

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In the Matter Of
:
ADRIAN JOSEPH COLEMAN, M.D.
(License No. MD. 025031), :

Respondent. :
-----X

NO. 08-I-775

CONSENT ORDER

Adrian Joseph Coleman, M.D. ("Dr. Coleman") is a physician licensed to practice medicine in the State of Louisiana, as evidenced by License Number MD.025031, and at all times material to the facts and matters alleged herein, has actively engaged in the practice of medicine, specifically in obstetrics and gynecology, in the New Orleans, Louisiana area.

The Louisiana State Board of Medical Examiners (the "Board"), through its Director of Investigations ("DOI"), opened an investigation of Dr. Coleman after receiving notice from the National Practitioner Data Bank ("NPDB") that, in August 2008, Tulane University Hospital & Clinic ("TUHC") had suspended Dr. Coleman's operative vaginal delivery privileges (deliveries utilizing forceps or vacuum extraction; "OVD"), following the death of an infant during a delivery performed by Dr. Coleman. After the Board's investigation was opened, TUHC revoked Dr. Coleman's OVD privileges pending: (1) completion of additional training and education modules regarding fetal heart monitoring, operative vaginal deliveries, use of forceps and vacuum extractors and (2) at least six-months of proctoring in connection with any operative vaginal deliveries performed by Dr. Coleman.

The Board more recently learned that Dr. Coleman's clinical privileges at Touro Infirmary were suspended on August 19, 2009, as a result of its findings that Dr. Coleman has an unacceptably high number of absences from obstetrical deliveries, does not adequately evaluate and care for his patients in the labor and delivery unit, and fails to document his patient care adequately and accurately.

The DOI's review and analysis of the matter confirms to her satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Coleman, charging him with a violation of the Louisiana Medical Practice Act, La. Rev. Stat. § 37:1285(A)(14).² As evidenced by his subscription hereto, Dr. Coleman, without admitting the

² Pursuant to La. Rev. Stat. § 37:1285A(14), the Board may take action against the license of a physician as a result of "[c]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state."

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accuracy of the above-referenced information or any violations of the Medical Practice Act, acknowledges that the reported information would provide the DOI with probable cause to pursue formal administrative proceedings against him, constituting sufficient cause for action against his license to practice medicine in the state of Louisiana.

On the basis of apparently reliable information, however, the Board is persuaded that the behavior exhibited by Dr. Coleman may be susceptible to effective correction, resulting in the maintenance of his capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that the physician strictly observes and complies with appropriate restrictions on and conditions to maintenance of his medical license. In consideration of this finding and the recommendation of the DOI 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 will be effectively served by entry of the Order set forth hereinafter by consent.

Recognizing his right to administrative adjudication of any charges that may be asserted against him, at which time Dr. Coleman would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the 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. Coleman, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. § 49:955(D), consents to entry of the Order set forth hereinafter. Dr. Coleman acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951, *et seq.*, or which he otherwise may be afforded by any law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By his subscription hereto, Dr. Coleman also authorizes the DOI 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 he waives any objection to such disclosures under La. Rev. Stat. § 49:960. Dr. Coleman expressly acknowledges that the disclosure of such information to the Board by the DOI shall be without prejudice to the DOI's authority to proceed with the filing and adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint 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 Adrian Joseph Coleman, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by License No. MD.025031, is placed **ON PROBATION**, effective as of the date hereof, for a period of **three (3) years**, provided, however, that such license and Dr. Coleman's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions.

(1) Prohibition of all Operative Vaginal Delivery (“OVD”) Procedures. Dr. Coleman is prohibited from performing any OVDs, defined as the use of forceps and vacuum extractors to assist in a delivery, until and unless the Board notifies him in writing that this prohibition has been lifted. This prohibition against the performing of any OVDs shall survive the term of this probation and shall continue until the Board determines that Dr. Coleman is competent to perform such procedures safely and in accordance with the prevailing standards of medical practice. Dr. Coleman may petition the Board to modify this term of the Consent Order, which request the Board will grant only upon the following grounds:

- a. The Board is satisfied that Dr. Coleman has fully and successfully complied with all the terms and conditions contained in this Order; and
- b. Dr. Coleman is formally assessed by a program or facility pre-approved by the Board, and the Board receives a report from the program or facility indicating that Dr. Coleman has demonstrated clinical competency to perform OVDs and has successfully completed any recommended remediation programs.

(2) Practice Monitoring and Quarterly Reports. Within thirty (30) days of the effective date of this Order, Dr. Coleman shall enter into a contract with a Board-approved practice monitoring program to monitor and review Dr. Coleman’s medical practice during this probation period. The program will work in conjunction with the Board to develop the parameters for monitoring Dr. Coleman’s practice, which will include on-site inspections of all offices, clinics, and hospitals where Dr. Coleman treats patients, reviews of Dr. Coleman’s patient records and charts, and interviews with Dr. Coleman. The practice monitoring program will provide quarterly reports to the Board that will include an opinion as to whether Dr. Coleman is practicing medicine and documenting his patient’s evaluation and treatment in accordance with the prevailing standards of medical practice. This practice monitoring of Dr. Coleman shall not conclude before the Board has received at least six (6) favorable quarterly reports from the practice monitor. After the Board has received six (6) quarterly reports in which the practice monitoring program has opined that Dr. Coleman is practicing in accordance with the prevailing standards of medical practice, Dr. Coleman may petition the Board to terminate this condition of his probation, which request the Board may in its sole discretion grant or deny. In the event the Board denies such a request, the practice monitoring will continue at the Board’s discretion or until this probation is terminated. Dr. Coleman shall bear all costs associated with the practice monitoring program.

(3) Successful Completion of HCA Education Modules. Within six (6) months of the effective date of this Order, Dr. Coleman shall attend and successfully complete the HCA Education Modules regarding (i) Fetal Heart Monitoring, (ii) Shoulder Dystocia, and (iii) Operative Vaginal Deliveries. Dr. Coleman shall provide documentation of his successful completion of these courses to the Board’s Probation and Compliance Officer. Dr. Coleman expressly agrees and understands that if he fails to complete those modules successfully within six (6) months of the effective date of this Order, his license to practice medicine will be suspended by the Board pending his successful completion of the modules to the satisfaction of the Board.

(4) **Continuing Medical Education.** Dr. Coleman shall obtain no less than fifty (50) credit hours of per year for each year of the probationary period through attendance at and participation in continuing medical education programs ("CME"). On or before the anniversary of each year following the effective date of this Consent Order, Dr. Coleman shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months. This requirement shall continue until the Board notifies Dr. Coleman in writing that it has terminated his probation.

(5) **Reports to Board Regarding Hospital Privileges.** Dr. Coleman shall keep the Board apprised of the status of all his hospital staff privileges throughout this probation period. Dr. Coleman shall notify the Board immediately of any further disciplinary action taken by any hospital or medical facility at which he holds clinical privileges, as well as of any change in the status of his privileges at any hospital or other medical facility.

(6) **Notification.** Dr. Coleman shall provide a copy of this Consent Order to each hospital or other institution at which or for whom he provides services as a physician in this state.

(7) **Fine.** The Board hereby imposes an administrative fine in the amount of \$5,000.00 against Dr. Coleman. The fine shall be paid within sixty (60) days of the effective date of this Order. Dr. Coleman acknowledges that the timely payment of the fine and timely confirmation of receipt of the payment by the Board is his legal obligation and responsibility, and he agrees to cease practicing if the fine is not timely received at the Board office as agreed to in this Order.

(8) **Probation Monitoring Fee.** Dr. Coleman shall pay the Board a probation monitoring fee of Three Hundred Dollars (\$300.00) for each year of the probationary term. Payment of this fee shall be due not later than sixty (60) days after the effective date of this Order, and annually thereafter.

(9) **Cooperation with Board's Probation and Compliance Officer.** Dr. Coleman shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers. He shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Consent Order.

(10) **Absence from Practice - Effect on Probation.** Should Dr. Coleman at any time during the probationary period be absent from the State of Louisiana, or otherwise cease to practice medicine for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period and all terms and conditions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Coleman again notifies the Board in writing that he has returned to, relocated in, or taken up residency in the State of Louisiana. In such instance, Dr. Coleman shall not receive credit toward completion of the probationary period for the time that he was absent from the State of Louisiana.

(11) **Certification of Compliance with Probationary Terms/Personal Appearance before the Board.** At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Coleman shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order, and he shall contact the Board and arrange for a personal appearance before the Board or its designee at its meeting preceding the expiration of the probationary period. Dr. Coleman acknowledges that his medical license shall remain on probation until he has certified his compliance with the terms of his probation and personally appeared before the Board.

(12) **Sanction.** By his subscription hereto, Dr. Coleman acknowledges that his receipt of written notification that the Board has received a written report that indicates his failure to comply with any requirement set forth by this Consent Order in any respect, shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951, *et seq.*, or which otherwise may be afforded to him by any law, constitute his irrevocable consent to the immediate suspension of his license to practice medicine in this state by the Board pending the final resolution of an administrative hearing and decision by the Board with respect to the information made the basis of such report.

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

This Order was signed in New Orleans, Louisiana, and effective this 15 day of March, 2010.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY: Mark H Dawson MD
MARK H. DAWSON
Vice President