

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:	:	Inv. No.
	:	97-I-014
ELIZABETH M. OLIVEIRA, M.D.	:	
(Certificate No. 007733),	:	CONSENT ORDER
<i>Respondent.</i>	:	_____

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board") following receipt of information which raised serious questions and concerns regarding the billing practices of Elizabeth M. Oliveira, M.D. Investigation of the captioned matter was assigned to the Medical Consultant/Director of Investigations ("I/O") for the Board. The investigation revealed that on January 11, 2001, Dr. Oliveira and the Office of the United States Attorney for the Middle District of Louisiana entered into a plea agreement wherein Dr. Oliveira agreed to enter a plea of guilty to a Bill of Information charging her with Conversion of United States Property, less than One Thousand (\$1,000) Dollars of federal Medicaid funds, in violation of Title 18, United States Code Sections 641 and 2, a misdemeanor under the laws of the United States of America, and that same day, Dr. Oliveira did plead guilty to a Bill of Information charging her with Conversion of United States Property, less than One Thousand (\$1,000) Dollars of federal Medicaid funds, in violation of Title 18, United States Code Sections 641 and 2, a misdemeanor under the laws of the United States of America. The investigation further revealed that on June 18, 2001, the Court sentenced

Respondent to five (5) years probation with certain terms, conditions and restrictions and ordered Respondent to pay Sixteen Thousand Six Hundred and Forty (\$16,640) Dollars in restitution to the Louisiana Department of Health and Hospitals.¹

Dr. Oliveira's above-described criminal conviction and the underlying factual basis for this conviction reveals to the I/O's satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Oliveira, charging her with violation of the Louisiana Medical Practice Act (the "Act") pursuant to La. Rev. Stat. §§ 37:1285A(2), (10), (11), (13) and (15).

As evidenced by her subscription hereto, admitting the accuracy of the information described hereinabove, or any violation of the Louisiana Medical Practice Act, Dr. Oliveira acknowledges that the information developed by the Board's investigation would constitute probable cause for the institution of administrative proceedings against her medical licensure, pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing would establish grounds under the Louisiana Medical Practice Act for the suspension or revocation of her license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate, pursuant to La. Rev. Stat. §§ 37:1285A(2), (10), (11), (13) and (15).

Recognizing her right to have notice of any allegation or charge asserted against her, to administrative adjudication of such allegation or charge, pursuant to La. Rev. Stat. §§ 49:955-58, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. Oliveira, nonetheless, hereby waives her right to formal charges and 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. Oliveira acknowledges that he hereby waives any right to which he may be entitled pursuant to the

¹ *United States of America versus Elizabeth M. Oliveira*, United States District Court, Middle District of Louisiana, Criminal No. 99-127, Sect. "C".

Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951, et seq., or to which otherwise may be afforded her by law. Further Dr. Oliveira specifically waives her rights to contest the Board's investigation as well as her agreement to, or the force and effect of this document in any court or other forum. Dr. Oliveira, furthermore, hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as any legal counsel assisting the Investigating Officer in connection herewith, 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 Dr. Oliveira waives any objection to such disclosures under La. Rev. Stat. § 49:960. Dr. Oliveira expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer, or her legal counsel, shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against her, or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

On the basis of the information provided to the Board, the Board is persuaded that the public interest would be properly protected and served by allowing Dr. Oliveira to maintain her Louisiana license, subject to appropriate specified terms and conditions. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure 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.

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 Elizabeth M. Oliveira, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 007733, be and the same is hereby, **ON PROBATION** for a period of five (5) years, retroactive to June 18, 2001, and Dr. Oliveira's continuing exercise of the rights and privileges

thereunder shall be subject to her acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Compliance with Terms and Conditions of Federal Probation. Dr. Oliveira shall comply with the terms, conditions and restrictions enumerated in the Judgment and Probation/Commitment Order issued in connection with her federal conviction, dated June 14, 2001, all of which are incorporated herein by reference. Dr. Oliveira shall, and does by her subscription hereto, authorize her Probation Officer in connection with her federal conviction to provide to the Board with written and verbal reports relative to her compliance with the terms and conditions of her federal probation. Moreover, Dr. Oliveira shall, at the conclusion of her federal probation, cause her federal Probation Officer to direct correspondence to the Board advising of her successful completion of the terms, conditions and restrictions ordered thereunder.

(2) Continuing Medical Education ("CME"). For each year that this Consent Order is in effect, and at her own expense, Dr. Oliveira shall undertake and complete fifty (50) hours of continuing medical education, approved by and qualifying for the AMA's Physician's Recognition Award. On or before each anniversary date of this Consent Order, Dr. Oliveira shall cause to be forwarded to the Board's Probation Officer proof of the CME credits earned during the preceding year.

(3) Course Billing and Medical Record Keeping and Documentation. During the effective term of this Consent Order and at her own expense, Dr. Oliveira shall undertake and complete a Board-approved course in billing and medical record keeping and documentation. Within sixty (60) days of the scheduled date of termination of probation, Dr. Oliveira shall cause to be forwarded to the Board's probation officer proof of the course credits earned in satisfaction of this provision. The education credits obtained pursuant to this provision may count toward the fifty (50) hours of continuing medical education required per year in provision (2) hereinabove.

(4) Cooperation With Board's Probation Officer/Verification of Compliance. Dr. Oliveira shall immediately notify the Board's Probation Officer of any change in her current home and professional addresses and telephone numbers. Dr. Oliveira shall cooperate in all matters with the Board's Probation Officer. Dr. Oliveira shall further direct all CME credits and all other matters relating to this Consent Order, to the attention of the Board's Probation Officer.

(5) Absence From State - Effect On Probation. Should Dr. Oliveira at any time during the period of probation ordered herein be absent from the State of Louisiana, relocate to and/or take up residency in another state or country for a

period of thirty (30) days or more, she will so advise the Board in writing. In such instance, the probationary period ordered herein and all terms and conditions thereof, shall be deemed interrupted and extended and shall not commence to run until Dr. Oliveira notifies the Board in writing that she has returned to, relocated in and/or taken up residency in the State of Louisiana. In such instance, Dr. Oliveira shall not receive credit toward the probationary period for the time during which she was absent from the State of Louisiana.

(6) Certification Of Compliance With Probationary Terms/Personal Appearance Before The Board. Within sixty (60) days of the scheduled date of termination of probation, Dr. Oliveira shall provide the Board with a notarized oath certifying that she has complied with all conditions imposed upon her by the Order. Prior to the full restoration of her license at the conclusion of the probationary period, Dr. Oliveira shall, by appointment coordinated by her with the offices of the Board's Executive Director, make a personal appearance before the Board to discuss her then-current practice, plans and her compliance with the terms and conditions hereof.

(7) Probation Monitoring Fee. For each year during which this Order remains in effect, Dr. Oliveira shall pay the Board a probation-monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

IT IS FURTHER ORDERED that any violation by Dr. Oliveira of, or failure of strict compliance by her with, any of the terms, conditions or restrictions set forth by this Order, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of her license to practice medicine in the State of Louisiana, as well as any right to renewal and/or reinstatement thereof, 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**.

Effective Date. This Consent Order shall take effect as of the date that it is dated and signed by the Board President.

New Orleans, Louisiana, this 18th day of February, 2004.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY:

KE LeBlanc MD

~~ELMO J. LABORDE, M.D.~~

PRESIDENT

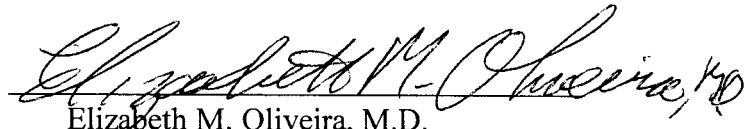
Kim EDWARD LEBLANC, MD, PhD

**ACKNOWLEDGEMENT AND CONSENT
ON FOLLOWING PAGE**

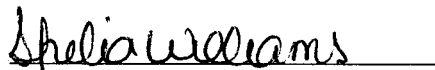
**ACKNOWLEDGMENT
AND CONSENT**

Having been duly advised by my legal counsel as to the meaning, scope and effect of the foregoing Consent Order,

I, Elizabeth M. Oliveira, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Consent Order by the Louisiana State Board of Medical Examiners, this 15 day of Jan, 2004.

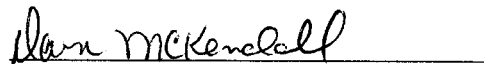

Elizabeth M. Oliveira, M.D.

WITNESSES:


Signature

Shelia Williams
Typed Name

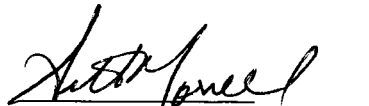
1615 Carol Sue C 53
Address Bretno LA 70056


Signature

Dawn McKendall
Typed Name

1951 Hope St. D.O. LA 70119
Address

Sworn to and subscribed before me at New Orleans, Louisiana, this 15 day of January, 2004 in the presence of the two stated witnesses.


Notary Public #24176

My commission expires death.