

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

ALFRED LEONARD KLEIN, M.D.
(CERTIFICATE NUMBER 11332R)

DECISION

97-A-002

By letter of December 14, 1993, the New Mexico Board of Medical Examiners was advised by the New Mexico Medical Review Association that in six cases, Alfred L. Klein, M.D., provided services which failed to meet professionally recognized standards.

On February 18, 1994, Alfred L. Klein, M.D., was advised of the findings and concerns of the Medical Review Association, and was asked to respond thereto by March 7, 1994.

On May 17, 1995, Alfred L. Klein, M.D., was advised by the New Mexico Medical Review Association that it had concluded that there was a reasonable basis for determining that Dr. Klein had flagrantly violated his obligations under Section 1156 of the Social Security Act, which sets the standards for services rendered under Medicare.

After Alfred L. Klein, M.D., responded to that letter, the NMMRA advised him, by letter of March 26, 1996, that it had determined that he had failed to comply with his obligations under the Social Security Act, and that Dr. Klein had been unwilling to participate in a corrective action plan. It further advised him that it was recommending that he be permanently excluded from the Medicare program. Dr. Klein was offered an opportunity to respond to the recommendations.

In February 1996, the New Mexico Board of Medical Examiners voted to begin formal disciplinary proceedings against Dr. Klein. Prior to the institution of these proceedings, Dr. Klein was offered the opportunity to surrender his New Mexico license voluntarily, along with his agreement never to reapply for licensure in New Mexico, in exchange for which the New Mexico Board would not file formal charges, and dismiss the complaint.

Alfred L. Klein, M.D., surrendered his license, and agreed not to reapply on April 9, 1996. By order of July 15, 1996, the New Mexico Board accepted the surrender, and withdrew its

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decision to issue a Notice of Contemplated Action against Dr. Klein.

On May 25, 1995, Alfred L. Klein, M.D., applied for licensure in Louisiana. In his application, he answered "No" to the question "Have you ever been the subject of any type of disciplinary action or inquiry by any licensing agency, hospital, institution, society, etc.?" At that time he had been advised that the New Mexico Board was conducting an investigation into the matters alleged by the NMMRA, by virtue of the Board's letter of February 18, 1994. He was further aware of the investigation being conducted by the NMMRA, by virtue of correspondence dated December 14, 1993, March 19, 1995, and May 17, 1995.

Before the Louisiana State Board of Medical Examiners ("Board"), Alfred L. Klein, M.D., is charged with violation of R.S. 37:1285A(29) by surrendering his New Mexico license in exchange for dismissal of the disciplinary proceedings pending against him.

Alfred L. Klein, M.D., is further charged with violation of R.S. 37:1285A(3) and (4) by his failure to reveal the investigations pending against him in New Mexico.

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, 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. Klein, respondent, was present unrepresented by counsel.

FINDINGS OF FACT

In his defense, Dr. Klein testified that he was never notified by the New Mexico Board that it was considering censuring him. He had responded to the February 18, 1994, query on March 26, 1994, and had heard nothing further until 1995, when he heard of certain complaints. He responded again and heard nothing further until 1996, when his attorney heard that the New Mexico Board was starting proceedings against him. He surrendered his license to get that Board off his back.

He now regrets this decision. He has attempted to reopen the question of his licensure in New Mexico, but the New Mexico Board has refused to consider the matter because of his agreement never to reapply for licensure in that State. Dr. Klein is presently licensed only in Louisiana.

CONCLUSIONS OF LAW

There can be no doubt that Alfred L. Klein, M.D., is guilty of all charges against him. The surrender of his license under threat of disciplinary action is a clear violation of R.S. 37:1285A(29),

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and subjects him to disciplinary action.

Dr. Klein may have believed that the New Mexico Board's investigation had died, because of the delay before the New Mexico Board took action. However, the investigation by the NMMRA was being actively pursued, as evidenced by correspondence dated March 19 and May 17, 1995, the latter letter being dated only a week before his Louisiana application. He failed to reveal this investigation in his application and in the interview with Dr. Bordelon, then President of this Board, on November 2, 1995.

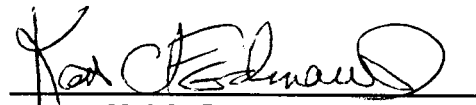
Had the New Mexico investigations been revealed in his application and his interview, his license to practice medicine in Louisiana would not have been issued until his difficulties in New Mexico had been cleared up.

DECISION

It is therefore the decision of the Board that the license of Alfred L. Klein, M.D., to practice medicine in the state of Louisiana, as evidenced by Certificate Number 11332R, be, and it is hereby revoked. When Dr. Klein's license to practice medicine in the state of New Mexico is reinstated, he may reapply for licensure in Louisiana.

At NEW ORLEANS, LOUISIANA, this 28 day of April, 1997.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

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

**Keith C. Ferdinand, M.D.
President**