to him a license to practice medicine in the State of Louisiana. Dr. Marko shall pay all costs of this proceeding.

LAFAYETTE, LOUISIANA, this 22nd day of January, 2004.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS


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