

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Ext. _____

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In The Matter Of :

WINDSOR ST. SAMUEL DENNIS, MD
(Certificate No. 02999R),

Respondent.

No. 10-I-062
:
:
STIPULATION AND AGREEMENT
:
FOR VOLUNTARY SURRENDER
:
OF MEDICAL LICENSE

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THIS STIPULATION AND AGREEMENT is made and executed by Windsor St. Samuel Dennis, M.D. ("Dr. Dennis"), a physician, who at all times pertinent was and is licensed as of the date hereof to practice medicine in the state of Louisiana,¹ with and in favor of the Louisiana State Board of Medical Examiners (the "Board").

1. **ACKNOWLEDGMENT AND STIPULATIONS.** Dr. Dennis hereby acknowledges, stipulates and agrees that:

(a) An investigation was commenced on behalf of the Board through its Investigating Officer, Cecilia Mouton, following Dr. Dennis' January 2010 indictment for health care fraud in the United States District Court, Eastern District of Louisiana, for alleged violation of 18 United States Code §1347 and §2.²

(b) Underlying the charges, the indictment alleged that over a one year period from August 28, 2005 to August 20, 2006, Dr. Dennis defrauded the United States Department of Labor, Office of Workers' Compensation ("OWCP") by billing \$102,053, and collecting \$80,019 for medical services allegedly provided to OWCP beneficiaries for approximately one year after Hurricane Katrina when his office was closed and he

¹Dr. Dennis is a seventy-seven year old orthopedic surgeon who has been engaged in practice in and around New Orleans, Louisiana.

²Indictment for Health Care Fraud, *United States of America vs. Windsor S. Dennis, M.D.*, United States District Court, EDLA, Crim. Docket No. 10-016, Section B, Mag. 1 (Jan. 21, 2010).

was not seeing patients, and by submitting a false claim on August 6, 2006 in the amount of \$575, for which he claimed to have provided an office exam and physical therapy.³

(c) On or about March 3, 2010, Dr. Dennis pled guilty to one felony count of health care fraud and is awaiting sentencing.

(d) As a result of the physician's conviction the Investigating Officer for the Board assigned to this matter has determined that just cause exists to charge Dr. Dennis with violation of the Louisiana Medical Practice Act.⁴

(e) Pursuant to the Louisiana Medical Practice Act and the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et. seq.*, Dr. Dennis would be entitled, prior to final disciplinary action against his medical license, to have notice of the allegations and charges asserted against him and to administrative adjudication of such charges, pursuant to La. Rev. Stat. §§49:955-958. At such hearing Dr. Dennis would be entitled to be represented by legal counsel, to call witnesses and 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. §§49:955-965.

2. VOLUNTARY SURRENDER OF LICENSE. Notwithstanding his right to notice of formal charges, administrative hearing and a decision thereon, as provided by La. Rev. Stat. §49:955, in recognition of the stipulations set forth hereinabove toward final disposition of the investigation now pending in this matter and in lieu of the institution and prosecution of formal administrative proceedings Dr. Dennis, nonetheless, hereby waives his right to notice of charges and formal adjudication and hereby voluntarily surrenders to the Board for cancellation his license to practice medicine in the state of Louisiana, as evidenced by Certificate No. 02999R. By his subscription hereto, Dr. Dennis also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Stipulation and Agreement for Voluntary Surrender of Medical License to the Board for its consideration and to fully disclose to and discuss

³See Indictment *infra*, p. 2, No. II.

⁴La. Rev. Stat. §§37:1285A(1), (2) and (11) provide, respectively, that that the Board may take action against the license of a physician for: (1) '[C]onviction or plea of guilty or nolo contendere to a crime constituting a felony under the laws of the United States or Louisiana;' (2) '[C]onviction of a crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of medicine;' and (11) '[M]aking or submitting false, deceptive or unfounded claims, reports, or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value.'

with the Board the nature and results of the investigation, and he waives any objection to such disclosures, under La. Rev. Stat. §49:960.

3. EFFECT OF VOLUNTARY SURRENDER OF LICENSE. Dr. Dennis acknowledges, stipulates and agrees that the voluntary surrender of his medical license effected hereby, in the presence of an administrative investigation, shall have and shall be deemed by the Board to have, the same effect as if the Board had entered an order of revocation upon the conclusion of formal administrative proceedings. Dr. Dennis further acknowledges, stipulates and agrees that as a result of the voluntary surrender of his medical license effected hereby he shall not have any right or entitlement to reinstatement or renewal of his license to practice medicine in the state of Louisiana nor shall he hereafter be entitled to apply for or otherwise attempt to obtain any original, reinstated or renewal license to practice medicine in this state.

4. TERMINATION OF PROCEEDINGS. By the voluntary surrender of his medical license occasioned hereby Dr. Dennis, moreover, acknowledges, stipulates and agrees 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 which otherwise may be afforded to him by any law, to contest his agreement to or the force and effect of this document in any court or other forum relating to stipulations, agreements, acknowledgments and other matters referred to herein.

5. ADVICE OF COUNSEL. Dr. Dennis acknowledges that he has had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation and that all of the terms, conditions, restrictions and limitations contained herein have been explained to him and/or that he fully understands them.

6. PUBLIC RECORD. Dr. Dennis acknowledges, stipulates and agrees that this Stipulation and Agreement for Voluntary Surrender of Medical License shall be, and shall be deemed to be, a **PUBLIC RECORD**.

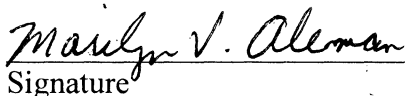
**STIPULATION
AND AGREEMENT**

STATE OF LOUISIANA
PARISH OF ORLEANS

I, WINDSOR ST. SAMUEL DENNIS, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 31st day of March, 2010.


WINDSOR ST. SAMUEL DENNIS, M.D.

WITNESSES:


Signature

Marilyn V. Aleman

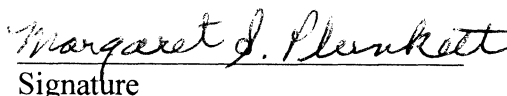
Typed Name

One Galleria Blvd, Ste. 1100

Address

Metairie, La., 70001

City/State/Zip Code


Signature

Margaret S. Plunkett

Typed Name

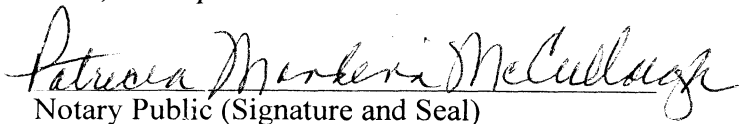
One Galleria Blvd, Ste. 1100

Address

Metairie, La., 70001

City/State/Zip Code

Sworn to and subscribed before me this 31st day of March, 2010, in the presence of the two stated witnesses.


Notary Public (Signature and Seal)

Patricia Mandina McCullough, #12494

Printed Name/Notary or Bar Number

ACCEPTANCE

CONSIDERING THE ABOVE AND FOREGOING, the Stipulation and Agreement for Voluntary Surrender of Medical License is hereby **APPROVED AND ACCEPTED** by the Louisiana State Board of Medical Examiners, this 17 day of May, 2010, effective immediately.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY: Mark H. Dawson
MARK H. DAWSON, M.D.
President

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