

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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New Orleans, LA 70112-1499

In The Matter Of :
FREDERICK R. HALLER, M.D. :
(Certificate No. 012275) :
Respondent :
No. 91-A-007
DECISION

An administrative hearing was convened before the Louisiana State Board of Medical Examiners (the Board) on June 20, 1991, to adjudicate alleged violations of the Louisiana Medical Practice Act by Frederick R. Haller, M.D. (the Respondent). Present representing the Board was a quorum of its membership including Drs. Richard M. Nunnally, Gerald R. LaNasa, Bernard L. Kaplan, Ike Muslow, and Elmo J. Laborde, with Dr. Laborde presiding. Also present were Mr. Louis C. Lacour, Jr., attorney for the Board; the Respondent, represented by Mr. Arthur A. Lemann, his legal counsel; and Mr. James J. Thornton, Independent Counsel for the Board. Dr. Bordelon, the Investigating Officer, took no part in either the hearing or the decision of the Board.

After consideration of the evidence which consisted of the sworn testimony of the Respondent and exhibits evidencing Respondent's renewal applications for licensing by the Board for the years 1990 and 1991; a letter from the Idaho State Board of Medicine dated September 21, 1989, putting Respondent on written notice that he had been the subject of an investigation by the Board for excessive prescription writing; a subsequent letter from the Idaho Board sending Respondent a "Release"; a "Stipulation and Order" signed on February 8, 1990, by the Chairman of the Idaho Board and on February 21, 1990, by Respondent; the rules and regulations of the Idaho State Board of Medicine; written evidence that Respondent satisfactorily completed his consent agreement; an affidavit from Respondent's office manager; and, a letter from Respondent's medical associate, the Board renders the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. At all times pertinent to the allegations and charges contained in the Administrative Complaint, Respondent was a physician duly licensed by the Board to practice medicine in the state of Louisiana as evidenced by certificate No. 012275, and was a resident of Silverton, Idaho where he maintained an office for the practice of medicine.

2. In December, 1989, and November, 1990, as part of its license renewal process, the Board sent to Respondent for completion and return an "Application for License/Certificate Renewal" for the years 1990 and 1991 respectively. Completion and return of these forms is required for renewal of medical licenses issued by the Board.

3. On Page 2 of the form (the reverse side), the licensee is queried with regard to those events which may have transpired during the preceding calendar year having material bearing on the licensee's fitness to practice medicine. This inquiry requires responses to sixteen (16) separate questions by checking, as appropriate, "Yes" and "No" boxes adjacent to the particular question.

4. Question 13 of the form asks, "Was any action taken against you by any licensing authority (during the preceding year)?" The Respondent's answer to this question was "No" on his application for renewal of his license for 1990.

5. Question 15 of the form asks, "Were you the subject of any type of disciplinary action or inquiry by an licensing authority, institution, society, etc. (during the preceding year)?" The Respondent's answer to this question was "No" on his application for renewal of his license for 1991.

6. In fact, on or about September 21, 1989, Respondent had been advised through official correspondence from the Idaho State Board of Medicine, that the Board at its meeting of September 15, 1989, had "considered information received as a result of an investigation regarding allegations of excessive prescription writing." Respondent was told that he could accept a "Stipulation and Order" which would "resolve" the problem.

7. After subsequent correspondence, Respondent signed the proffered "Stipulation and Order" of the Idaho State Board of Medicine on February 21, 1990, which, in its provisions, recited that the complaint against him was based on allegations that Respondent had prescribed, and continued to prescribe, excessive amounts of controlled substances to specific enumerated patients. The Stipulation and Order proscribed Respondent from writing prescriptions for specified controlled substances, and also ordered that he provide

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written documentation to the Idaho State Board of Medicine that he had attended a seminar on pain management.

8. These events occurring as they did in 1989 and 1990, were clearly within the scope of inquiries described in the questionnaires referenced above. Because Dr. Haller negatively responded to these inquiries, such responses were patently false and deceptive and constituted material misrepresentation of facts.

CONCLUSIONS OF LAW

1. Because of the administrative actions taken by the Idaho State Board of Medicine, Respondent's license to practice medicine in the state of Idaho has been subjected to restrictions by that licensing authority and Respondent is guilty of the violation alleged in Paragraph 11 of the Administrative Complaint. Lawful cause exists, therefore, for the suspension or revocation of Respondent's license to practice medicine in the state of Louisiana, Louisiana Revised Statutes, Title 37, Section 1285(A) (29).

2. Because of his responses to the questionnaire portion of the 1990 license renewal application, Dr. Haller has engaged in fraud, deceit, or perjury in obtaining a diploma, license or permit authorized under the Louisiana Medical Practice Act. Respondent is therefore guilty of the violation alleged in paragraph 12 of the Administrative Complaint. Lawful cause exists for the suspension or revocation of Respondent's license to practice medicine in the state of Louisiana. Louisiana Revised Statutes, Title 37, Section 1285(A) (3).

3. Because of his responses to the questionnaire portion of the 1991 license renewal application, Dr. Haller has engaged in fraud, deceit, or perjury in obtaining a diploma, license or permit authorized under the Louisiana Medical Practice Act. Respondent is therefore guilty of the violation alleged in Paragraph 13, of the Administrative Complaint. Lawful cause exists for the suspension or revocation of Respondent's license to practice medicine in the state of Louisiana. Louisiana Revised Statutes, Title 37, Section 1285(A) (3)

DECISION

Considering the foregoing:

IT IS ORDERED that Respondent's license to practice medicine in the state of Louisiana is evidenced by certificate No. 012275 is suspended for a period of one year beginning August 1, 1991. The suspension of Respondent's license is stayed conditioned on the following:

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1. Respondent shall pay to the Board a fine of \$1,000.00, plus all costs of this hearing in an amount to be set by the Board;

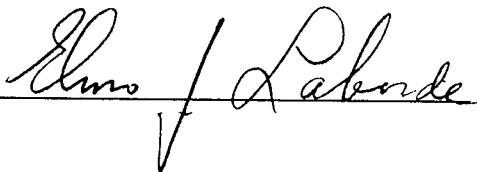
2. Respondent shall notify the Board in writing at least four months prior to a return to Louisiana to practice medicine; and

3. Respondent shall arrange a personal appearance before the Board at its convenience prior to his return to Louisiana to practice medicine.

The decision to stay the suspension of Respondent's license was made because of Respondent's compliance with his Stipulation and Order with the Idaho State Board of Medicine.

Lafayette, Louisiana, this
5th day of July, 1991

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OF MEDICAL EXAMINERS

By  M. D.