

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NUMBER: 04-A-022

IN THE MATTER OF:

DAVID MICHAEL SHERMAN, M. D.
(Certificate No. 020733)

OPINION AND RULING

This matter comes before the Board pursuant to an Administrative Complaint charging Respondent, David Michael Sherman, M. D., with a number of violations of the Medical Practice Act. The matter was heard before a panel consisting of Drs. Gage-White, Dawson, Amusa, Sheppard, Bourgeois, and LeBlanc, President, presiding. Despite proper notice, Respondent was neither present nor represented by counsel.

In the Administrative Complaint, Respondent is charged with habitual dependence on alcohol to such an extent that he is unable to practice medicine with reasonable skill and safety to patients, in violation of R. S. 37:1285 A(5) and (25). He is further charged with having his license to practice medicine in the State of Missouri revoked, in violation of R. S. 37:1285A(29) Finally he is charged with giving false information in his renewal applications for licensure in this state in both 2003 and 2004, in violation on R. S. 37:1285A(3).

In evidence before us is a Settlement Agreement between Respondent and the Missouri State Board of Registration for the Healing Arts, dated February 27, and March 7, 2003. This document reveals the following facts, which were stipulated to by Respondent: Respondent entered a plea of guilty to Driving While Intoxicated in Green County Circuit Court, Springfield, MO, on June 6, 2000. Thereafter he was treated and evaluated at the Professional Renewal Center, Lawrence, KS, where he was diagnosed with alcohol dependence. He enrolled in the Missouri PHP, and underwent additional treatment at Talbott Recovery Center in Atlanta, GA. His license was placed on probation for a period of five years, subject to a number of conditions, which included participation in the Missouri PHP,

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and complete abstention from the use or abuse of alcohol.

On March 4, 2004, the Missouri Board entered a Disciplinary Order, which is in evidence before us and which contains the following recitations: Dr. Sherman pled guilty, on August 14, 2003, to two counts of Driving While Intoxicated - Prior Offender. In October, 2003, the Missouri PHP recorded that it was no longer able to advocate for Respondent. During May and June, 2003, the Board was unable to contact Respondent, who further failed to appear for scheduled meetings with a Board representative on September 26, 2003 and October 27, 2003. Respondent did not appear at the hearing which preceded the Disciplinary order, but was represented by counsel. As a result of the above circumstances, the Missouri Board revoked Respondent's license to practice medicine in that state.

From the foregoing recitation of fact, we have no difficulty in concluding that Respondent is alcohol dependent, and that he is unable to maintain sobriety, even when on probation and under supervision. Of course, it is undeniable that his license to practice medicine in Missouri has been revoked. He is therefore guilty of the first two violations charged.


Also in evidence before us are Respondent's applications for renewal of his license to practice in this state for the years 2003 and 2004. Question Fourteen on each of the applications reads as follows: "Since your last renewal . . . 14. Were you the subject of any type of disciplinary action or inquiry by any licensing authority, institution, society, etc.?" On each form, Respondent answered "No", despite the fact that disciplinary proceedings were underway in Missouri, and he knew it. The 2003 application was dated January 31, 2003, and the 2004 application was dated February 4, 2004. If he was unaware of ongoing proceedings on January 31, 2003, which we deem to be highly unlikely, he was certainly aware of the order which he signed on February 27, 2003, when he filed his 2004 order. He is therefore guilty of this charge as well.

We impose the following sanctions:

1. The license of David Michael Sherman, M. D., to practice medicine in the State of Louisiana, as evidenced by Certificate No. 020733, is hereby **REVOKED AND CANCELLED**, effective immediately.
2. Respondent shall pay a fine of \$2,000.00, and all costs of this proceeding. Dr. Gage-White abstained from the vote to fine Dr. Sherman.

NEW ORLEANS, LOUISIANA, this 28th day of February, 2005.

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BY: KIM EDWARD LEBLANC, M.D., Ph.D., PRESIDENT