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In the Matter of
EMMET P. GUILLOT, JR., M.D.

FINAL
DECISION

- 7/27/84

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By Notice of March 19, 1984, the Louisiana State Board of Medical Examiners ("Board") charged Emmet P. Guillot, Jr., M.D. ("Dr. Guillot") with alleged specified violations of the Louisiana Medical Practice Act, to-wit: "[e]ntry of a plea of . . . nolo contendere to a criminal charge," La. Rev. Stat., Title 37, Section 1285(1); and "[p]rescribing, dispensing or administering habit-forming or other legally controlled substances in other than a legal or legitimate manner," La. Rev. Stat., Title 37, Section 1285(6).

A formal hearing was convened before the Board on April 12, 1984 to adjudicate the alleged violations. Despite notice of the hearing, duly and timely served, neither Dr. Guillot nor any representative appeared on his behalf. In his absence, accordingly, the Board received and admitted several documents into evidence. On April 13, 1984, subsequent to the April 12,

hearing, the Board was contacted by Frank G. DeSalvo, Esq., who advised that he had been retained by Dr. Guillot in connection with the Board's administrative proceeding. Mr. DeSalvo advised that the notice of the Board's hearing had not been transmitted to his attention by Dr. Guillot's family, in sufficient time to allow him to attend the April 12th hearing. Dr. Guillot's counsel requested, therefore, that the hearing record be held open in order to allow him the opportunity to present oral argument and to provide a written memorandum and/or other documentation for the Board's consideration, prior to the rendition of a decision referable to Dr. Guillot.

By Order of June 11, 1984, the Board approved Mr. DeSalvo's request, granting him leave to appear before the Board at its next hearing date on June 28, 1984, and instructing that the hearing record be held in abeyance, to allow the receipt and consideration of oral argument and/or written memorandum or other documentation as may be presented on behalf of Dr. Guillot at such hearing.

A formal hearing was reconvened before the Board on June 28, 1984. A quorum of the Board was present. Dr. Guillot did not appear, however, Mr. DeSalvo, a member of the bar of the State of Louisiana, appeared on Dr. Guillot's behalf.

Upon consideration of the evidence presented, pursuant to LSA-R.S. 49:958, the Board renders the following findings of fact, conclusions of law and decision.

Findings of Fact

1

On or about October 7, 1983, a federal grand jury indictment was returned against Dr. Guillot, charging him with five (5) counts of violating Section 841(a)(1) of Title 21 of the United States Code, each count charging the commission of a felony.

2

Said indictment, more particularly, alleged that from June 17, 1982 through February 10, 1983, inclusive, Dr. Guillot, being a registrant authorized to dispense controlled substances, knowingly and intentionally dispensed or caused to be dispensed prescriptions for Quaalude (methaqualone), a Schedule II controlled substance, on two occasions; Placidyl (ethchlorvynol), a Schedule IV controlled substance, on two occasions; and Noludar (methypylon), a Schedule III controlled substance, on one occasion, each and all of which were not in the course and scope of his professional practice and not for a legitimate medical purpose.

3

On December 16, 1983, Dr. Guillot appeared before the Honorable Patrick Carr, District Judge, and entered under oath a plea of nolo contendere to count four of the said indictment.

4

On February 1, 1984, pursuant to his plea of nolo contendere and adjudication of guilt thereon, Dr. Guillot was

sentenced to a period of imprisonment for two (2) years, to be followed by a three (3) year period of probation. As a special condition of probation, the Court specifically ordered ". . . that during the parole term defendant not be permitted to prescribe any narcotic drugs whatsoever."*

5

The criminal offense to which Dr. Guillot entered a plea of nolo contendere, and for which he stands convicted and sentenced, arose out of and from his practice of medicine in the state of Louisiana and his exercise of the privileges of medical licensure and, because of the nature thereof, has a direct and proximate relationship to his qualification and fitness for continued practice.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact the Board concludes, as a matter of law, that:

1

Emmet P. Guillot, Jr., M.D. entered a plea of nolo contendere upon which he was adjudicated guilty, and has been convicted of a crime and, therefore, just cause exists for action against his licensure as provided for by LSA-R.S. 37:1285(1).

2

Emmet P. Guillot, Jr., M.D. has prescribed, dispensed or administered habit-forming or other legally controlled substances

* United States v. Emmet P. Guillot, Jr., M.D., Judgment and Probation/Commitment Order.

in other than a legal or legitimate manner and, therefore, just cause exists for action against his license as provided for by LSA-R.S. 371285(6).

DECISION

Considering the foregoing;

IT IS ORDERED that the license of Emmet P. Guillot, Jr., M.D. to practice medicine in the state of Louisiana be, and the same is hereby, REVOKED.

New Orleans, Louisiana, this 27 day of September, 1984.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

BY: Charles B Odom M.D.
CHARLES B. ODOM, M.D.
President