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Writer's Direct Dial:

CONSENT ORDER

3 Judgment, Commitment/Probation Order (May 19, 1995); *St. of La. vs. Robert Daniell/Danny Gilbert*, No. 94-F0900.

should seek specified psychiatric treatment and therapy and that his continued practice of medicine should be restricted to patients above the age of eighteen (18) years of age.

Dr. Gilbert denies that the conduct in question was in any way related to or arose out of his practice of medicine; yet he acknowledges the substantial accuracy of the foregoing information as recited hereinabove and, further, that proof of such information upon an administrative evidentiary hearing would establish grounds under the Louisiana Medical Practice Act for the suspension, revocation or imposition of such other terms, conditions or restrictions as the Board might deem appropriate on his license to practice medicine in the state of Louisiana.⁴

Recognizing his right to have notice of such allegations or charges asserted against him, to administrative adjudication of such allegations or charges, at which time Dr. Gilbert 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. §§49:955-965, Dr. Gilbert, 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 and acknowledges and waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act⁵ or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court relating to the matters referred to herein. By his subscription hereto, Dr. Gilbert also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him 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 he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Gilbert expressly acknowledges that the disclosure of 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.

Based upon the information provided, accordingly, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its

⁴Pursuant to La. Rev. Stat. §37:1285A(1), the Board may take action against the license of a physician as a result of '[C]onviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States.'

⁵La. Rev. Stat. §49:961, *et seq.*

responsibility to insure the health, safety and welfare of the citizens of this state pursuant to 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 Robert D. Gilbert, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 015142, shall be, and the same is hereby, **SUSPENDED**; and

IT IS FURTHER ORDERED that Dr. Gilbert shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves on him a written order reinstating his license to practice medicine. Express conditions to the issuance of any such Order shall be predicated upon Dr. Gilbert's acceptance of and strict compliance with the following minimum terms, conditions and restrictions:

(a) **Completion of Term of Incarceration.** Dr. Gilbert shall not be eligible to apply for reinstatement of his Louisiana medical license until such time as he has been discharged from the term of incarceration to which he was sentenced as a result of his criminal conviction. Moreover, during such term of incarceration Dr. Gilbert shall not engage in any form of the practice of medicine.

(b) **Compliance with Terms and Conditions of Criminal Judgment and Probation/Commitment Order, Medical and Probation Records.** Dr. Gilbert shall demonstrate at the time of any application for reinstatement of his medical license that he has, as of that date, successfully complied, or is in compliance with, each of the terms, conditions and restrictions enumerated in the Judgment and Probation/Commitment Order issued in connection with his criminal conviction, dated May 19, 1995, all of which are incorporated herein by reference. Dr. Gilbert shall, and does by his subscription hereto, authorize his Probation Officer in connection with such probation to provide the Board with written and verbal reports relative to his compliance with the terms and conditions of his probation, as well as photocopies on any and all reports received from physicians or other health care providers evaluating and/or providing treatment to him. In addition, at the time on which any such application for reinstatement may be filed, Dr. Gilbert shall cause his Probation Officer to direct correspondence to the Board advising of his compliance with or deviation from the terms, conditions and restrictions of such probation. Moreover, Dr. Gilbert shall authorize and cause any treating physicians or other health care providers evaluating and/or providing treatment to him during his term of incarceration or thereafter, to provide the Board with a complete copy of Dr. Gilbert's medical record, together with a written report by such treating physicians, as to his diagnosis and prognosis

and his prescriptions or recommendations for continuing treatment, therapy and monitoring.

(c) Continuing Medical Education. During his term of incarceration Dr. Gilbert shall obtain not less than one hundred (100) credit hours, through audio, video and/or reading materials, of continuing medical education ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association. Dr. Gilbert shall cause to be submitted to the Board written certification of the CME programs and credits completed by him.

(d) Participation in Physicians Health Program. Dr. Gilbert shall enter into a treatment contract ("contract") with the Physicians Health Program of the Louisiana State Medical Society, through the Physicians Health Committee (the "PHC") in the Parish in which he desires to engage in the practice of medicine, for such term and providing such conditions and treatment as may be recommended by the PHC and designating both a treating psychiatrist and a monitoring physician acceptable to the PHC and to the Board. Dr. Gilbert shall comply with all terms and conditions of the contract, a copy of which he shall cause to be furnished to the Board within five (5) days of its execution. Dr. Gilbert shall, moreover, authorize and cause his treating and monitoring physicians to submit to the Board at such times as it may request, written or oral reports as to his then-current treatment program, diagnosis, prognosis and his compliance with the terms, conditions and restrictions of this Order.

(e) Favorable Medical Opinions. The Board shall have received the written opinion of two Board Certified psychiatrists, acceptable to the Board, that Dr. Gilbert is psychiatrically sound and that their prognosis is that he is capable of practicing medicine with reasonable skill and safety to patients, based upon their personal examination, evaluation and diagnosis of Dr. Gilbert.

(f) Appearance Before the Board. Dr. Gilbert shall contact the Board and arrange for a personal appearance before the Board or at its designation, the Physicians Health Committee of the Board, at its next meeting following any request for reinstatement of his license, to permit the Board to consider his compliance with each of the terms, conditions and restrictions of this Order and those of his criminal probation, and to advise the Board of any intentions with respect to his desire for the future practice of medicine.

IT IS FURTHER ORDERED that upon Dr. Gilbert's compliance with and complete and continuing satisfaction of the terms and conditions hereinabove set forth, his license to practice medicine in the state of Louisiana may be reinstated by the Board, **ON PROBATION**, for such period of time as the Board may deem appropriate; provided, however, that such reinstatement of license and Dr. Gilbert's continuing exercise of the rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following minimum terms, conditions and restrictions:

(a) Restriction to Adult Practice. Any reinstated medical license which may be issued by the Board to Dr. Gilbert, following the successful completion of the terms and conditions mentioned hereinabove, shall restrict his practice to those patients who are eighteen (18) years of age and older. Such restriction shall remain applicable for such time as the Board, in its sole discretion, may deem appropriate and with such restriction remaining in force and effect until such time as Dr. Gilbert receives a written order from the Board relieving him thereof.

(b) Continuing Psychiatric Treatment; Reports to the Board. Dr. Gilbert shall submit to the Board for its prior approval the name and qualifications of one or more Board certified psychiatrists of his choice, who upon written approval by the Board of Dr. Gilbert's selection or of such other psychiatrist as the Board may deem appropriate, Dr. Gilbert shall advise such psychiatrist of the particulars involved in the Board's investigation and the criminal proceedings at issue herein. By his subscription hereto, Dr. Gilbert also hereby authorizes the Board to provide said psychiatrist with any and all information gathered during its investigation. Thereafter, Dr. Gilbert shall undergo such continuing, ongoing psychiatric treatment and therapy by such physician, consistent with his prescriptions and recommendations, for such duration and frequency as may be prescribed or recommended by the approved psychiatrist or by the Board. Moreover, Dr. Gilbert shall cause such psychiatrist to submit quarterly status reports to the Board each year until he is discharged from any treatment which may be recommended or prescribed. Such reports shall include the psychiatrist's diagnosis, prognosis, recommendations for treatment and assessment of Dr. Gilbert's current status and his ability to engage in the practice of medicine with reasonable and safety to patients. Dr. Gilbert shall follow all recommendations for treatment made by such psychiatrist. Failure to follow treatment recommendations will be deemed to be noncompliance with this Order.

(c) Additional Probationary Terms. In addition to such other terms and conditions as are placed upon any reinstated Louisiana medical license by this Order, Dr. Gilbert hereby consents to, agrees with and acquiesces in the imposition of any and all additional probationary terms, conditions or restrictions, as well as the length or nature thereof which, in the sole discretion of the Board, it may deem appropriate to impose upon any reinstated Louisiana medical license which may be issued to Dr. Gilbert.

(d) Verification of Compliance/Probation Officer. Dr. Gilbert shall immediately notify the Board's Compliance/Probation Officer of any change in his addresses and telephone numbers, shall cooperate with the Compliance/Probation Officer on any matter or inquiry relating to his compliance with the terms, conditions and restrictions of this Order and shall direct all matters, requests or inquiries relating to this Order to the attention of the Compliance/Probation Officer.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms, conditions or restrictions set forth by the Judgment, Commitment/Probation Order issued in connection with his criminal conviction, dated

May 19, 1995, or by this Order by Dr. Gilbert, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Gilbert's license to practice medicine in the state of Louisiana, 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 7 day of December, 1995.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: Keith C. Ferdinand

KEITH C. FERDINAND, M.D.
Vice-President

**ACKNOWLEDGMENT
AND CONSENT**

I, ROBERT D. GILBERT, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 3rd day of November, 1995.

Robert D. Gilbert, M.D.
ROBERT D. GILBERT, M.D.

WITNESS:

Otta E. Gilbert