

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

Maria Elena Hernandez-Abril, M.D.
(Certificate No. 016311)

No. 00-A-005

**CONSENT
ORDER**

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On or about July 12, 2000, the Louisiana State Board of Medical Examiners ("the Board") accepted for filing an administrative complaint against Maria Elena Hernandez-Abril, M.D., certificate number 01633. This administrative complaint was filed for just cause after extensive investigation, begun in 1997, by the Investigating Officer of the Board, John B. Bobear, M.D., his staff, and his legal counsel.

The administrative complaint charges: fraudulent, improper and ineffective medical management of a terminal cancer patient; improper, ineffective treatment modalities employed for other patients complaining of similar ailments; improper charges submitted for reimbursement; personal abuse of controlled substances; inability to practice medicine safely and skillfully; and numerous violations of the Board's rules and regulations for physicians who dispense medications. These alleged acts and omissions, if proved, constitute violations of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1285A (5), (6), (11), (12), (13), (14), (16), (25) and (30).

As evidenced by her subscription hereto, Dr. Abril acknowledges the substantial accuracy of the foregoing information and, further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, revocation or such other action as the Board might deem appropriate against her

license to practice medicine in the State of Louisiana, pursuant to La. Rev. Stat. §§37:1285A (5), (6), (11), (12), (13), (14), (16), (25) and (30).

Recognizing her right to have notice of any allegation or charge asserted against her, to administrative adjudication of such allegation or charge, pursuant to La. Rev. Stat. §§49:955-58, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. Abril, nonetheless, hereby waives her right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By her subscription hereto, Dr. Abril acknowledges that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act or to which otherwise may be afforded to her by law, to contest her agreement to, or the force and effect of the Board's investigation or this document in any court. Dr. Abril, furthermore, 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 she waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Abril expressly acknowledges that the disclosure of the 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 her, 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 on the recommendation of the Investigating Officer, the Board has concluded that its 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 Maria Elena Hernandez-Abril, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 016311, be, and the same is hereby **SUSPENDED INDEFINITELY**, commencing at the effective date of this Consent Order. Although Dr. Abril may not further practice medicine unless

and until certain conditions described below are met, because of present circumstances considered, Dr. Abril is authorized to sell her medical practice and any and all medical clinics she owns or operates by December 31, 2000, but not beyond such date. Those necessary actions attendant to such sale or closure are excepted from this order of suspension but only until December 31, 2000.

This suspension shall remain in full force and effect unless and until it is formally lifted by further written order of this Board. No such further order shall be entered unless and until Dr. Abril demonstrates proof to the Board's satisfaction of and her acceptance and strict compliance with the following conditions and restrictions:

a. RE-TRAINING PROGRAM. After an in-depth assessment of her medical knowledge by physicians and facilities pre-approved by the Board and after he successful completion of that re-training deemed necessary by the Board to cure any deficiencies found on her in-depth assessment, Dr. Abril shall demonstrate her competency to practice medicine safely and skillfully.

b. DEMONSTRATION OF CAPACITY TO PRACTICE MEDICINE. After appropriate testing and evaluation documented by a physician or physicians pre-approved by the Board, Dr. Abril will demonstrate her personal physical and mental ability and capacity to practice medicine safely and skillfully.

c. INPATIENT EVALUATION. Dr. Abril shall satisfactorily complete an inpatient evaluation for chemical dependence at a facility and by a physician pre-approved by the Board.

d. RESTRICTIONS RELATING TO CONTROLLED SUBSTANCES. Unless and until she receives written approval from the Board, Dr. Abril shall not prescribe, dispense or administer: (i) any controlled substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308.11-.15, or in La. Rev. Stat. §40:964; or (ii) any substance which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statute; or (iii) any drug or medication which affects the central nervous system or which is capable of producing physiological or psychological dependence; or (iv) any mood-altering substance; or (v) the drugs Nubain, Dalgan, Soma and Butalbital in any form or generic thereof. Consistent with this Order, Dr. Abril shall immediately surrender her controlled substance certificate and registration to the state and federal issuing authorities, and she shall advise the Board's Probation Officer of her completion of this surrender. Dr. Abril shall not seek reinstatement or renewal of her DEA permit or state permit unless and until she receives the written approval of this Board. As prerequisites to such request, she shall have successfully completed the retraining program, prescribed in paragraph (a) of this Order, and have otherwise complied with the provisions of this Order.

e. LIFETIME BAN, ALTERNATIVE MEDICINE. IT IS FURTHER ORDERED that during her lifetime, Dr. Abril shall not engage in alternative medicine, including – but without limitation – IV hydrogen peroxide therapy, phototherapy, mineral therapy, IV “cocktails” with multiple agents, and any treatment methodology not scientifically proved to be safe and efficacious for patients.

f. COOPERATION WITH BOARD’S PROBATION OFFICER. Dr. Abril shall immediately notify the Board’s Probation Officer of any change in her current home and professional addresses and telephone numbers. Dr. Abril shall direct the director of her re-training program and shall cause him to direct all reports or correspondence required in connection with this Consent Order to the attention of the Board’s Probation Officer, with whom Dr. Abril shall cooperate in all matters. All reports and certifications required by this Consent Order shall be sent to the Board’s probation officer.

g. APPEARANCE BEFORE THE BOARD. At such time as she has completed the terms, conditions and restrictions of this Consent Order and of her suspension, Dr. Abril may petition the Board to lift her suspension and restore her medical licensure but under probation. Dr. Abril shall make arrangements with the Board and shall present herself before the Board at its next available monthly meeting.

IT IS FURTHER ORDERED that all programs, evaluations, studies and medical care shall be at Dr. Abril’s expense.

IT IS FURTHER ORDERED that any violation or failure by Dr. Abril of strict compliance with any of the terms, conditions or restrictions set forth by this Order, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of her license to practice medicine in the State of Louisiana, as well as any right to renewal and/or reinstatement thereof, 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.

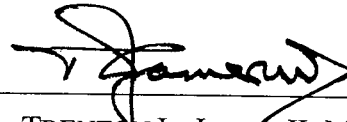
IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a **public record**.

EFFECTIVE DATE. This Consent Order shall become effective upon its approval by the Louisiana State Board of Medical Examiners, as evidenced by the dated signature of the President of the Board.

New Orleans, Louisiana, this 5TH day of DECEMBER, 2000.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY:

A handwritten signature in black ink, appearing to read "T. James II", written over a horizontal line.

TRENTON L. JAMES II, M.D.

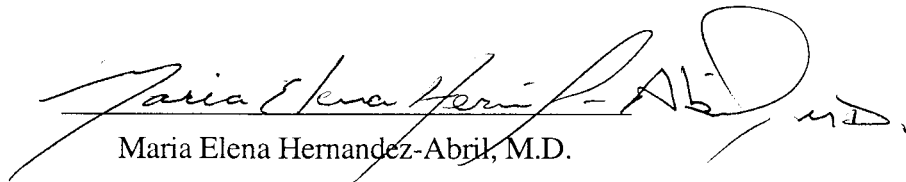
PRESIDENT

**ACKNOWLEDGMENT
AND CONSENT**

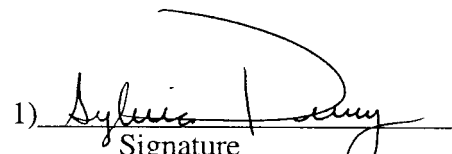
STATE OF LOUISIANA

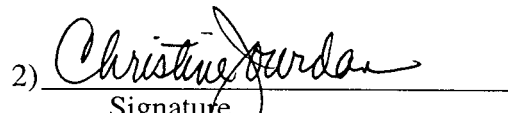
PARISH OF Orleans

I, Maria Elena Hernandez-Abril, M.D., having been fully advised by my legal counsel, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 1st day of November, 2000.

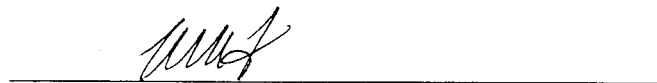

Maria Elena Hernandez-Abril, M.D.

WITNESSES:

1) 
Signature
Sylvia Perry
Printed Name
121 Elaine Dr.
Address

2) 
Signature
CHRISTINE JOURDAN
Printed Name
118 NORTH DR., COVINGTON LA 70433
Address

1st Sworn to and subscribed before me in the presence of the two signing witnesses this
day of November, 2000 at New Orleans, State of Louisiana.


Notary Public

My Commission Expires at death.