

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

JOHN JOSEPH JERRYTONE, M.D.
(CERTIFICATE NUMBER 06037R)

DECISION

97-A-003

This matter comes before the Louisiana State Board of Medical Examiners ("Board") on an Administrative Complaint charging John Joseph Jerrytone, M.D., with the following violations of the Medical Practice Act.

First, John Joseph Jerrytone, M.D., is charged with having had restrictions placed on his license by another state, in violation of R.S. 37:1285A(29). This charge was withdrawn at the beginning of the hearing.

Second, John Joseph Jerrytone, M.D., is charged with failing to advise the Board of the investigation and accusation by the other state on his renewal applications for 1993, 1994 and 1995, in violation of R.S. 37:1285A(3).

The matter was heard before a panel of the Board representing a quorum of its membership consisting of Drs. Keith C. Ferdinand, Mary Lou Applewhite, Trenton L. James II, F.P. Bordelon, Jr., Ike Muslow and Richard M. Nunnally. Also present were Judge Frederick S. Ellis, Independent Counsel for the Board, presiding, and Philip O. Bergeron, Attorney at Law, representing the complainant. Dr. Jerrytone, respondent, was present unrepresented by counsel.

FINDINGS OF FACT

Apparently, the Medical Board of California instigated an investigation of Dr. Jerrytone in June 1992, involving his treatment of one patient. An accusation, similar to our Administrative Complaint, was filed on January 8, 1993. The matter was concluded by a Stipulation in Settlement and Decision, similar to our Consent Order, executed on June 27 and 29, 1995, and effective on December 8, 1995.

John Joseph Jerrytone, M.D., testified that he had treated a child for "a pharyngitis, rule out strep, otitis media with an effusion" in September 1991. In October 1992, he was

(Jerrytone, May 1997)

invited to an informal meeting with the Medical Board of California, to discuss a complaint against him for excessive fees and for an injection of Lincocin, which was administered to the above patient. He discovered that there had been a billing error, which was documented and sent to the California Board. He was advised by a consultant that the administration of Lincocin was not ground for malpractice or disciplinary action.

He had heard nothing further from the California Board, so, when he filed his 1993 renewal application on November 18, 1992, one month after his meeting, believing that he had satisfied the Board's questions, he answered "no" to question 14, which requires disclosure of disciplinary actions or inquiries.

After the accusation was filed against him in January 1993, he sought legal counsel, and was told that the board did "not go after physicians for antibiotics injections and billing errors, and was advised to sit on it and this incident would probably go away."

When it was time to renew for 1994, he consulted with his attorney, and was told not to answer "yes" to question 14 because there had been no adverse ruling at that time. He heard nothing further from the California Board until April 1995, when he was advised to prepare for trial. In the meanwhile, on November 18, 1994, he filed his 1995 renewal in Louisiana, and once again answered "no" to question 14.

Dr. Jerrytone entered into the settlement stipulation in June 1995, because he could not afford to pay the \$25,000.00 fee quoted him by his attorney to defend the charge. Because of the stipulation in California, Dr. Jerrytone did answer "yes" to question 14 on his 1996 renewal application.

CONCLUSIONS OF LAW

When Dr. Jerrytone gave his incorrect response on his 1993 renewal application, less than one month had elapsed since his first encounter with the California Board. There was an outstanding formal complaint against him in California when he gave the incorrect response on his 1994 application, albeit on advise of counsel. The complaint was still outstanding when he gave his incorrect response on his 1995 application.

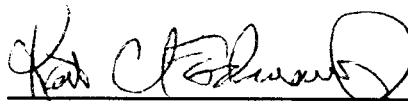
Clearly, Dr. Jerrytone knew that there was an inquiry, and then a full blown complaint against him when he gave the incorrect responses on his renewal applications. He is, therefore, guilty of the charges against him.

However, the Board is convinced that Dr. Jerrytone had no intent to deceive when he failed to reveal the California investigation, and we find his explanation of that failure to be adequate. It is, therefore, ordered that a letter be directed to Dr. Jerrytone, expressing the Board's concern at his failure to reveal the California investigation on his various renewal applications, and pointing out the necessity of being entirely truthful in his

responses in the future.

At NEW ORLEANS, LOUISIANA, this 5th day of May, 1997.

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A handwritten signature in black ink, appearing to read "Keith C. Ferdinand", is written over a horizontal line.

Keith C. Ferdinand, M.D.
President