

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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|---------------------------|---|----------------------|
| IN THE MATTER OF: | : | Inv. No. |
| | : | 00-I-005 |
| JORGE I. TAPIA, M.D. | : | |
| (Certificate No. 06923R), | : | 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 that Jorge I. Tapia, M.D.'s privileges at the Veterans Affairs Medical Center, Albuquerque, New Mexico were revoked.

Investigation of the captioned matter was assigned to the Medical Consultant/Director of Investigations ("Investigating Officer") for the Board. The information, records and documents obtained and reviewed reveal that Dr. Tapia was involved in inappropriate fraternization and sexual relations with a patient under his care. Further, Dr. Tapia's pattern of prescribing controlled substances and his record keeping and documentation for the above-mentioned patient were called into question. The Investigating Officer's analysis established to his satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Tapia, charging him with violation of the Louisiana Medical Practice Act (the "Act") pursuant to La. Rev. Stat. §§ 37:1285A(6), (13), (14) and (15).

As evidenced by his subscription hereto, without admitting the accuracy of the information described hereinabove, or any violation of the Louisiana Medical Practice Act, Dr. Tapia acknowledges that the information developed by the Board's investigation would

constitute probable cause for the institution of administrative proceedings against his 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 his 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(13), (14) and (15).

Recognizing his right to have notice of any allegation or charge asserted against him, 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. Tapia, nonetheless, hereby waives his 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 his subscription hereto, Dr. Tapia acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951, et seq., or to which otherwise may be afforded him by law. Further Dr. Tapia specifically waives his rights to contest the Board's investigation as well as his agreement to, or the force and effect of this document in any court or other forum. Dr. Tapia, 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. Tapia waives any objection to such disclosures under La. Rev. Stat. § 49:960. Dr. Tapia expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer, or his legal counsel, shall be without prejudice to the Investigating Officer's authority to file or proceed with 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.

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. Tapia to maintain his 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 Jorge I. Tapia, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 06923R, be and the same is hereby, effective as of the date hereof, **OFFICIALLY REPRIMADED**.

IT IS FURTHER ORDERED that Dr. Tapia shall, within one year of the effective date of this Consent Order, 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 the anniversary date of this Consent Order, Dr. Tapia shall cause to be forwarded to the Board's probation officer proof of the course credits earned pursuant to this provision. The education credits obtained pursuant to this provision may count toward the continuing medical education requirements¹ of the Board should they otherwise fully satisfy those requirements.

IT IS FURTHER ORDERED that Dr. Tapia shall, within one year of the effective date of this Consent Order, successfully complete a course regarding Boundary Issues, pre-approved in writing by the Board. On or before the anniversary date of this Consent Order, Dr. Tapia shall cause to be forwarded to the Board's probation officer proof of the course credits earned pursuant to this provision. The education credits obtained pursuant to this provision may count toward the fifty (50) hours of continuing medical education required in the immediate paragraph hereinabove and toward the continuing medical education requirements of the Board should they otherwise fully satisfy those requirements.

IT IS FURTHER ORDERED that Dr. Tapia shall, within one year of the effective date of this Consent Order, successfully complete a course regarding Narcotic and Controlled Substance Prescription and Medical Record Keeping and Documentation, pre-approved in writing by the Board. On or before the anniversary date of this Consent

Order, Dr. Tapia shall cause to be forwarded to the Board's probation officer proof of the course credits earned pursuant to this provision. The education credits obtained pursuant to this provision may count toward the fifty (50) hours of continuing medical education required in the immediate paragraph hereinabove and toward the continuing medical education requirements of the Board should they otherwise fully satisfy those requirements.

IT IS FURTHER ORDERED that Dr. Tapia shall pay a fine of \$3,000.00, to be paid in full to the Board within thirty (30) days of the effective date of this Consent Order.

IT IS FURTHER ORDERED that any violation by Dr. Tapia of, or failure of strict compliance by him 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 his 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.

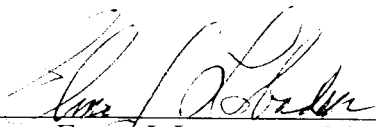
IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a **public record**.

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 1st day of March, 2002.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY:

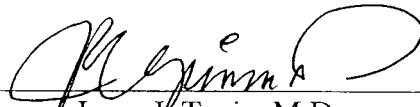

ELMO J. LABORDE, M.D.
PRESIDENT

¹ Rules, Department of Health and Hospitals, Board of Medical Examiners, Title 46, Part XLV, Subpart II, Chapter 10, Subchapter I, §§ 417 and 419 and Title 46, Part XLV, Subpart II, Chapter 10, Subchapter K, §§ 433-449.

**ACKNOWLEDGMENT
AND CONSENT**

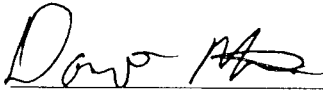
Having been duly advised by my legal counsel as to the meaning, scope and effect of the foregoing Consent Order,

I, Jorge I. Tapia, 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 9 day of February 2002.



Jorge I. Tapia, M.D.

WITNESSES:



Signature

Donnie Merriwether

Typed Name

1108 Main St. Pineville, LA

Address



Signature

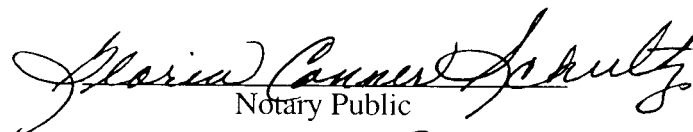
Terry Pitts

Typed Name

1108A Main Street, Pineville, LA

Address

Sworn to and subscribed before me at PINEVILLE, Louisiana, this
9th day of FEBRUARY, 2002 in the presence of the two stated
witnesses.



Notary Public
My commission expires Life.