

Before The  
Louisiana State  
Board of Medical Examiners

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In The Matter Of :  
:  
JAMES DANIEL DEAN, M.D. :  
(Certificate No. 009264) :  
Respondent. :

FINAL DECISION

7/23/87

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A formal hearing was convened before the Louisiana State Board of Medical Examiners ("Board") on June 26, 1987, to adjudicate alleged, specific violations of the Medical Practice Act (LSA-R.S. 37:1261-92) by James Daniel Dean, M.D. ("Dr. Dean"), to wit:

"[f]raud, deceit, or perjury in obtaining any diploma, license, or permit pertaining to this part,"<sup>1</sup> and

"[t]he refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice medicine or osteopathy in that state or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state."<sup>2</sup>

A quorum of the Board was present, consisting of the presiding officer, Dr. F. P. Bordelon, and Board members Dr.

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<sup>1</sup> LSA-R.S. 37:1285(2).

<sup>2</sup> LSA-R.S. 37:1285(30).

Anthony J. Hackett and Dr. Bernard L. Kaplan. Dr. Dean was present and was represented by counsel, Mr. James McPherson.

The following documents were marked and submitted into evidence without objection:

- Exhibit No. 1 Certified copy of Notice of Administrative Hearing.
- Exhibit No. 2 Return Receipt indicating delivery of Notice of Administrative Hearing;
- Exhibit No. 3 Certified copy of Administrative Complaint.
- Exhibit No. 4 Application for License Renewal, with Affidavit, submitted by Dr. Dean in support of his application for renewal.
- Exhibit No. 5 Certified copy of an accusation filed before the Division of Medical Quality, Board of Medical Quality Assurance, Department of Consumer Affairs, State of California, No. D-3304, entitled "In the Matter of the Accusation Against James D. Dean, M.D.", dated January 23, 1985.
- Exhibit No. 6 A certified copy of a Supplemental Accusation in matter No. D-3304 before the Board of Medical Quality Assurance In the Matter of the Accusation Against James D. Dean, M.D., dated April 17, 1985.
- Exhibit No. 7 A proposed decision in the matter of the accusation and supplemental accusation

against James D. Dean, M.D., docket No. D-3304 before the Board of Medical Quality Assurance, which proposed decision was rendered on October 31, 1986.

Exhibit No. 8 Decision of the Division of Medical Quality Assurance, Board of Medical Quality Assurance, Department of Consumer Affairs, State of California, in the matter of accusation and supplemental accusation against James D. Dean, M.D., docket No. D-3304. This decision was rendered on December 15, 1986 with an effective date of January 14, 1987.

Exhibit No. 9 Correspondence dated June 22, 1987 from Alan S. Meth, Deputy Attorney General, Office of the Attorney General for the State of California.

Dr. Dean No. 1 Certification by Mr. Marc E. Grimm, Program  
In Globo Manager, Division of Licensing, Board of Medical Quality Assurance, dated October 19, 1984 certifying that as of October 19, 1984 the California Board had no record of disciplinary action having been taken against James Daniel Dean, M.D. In addition, attached to Dr. Dean No. 1 is a Minute Order issued by the Superior Court of the State of

California in and for the County of Orange, dated July 1, 1985, indicating a dissolution of a temporary restraining order issued against Respondent herein on April 10, 1985.

#### FINDINGS OF FACT

1.

Dr. Dean was at all times material to the facts and matters alleged herein a physician duly licensed by the Board to practice medicine in the state of Louisiana as evidenced by Certificate No. 009264.

2.

On or about January 3, 1985 and April 17, 1985 the state of California, Department of Consumer Affairs, Board of Medical Quality Assurance, Division of Medical Quality instituted proceedings against James Daniel Dean by way of an accusation and supplemental accusation, respectively.

3.

These documents reflect allegations against Dr. Dean involving instances of insurance fraud, gross negligence and incompetent management of patients, instances of abandonment of patients and three separate and distinct instances of alterations to or knowing omissions from the medical records of a patient.

4.

On or about October 31, 1986, after extensive testimony and consideration of evidence, the state of California, through Administrative Law Judge Frank Britt, rendered a decision finding

Dr. Dean guilty of nine separate instances of insurance fraud, five separate instances of gross negligence and incompetent management of patients, one instance of abandonment of a patient and three separate and distinct instances of alterations to or knowing omissions from the medical records of a patient.

5.

This proposed decision of the Administrative Law Judge was adopted by the Board of Medical Quality Assurance as its own decision on December 15, 1986, with an effective date of January 14, 1987.

6.

The proposed decision, after describing the testimony and evidence presented in that proceeding, ordered that Certificate No. C-025205, issued to Respondent, James Daniel Dean, M.D., by the state of California is to be revoked. By adoption of the proposed decision of the Administrative Law Judge by the Board of Medical Quality Assurance, then, the state of California has revoked the license to practice medicine of James Daniel Dean, M.D.

7.

According to the testimony of Dr. Dean, a review of the decision of the Board of Medical Quality Assurance in California was requested, in addition to a stay of the effect of that decision.

8.

This request for a stay was denied on February 3, 1987. A further attempt at a stay order was sought in the Court of Appeal, but no evidence was offered indicating that such a stay was granted.

9.

According to the testimony and evidence Dr. Dean's license to practice medicine in the state of California is, at the time of the hearing, revoked and he has no privileges whatsoever to engage in the practice of medicine in the state of California.

10.

On or about February 11, 1986 Dr. Dean caused to be submitted to the Louisiana State Board of Medical Examiners an application for license renewal.

11.

The renewal form, which was submitted into evidence as Exhibit No. 4, requests that the applicant certify that within the last year no professional license issued to the applicant has been revoked, suspended or placed on probation by any state, nor has the applicant been charged with violation of any state or federal civil or criminal law. Being unable to certify as requested, Dr. Dean attached to his application an affidavit which states:

Louisiana State Board of Medical Examiners

Regarding the medical license of James D. Dean, M.D.

To Whom It May Concern:

In April of 1985 my California medical license was temporarily suspended for two weeks. This was due to allegations of improper patient care. At my request the suspension was extended for two months while I prepared my defense. Following a hearing which was in June, my license was unconditionally reinstated and is presently in effect at this time.

12.

Dr. Dean testified at the hearing of this matter that in February of 1986 he was not subject to any revocation or suspension of his license by the state of California. However, Dr. Dean offered no explanation as to his omission with respect to pending charges for violation of state civil law in the state of California, as required by the application for license renewal. The Board finds that this omission by Dr. Dean in his affidavit grossly misrepresented the status of the disciplinary proceedings in the state of California, and that pursuant to the requirements of the application for license renewal it was incumbent upon Dr. Dean to fully explain the existence of pending disciplinary proceedings in that state.

13.

It was the finding of the California Board of Medical Quality Assurance that Dr. Dean violated Sections 2220, 2227 and 2234 of the Business and Professional Code of the state of

California, and more particularly violated Sections 2234(b), 2234(d), 2234(c) 2261, 2262, 2234(e) and Section 810.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law that:

1.

Dr. Dean materially misrepresented the nature and existence of the ongoing disciplinary proceedings pending in the state of California at the time of his submission of the affidavit attached to his application for license renewal on or about February 11, 1986. This material misrepresentation and omission constitutes just cause for action against his license as provided for by LSA-R.S. 37:1285(2).

2.

The uncontradicted evidence presented at the hearing demonstrates beyond any question that Dr. Dean was found guilty of numerous violations of the Business and Professional Code of the State of California, that his license was and is revoked in that state, and accordingly, just cause exists for action against his license as provided by LSA-R.S. 37:1285(30).

#### DECISION

Considering the foregoing,

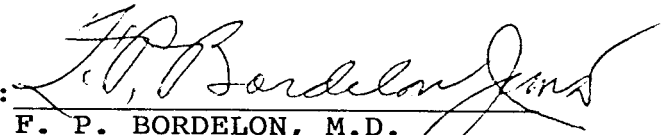
IT IS ORDERED that the license to practice medicine in the state of Louisiana held by James Daniel Dean, M.D. and as evidenced by Certificate No. 009264 be, and the same is hereby REVOKED AND CANCELLED.



New Orleans, Louisiana, this 23rd day of July, 1987.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY:

A handwritten signature in dark ink, appearing to read "F. P. BordeLon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

F. P. BORDELON, M.D.  
Member, Louisiana State  
Board of Medical Examiners