

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

Alberto Jose Arrillaga-Belendez, M.D.
(Certificate No. 02854R)

:
: No. 96-I-069
:

:
CONSENT
ORDER
:

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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 revealed that Alberto Jose Arrillaga-Belendez, M.D. ("Dr. Arrillaga-Belendez") had resigned his staff privileges at a hospital in Gretna, Louisiana following hearings and decisions by the hospital's surgical staff and executive committee. Dr. Arrillaga-Belendez had practiced general surgery at this hospital. The Hospital Surgery Quality Improvement Committee focused on Dr. Arrillaga-Belendez's management of one surgical case, involving serious complications, including sepsis.¹ Following critical review by an independent general surgeon and the recommendations of the surgery quality committee, the Meadowcrest Hospital Executive Committee imposed restrictions on Dr. Arrillaga-Belendez's hospital clinical privileges including a requirement for a surgical proctor for one year. Further investigation by this Board, including independent expert surgical review, raised serious questions regarding several other of Dr. Arrillaga-Belendez's surgery cases.

Investigation of the captioned matter was assigned to John B. Bobear, M.D., the Medical Consultant/Director of Investigations for the Board. Dr. Bobear's review and analysis of the matter confirms to his satisfaction that just cause exists for recommending

¹ Patient S.S.M., Meadowcrest Hospital record #184208.

that a formal Administrative Complaint be filed against Dr. Arrillaga-Belendez, charging him with violation of the Louisiana Medical Practice Act (the "Act") pursuant to La. Rev. Stat. §§ 37:1285A(12)² and (14).³

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. Arrillaga-Belendez 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(12) and (14).

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. Arrillaga-Belendez, 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. Arrillaga-Belendez 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. Arrillaga-Belendez 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. Arrillaga-Belendez, 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. Arrillaga-Belendez waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr.

² Pursuant to La. Rev. Stat. §37:1285A(12), the Board may take action against the license of an individual licensed to practice medicine in the State of Louisiana, as a result of "Professional or medical incompetency;"

³ La. Rev. Stat. §37:1285A(14) provides that the Board may take action against the license of a physician as the result of "Continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state;"

Arrillaga-Belendez 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 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. Arrillaga-Belendez 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, John B. Bobear, M.D., 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 Alberto Jose Arrillaga-Belendez, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 02854R, be and the same is hereby, effective as of the date hereof, placed **ON PROBATION** for a period of one (1) year, and Dr. Arrillaga-Belendez's continuing exercise of the rights and privileges thereunder, shall be subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

a. PROCTORING OF SURGICAL PROCEDURES. Dr. Arrillaga-Belendez shall designate an experienced board certified general surgeon, acceptable to and approved by the Board in writing, to be his surgical proctor for a period of one (1) year. This proctor or a substitute approved by the Board shall observe Dr. Arrillaga-Belendez's performance of all major surgical cases, including - but not limited to - all surgeries invasive of the abdomen or of the chest. The proctor will determine in advance on a case by case basis whether his presence is required for any minor surgeries. The proctor's responsibilities will include assessment of: (1) the indications for surgery; (2) diagnostic evaluation and work-up for surgery; (3) Dr. Arrillaga-Belendez's surgical competency; and (4) Dr. Arrillaga-Belendez's post-surgical management and care of the patient.

b. REPORTS FROM PROCTOR. Any deviation from surgical standards of care shall promptly be reported in writing by the proctor to the Board. Otherwise, the proctor shall submit his report to the Board monthly in each of the first six (6) months and

thereafter at quarterly intervals. These reports shall include the types of surgeries Dr. Arrillaga-Belendez performed and the proctor's observations as to Dr. Arrillaga-Belendez's competency to practice with reasonable skill and safety to patients.

c. COOPERATION WITH BOARD'S PROBATION OFFICER.

Dr. Arrillaga-Belendez shall immediately notify the Board's Probation Officer of any change in his current home and professional addresses and telephone numbers. Dr. Arrillaga-Belendez shall direct his proctoring physician(s) and shall cause him to direct all reports or correspondence required in connection with this Consent Order to the attention of the Board's Probation Officer, with whom Dr. Arrillaga-Belendez shall cooperate in all matters.

d. CONTINUING MEDICAL EDUCATION. For each year that this Consent Order is in effect, and at his own expense, Dr. Arrillaga-Belendez shall undertake and complete fifty (50) hours of continuing medical education, in the field of general surgery, approved by and qualifying for the American Medical Association's Physician's Recognition Award. On or before the anniversary date of this Consent Order, Dr. Arrillaga-Belendez shall forward to the Board's probation officer proof of the CME credits earned during the preceding year.

e. ABSENCE FROM STATE - EFFECT ON SUSPENSION.

Should Dr. Arrillaga-Belendez 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, he 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. Arrillaga-Belendez notifies the Board in writing that he has returned to, relocated in and/or taken up residency in the State of Louisiana. In such instance, Dr. Arrillaga-Belendez shall not receive credit toward the probationary period for the time during which he was absent from the State of Louisiana.

f. CONSENT ORDER TO BE PROVIDED TO HOSPITALS.

Dr. Arrillaga-Belendez shall provide a copy of this Consent Order to the Administrator of West Jefferson Medical Center and to the administrator of any other hospital where he enjoys surgical staff privileges.

IT IS FURTHER ORDERED that any violation by Dr. Arrillaga-Belendez 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**.

New Orleans, Louisiana, this 22 day of September 1998.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

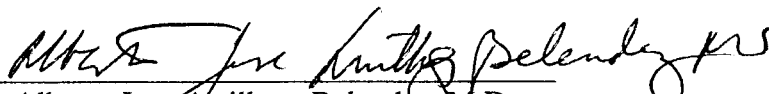
BY:

Mary Lou Applewhite, M.D.
MARY LOU APPLEWHITE, M.D.
PRESIDENT

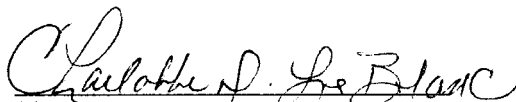
**ACKNOWLEDGMENT
AND CONSENT**

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

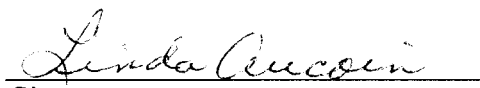
I, Alberto Jose Arrillaga-Belendez, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Consent Order by the Louisiana State Board of Medical Examiners, this 13 day of August, 1998.


Alberto Jose Arrillaga-Belendez, M.D.

WITNESSES:


Signature

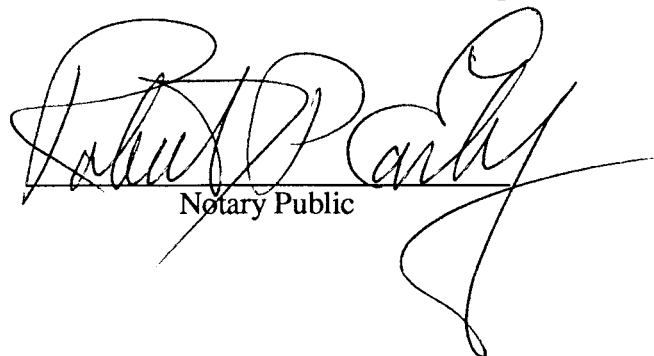
Charlotte D. LeBlanc
Typed Name


Signature

LINDA AUCOIN
Typed Name

3609 Lake Desallemands, Harvey, La. 5121 Evans Drive, Marrero, La.
Address Address

Sworn to and subscribed before me at GRETN A, Louisiana, this 14TH day of AUGUST, 1998 in the presence of the two stated witnesses.


Notary Public