

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

GUIDO COLANTONI, M.D.
(CERTIFICATE NUMBER 021784)

DECISION

96-A-011

This matter comes before the Louisiana State Board of Medical Examiners ("Board") pursuant to an Administrative Complaint which charges Guido Colantoni, M.D., with the following violations of the Medical Practice Act:

- 1) Entering a plea of nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, in violation of R.S. 37:1285 A(1);
- 2) Entering a plea of nolo contendere to a criminal charge arising out of the practice of medicine, in violation of R.S. 37:1285A(2);
- 3) Engaging in sexual conduct with three of his patients, and entering six pleas of nolo contendere to criminal charges lodged against him in connection therewith, in violation of R.S. 37:1285A(13), which proscribes unprofessional conduct;
- 4) Engaging in sexual conduct with another two of his patients, in violation of R.S. 37:1285A(13);
- 5) Entering pleas of nolo contendere to three criminal charges, and engaging in sexual conduct with multiple patients, in violation of R.S. 37:1285A(14), which proscribes continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state.

The case was conducted before a quorum of the Board consisting of Drs. Ike Muslow, Richard M. Nunnally and Elmo J. Laborde. The complainant was represented by Philip O. Bergeron, Esq., and the hearing was conducted by Frederick S. Ellis, the Board's independent counsel. Respondent was present along with and represented by Dominic Gianna, Esq.

Theses charges arise out of the series of cases in which Guido Colantoni, M.D., was alleged to have committed sexual battery on six of his patients.

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The first of these, Pam J., testified that she went to see Dr. Colantoni at his clinic after regular business hours. She was there because she was covered with some unusual bumps around her vagina. There was no one in the clinic except Dr. Colantoni, who instructed her to remove her bottom garments. She did so, draped herself in a sheet and got on the bed. After examining her back and breasts, Dr. Colantoni took a culture, and did the vaginal exam. He then stepped around to the side, and began to move his fingers faster. He put the back of her hand on his penis and she pulled away. He put her hand on his penis again and again she pulled away.

Pam J., testified that he then took out his penis, held it close to her face and asked her to put it in her mouth. When she refused, he licked her body here and there, put her hand on his penis with his hand over it, and masturbated until he ejaculated. When it was over, she was bleeding from her vagina.

The next day, Pam J., went to the police at the suggestion of her attorney. She now has a civil suit against Dr. Colantoni.

At the request of the police, she allowed her phone to be wired and several conversations with Dr. Colantoni were taped. She also met with Dr. Colantoni in his car, and they drove to Pineville, where they had a conversation. She was wired on this occasion as well, but the recording was, we are told, unintelligible.

There is nothing said by Dr. Colantoni on the tapes which conclusively demonstrates his guilt. His version of the event is that he saw Pam J., after hours as an accommodation to her, and that, while she was on the table, she put the back of her hand on his penis, and, after he removed it, slipped it into his scrub pants and seized his genitalia. He denied any improper conduct.

Guido Colantoni, M.D., attacked the credibility of Pam J., by introducing evidence to show that Pam J., when she was 14 years old, had accused a 25 year old man of having sex with her. As a result, he was charged with carnal knowledge of a juvenile. In her statement she said that the sex was consensual. Eventually the charges were dropped.

In a deposition given in connection with a matter arising out of these charges, she testified that she was, in fact, raped, but that she lied in her statement to the police.

Sandra B., testified that on her first visit to Dr. Colantoni, he did a pelvic and vaginal exam. There was a nurse there, who walked out after a couple of minutes. Dr. Colantoni rubbed her clitoris and vaginal area, and when she reacted, told her to relax. She was shocked and embarrassed. After the exam, she told her husband about it, but did not go to the police because she thought they would not believe her.

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On her second visit, with her husband in the adjoining dressing room, the same thing happened. Then Dr. Colantoni called him into the room and began showing him things. About a week later, Dr. Colantoni did another vaginal exam, the same way.

The following Monday, she delivered, and while she was in the delivery room, Dr. Colantoni rubbed her clitoris again.

When her husband read about Pam J.'s charges in the paper, she went to the police. She now has a civil suit against Dr. Colantoni. She also testified that she has had other gynecologists, and that none of them did an exam like Dr. Colantoni.

In this case, as in all the remaining cases, Dr. Colantoni flatly denied any improper conduct on his part.

Melissa M., went to Dr. Colantoni during her second pregnancy. When he did a vaginal exam, he moved his hand up and down in the vaginal area, and touched her clitoris. His exam was not at all like her former gynecologist.

When she next saw Dr. Colantoni, she was in labor. He gave her a shot to stop the labor, and did a pelvic exam, and rubbed her again, without gloves. He told her that masturbation would start her labor again, and was rubbing her right breast, and he was masturbating her.

He did the same thing that evening, and, when her husband came into the room, explained what he was doing. He told her that self stimulation was a technique used to induce labor, which they used where he came from.

She stated that she has never had a gynecological exam like the ones that were given her by Dr. Colantoni.

She testified before the Grand Jury, and has a civil suit against Dr. Colantoni.

The investigating officer in the case testified that he learned that Melissa M., had manic depression problems, but that she was lucid when he interviewed her.

Annisia J., saw Dr. Colantoni during her fourth pregnancy. On her first exam by him, he did a breast and stomach examination, and then a vaginal exam. There was nothing unusual.

On her second visit, Dr. Colantoni did a breast exam, and then started fondling her nipples. The vaginal exam was regular at first, but then he began to rub her clitoris.

Four weeks later, she had her sister with her, but Dr. Colantoni asked her to step out of the

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room. Once again, he fondled her nipples. When he did the vaginal exam, he left his fingers in her vagina, and started rubbing her clitoris at the same time. When she gave him "a look", he smiled at her, took his fingers out, and left the room.

On her fourth visit, she brought her husband, but he stepped out of the room when asked to by Dr. Colantoni. With the nurse in the room, he once again fondled her nipples. During the vaginal exam, he applied a lot of pressure inside, and played with her clitoris. She called her husband, who came into the room. Dr. Colantoni removed his hand and left the room.

Several weeks later, she was admitted to the hospital with toxemia. When Dr. Colantoni examined her, her mother-in-law was present, and the exam was normal. The next day, with no one in the room, he played with her clitoris, with no glove, and jelly on his hand. That night, she had company in her room, and the exam was normal.

The next time he came, she was in the shower, and Dr. Colantoni came into the room, commented on how her gown might stimulate her breasts, and fondled her breast.

She delivered her baby before her next visit, and never went back to the clinic after that. A few months later, she reported the above events to the District Attorney. At the time, she did not know that Dr. Colantoni had been arrested. She has a civil suit against him.

Dr. Colantoni could not remember Annissa J., at all, and denied any impropriety.

Annissa J.'s husband testified that his wife told him that Dr. Colantoni was not like other doctors in his examination. She asked him to come with her on her visit. When she called him into the room, Dr. Colantoni had his gloves off and was at the clipboard, and walking out of the room.

Angela C., saw Dr. Colantoni during her third pregnancy. On her first visit, after she undressed, the nurse left the room. Dr. Colantoni did a breast exam, and then took a look at her cervix. Instead of putting his finger in, he rubbed her clitoris, but not very long. Then he did the vaginal exam. Her husband was in the room, and she told him about it when they got home.

On her next visit, there was no nurse present. Dr. Colantoni rubbed her clitoris for a longer period of time, and told her to "relax, baby, you need to learn to relax."

Her baby was delivered by another doctor, but when she went back three weeks later for the baby's circumcision, she saw Dr. Colantoni. She asked him if she could jog, and he wanted to check the size of her uterus. He did this by coming up behind her, slipping his arms around her, and putting his hands on her abdomen.

At her six week exam, he did the breast examination. Then, when he did the vaginal exam,

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she testified that she could tell he was really enjoying rubbing her clitoris and trying to make her have an orgasm on the table. He told her to relax. She never returned to the clinic.

Angela C., testified that she was diagnosed as a manic depressive in 1990, and was taking lithium and Prozac for the condition. She had discontinued the medication during her pregnancy.

When she learned that Dr. Colantoni had been arrested, she went to the police. She said she had not gone sooner because he was a doctor, and she did not think she would be believed. She has a civil suit against Dr. Colantoni.

In his defense, in addition to his own testimony, Dr. Colantoni offered the testimony of a number of people who worked with him in Metairie, Louisiana. Earline C., a nurse, testified that she was often with him when he gave examinations and never saw him do anything unusual.

Patricia D., office manager and receptionist, testified that she would have received any complaints, and that there were never any complaints about Dr. Colantoni.

Shirley J., a doctor's assistant, stated that she showed office procedures to Dr. Colantoni, and that she never heard any complaints about him. She did state that she had heard that he did things differently because he was from another country.

Dianne P., worked in that office as a cashier, who checked patients out. She never heard any complaints about Dr. Colantoni. She further said that she saw him socially and that he was a gentleman at all times.

Vivian L., worked at the Metairie office as a medical assistant, and testified that she took patients' complaints. She never received any complaints about Dr. Colantoni.

Jack Andonie, M.D., the head of the group where Dr. Colantoni practiced in Metairie, testified on his behalf. He stated that Dr. Colantoni was one of the best gynecological oncologists, with exceptional surgical ability. He never knew of any complaints or sexual harassment charges against Dr. Colantoni. He stated that Dr. Colantoni was offered an opportunity to remain with his group, but that he declined.

Jack Andonie, M.D., on cross-examination, testified that one should not masturbate a patient to bring onset of labor, and that the clitoris should not be stimulated during a pelvic examination. He stated that it is possible that the clitoris might be inadvertently touched during an examination.

Nicholas Franco, M.D., a urologist, had known Dr. Colantoni since 1974, and stated that they were good friends. He testified that Dr. Colantoni was well respected, and that he had never heard anything bad about him.

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Guido Colantoni, M.D., testified that he had always wanted to be a doctor. His curriculum vitae shows him to be highly trained in his specialty, although he is not board certified in oncology. He testified that he stopped practicing medicine on March 24, 1994, the day he was arrested. Up until that time, he had never heard of any complaints against him, from any patient, or from any member of the staff at the clinic.

He testified as to his version of what happened with Pam J., and stated that he agreed to meet her outside of the clinic because she insisted on discussing what had happened. He had told her to just forget it.

He further stated that he pled nolo contendere to three of the charges against him on advice of counsel, and because he did not want to risk being found guilty of the six charges against him. He stated that he was told that a plea of nolo contendere meant that he admitted nothing but was willing to accept some sort of sentence. He was aware that there would be repercussions from the State Board of Medical Examiners.

He testified that he never stimulated anyone's clitoris, and he knows of no reason why anyone would say he did. He said there might be something in the way he examines people that might be misinterpreted, or that the witnesses against him are lying.

Howard J. Osofsky, M.D., Chairman of the Psychiatry Department at Louisiana State University in New Orleans, began seeing Dr. Colantoni in June 1996. He testified that he found no evidence that Dr. Colantoni is a sexual deviant or a sexual predator. He stated that he could not testify as to the accuracy of the charges against Dr. Colantoni, but found nothing to indicate that he would indulge in the kind of behavior with which he is charged.

He further stated that if Dr. Colantoni should return to practice, he should be in therapy. Dr. Osofsky did not think it likely that Dr. Colantoni would engage in professionally inappropriate behavior in the future.

After the criminal charges were levied against Dr. Colantoni, and he stopped practicing medicine, he consulted Max Sugar, M.D., a psychiatrist. He first saw Dr. Sugar on September 8, 1994, about six months after he was arrested. In Dr. Sugar's deposition, which was taken on June 20, 1995, he testified that he had initially diagnosed Dr. Colantoni as suffering from major depression, and that the depression was disabling. Dr. Sugar was still seeing Dr. Colantoni at the time of the deposition. A further diagnosis of hypomania was made in about April of 1995.

There is nothing in the deposition or in Dr. Sugar's notes, which accompany the deposition, that bears on the matters presently before the Board, or on Dr. Colantoni's present condition.

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CONCLUSIONS OF LAW

The first two charges against Dr. Colantoni are clearly proven. Not only are the court records evidencing his pleas of nolo contendere in the record, but Dr. Colantoni admitted to having made the pleas in his testimony. He is, therefore, guilty of violating R.S. 37:1285A(1) and (2), as set forth in the violations charged.

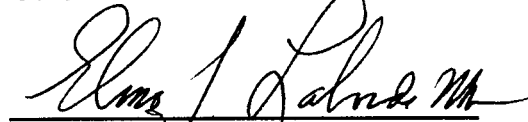
The other charges present a clear credibility question, since Dr. Colantoni denies all of the acts of sexual battery with which he is charged in the Administrative Complaint. We resolve the question against the Respondent. We find the testimony of the five patients who testified against Dr. Colantoni to be truthful and convincing, and, coupled with the undeniable fact of Dr. Colantoni's plea to the criminal charges against him, to constitute clear and convincing evidence of the truth of the charges against Dr. Colantoni. We, therefore, find him guilty of the other charges against him.

While we recognize that Dr. Colantoni is a skilled physician, and are cognizant of the opinion of Dr. Osofsky, we find that the violations of which Dr. Colantoni had been found guilty are of such a serious nature, and constitute such a serious violation of his professional obligations that no sanction short of revocation would be appropriate.

DECISION

It is, therefore, the ruling of the Board that the license of Guido Colantoni, M.D., to practice medicine in the state of Louisiana, as evidenced by Certificate Number 021784, be and it is hereby revoked and cancelled.

At NEW ORLEANS, LOUISIANA, this 31st day of July, 1997.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: Elmo J. Laborde, M.D.



By: Richard M. Nunnally, M.D.

Ike Muslow, M.D., concurs in the finding of guilty on the first two charges, but dissents from the finding of guilty on the other charges, and from the sanction of revocation.