

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250



Telephone: (504) 524-6763
FAX: (504) 568-8893
Writer's Direct Dial:

(504) _____

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IN THE MATTER OF:

No. 98-I-055

William Aubrey Keel, Jr., M.D.
(Certificate No. 12091R)

CONSENT
ORDER

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board") following receipt of information which revealed that a comprehensive investigation was conducted by the Medical Board of California, ("California Board") into the medical practice of William Aubrey Keel, Jr., M.D. ("Dr. Keel"). The investigation, which commenced during the year 1997, indicated that Dr. Keel had violated the California Business and Professional Code with regard to: unprofessional conduct in connection with repeated negligence and gross negligence in the diagnosis and treatment of patient J.H. in 1993, failing to obtain informed consent for surgery, and negligent performance of surgery (therapeutic hysteroscopy). The patient was rendered profoundly brain damaged and remains in a vegetative state.¹ Such information further indicates that in disposition of the investigation, Dr. Keel entered into a Stipulation in Settlement and Order with the California Board dated May 15, 1998. Pursuant to such Order Dr. Keel's California medical license was revoked; nevertheless, such revocation was stayed and his license was placed on five (5) years' probation, subject to enumerated terms, conditions and restrictions, which included requirements that Dr. Keel:

¹ Stipulation in Settlement and Order, Before the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, State of California, dated May 15, 1998, page 3; see also Accusation, No. 04-95-54360, dated September 9, 1997.

- a) Provide proof of service of the Stipulation in Settlement and Order on the Chief of Staff or C.E.O. of each hospital where Dr. Keel held staff privileges or was employed;
- b) Complete not less than 40 hours of continuing medical education for each of the first three (3) years of probation with emphasis in the areas of informed consent, treatment of fibroids and the performance of diagnostic and surgical hysteroscopy procedures. (These hours are in addition to the continuing medical education requirements for re-licensure of 25 hours);
- c) Complete an ethics course within sixty (60) days;
- d) Successfully complete a pre-approved Physician Assessment and Clinical Education Program (PACE) conducted by University of California at San Diego School of Medicine, including examination in the areas of diagnostic and surgical hysteroscopies and treatment of fibroids;
- e) Have a Board-approved surgical proctor for his next five (5) procedures in diagnostic hysteroscopy and for his next five (5) procedures in surgical hysteroscopy; and
- f) In addition to obeying all laws and rules governing the practice of medicine and submitting quarterly reports to the Board, Dr. Keel was ordered to comply with the Boards' probation surveillance program and assessed costs in amount of \$10,000.00.

Investigation of the captioned matter was assigned to John B. Bobear, M.D., the Medical Consultant/Director of Investigations for the Board. Dr. Bobear's review and analysis of the matter confirms to his satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Keel, charging him with violation of the Louisiana Medical Practice Act (the "Act") pursuant to La. Rev. Stat. §§ 37:1285A(29).

As evidenced by his subscription hereto, without admitting the accuracy of the information described hereinabove, or any violation of the Louisiana Medical Practice Act, Dr. Keel acknowledges that the information developed by the Board's investigation would constitute probable cause for the institution of administrative proceedings against his medical licensure, pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing would establish grounds under the

Louisiana Medical Practice Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate, pursuant to La. Rev. Stat. §§ 37:1285A(29).

Recognizing his right to have notice of any allegation or charge asserted against him, 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. Keel, nonetheless, hereby waives his right to formal charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Keel acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, et seq., or to which otherwise may be afforded him by law. Further Dr. Keel specifically waives his rights to contest the Board's investigation as well as his agreement to, or the force and effect of this document in any court or other forum. Dr. Keel, furthermore, hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as any legal counsel assisting the Investigating Officer 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 Dr. Keel waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Keel 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 him, or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

On the basis of the information provided to the Board, the Board is persuaded that the public interest would be properly protected and served by allowing Dr. Keel to maintain his Louisiana license, subject to appropriate specified terms and conditions. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, John B. Bobear, M.D., the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, 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 William Aubrey Keel, Jr., M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 12091R, be and the same is hereby, effective as of the date hereof, placed **ON PROBATION** for a period of three (3) years, and Dr. Keel's continuing exercise of the rights and privileges thereunder shall be subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

a. PROHIBITION ON THERAPEUTIC SURGICAL HYSTEROSCOPIES. Dr. Keel shall not perform therapeutic surgical hysteroscopies during his lifetime.

b. PROCTORING OF DIAGNOSTIC HYSTEROSCOPY PROCEDURES. Dr. Keel shall designate an experienced board certified obstetrician-gynecologist, acceptable to and pre-approved by the Board in writing, to be his surgical proctor for a period of six (6) months. This proctor, or a substitute pre-approved by the Board, shall observe Dr. Keel's performance of ten (10) diagnostic hysteroscopy cases. The proctor's responsibilities will include the proctor's presence and advance or concurrent assessment of: (1) the indications for hysteroscopy; (2) suggestions for further management of the patient; (3) Dr. Keel's competency in performing the diagnostic hysteroscopy; and (4) Dr. Keel's post procedure management and care of the patient. The proctor will immediately report to the Board any deficiencies or breaches of standards. Otherwise, the proctor will report his observations to the Board at the conclusion of the fifth procedure and at the conclusion of the tenth procedure. This proctoring will be done at Dr. Keel's expense and at a facility acceptable to and pre-approved by the Board.

c. CONTINUING MEDICAL EDUCATION. For each year that this Consent Order is in effect, and at his own expense, Dr. Keel shall undertake and complete fifty (50) hours of continuing medical education, in the field of obstetrics and gynecology, approved by and qualifying for the American Medical Association's Physician's Recognition Award. On or before the anniversary date of this Consent Order, Dr. Keel shall forward to the Board's probation officer proof of the CME credits earned during the preceding year. These annual educational requirements shall include courses in: informed consent, treatment of fibroids, and the performance of diagnostic hysteroscopy procedures.

d. COOPERATION WITH BOARD'S PROBATION OFFICER. Dr. Keel shall immediately notify the Board's Probation Officer of any change in his current home and professional addresses and telephone numbers. Dr. Keel shall cooperate in all matters with the Board's Probation Officer.

e. ABSENCE FROM STATE - EFFECT ON PROBATION. Should Dr. Keel at any time during the period of probation ordered herein be absent from the State of Louisiana, relocate to and/or take up residency in another state or country for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the

probationary period ordered herein and all terms and conditions thereof, shall be deemed interrupted and extended and shall not commence to run until Dr. Keel notifies the Board in writing that he has returned to, relocated in and/or taken up residency in the State of Louisiana. In such instance, Dr. Keel shall not receive credit toward the probationary period for the time during which he was absent from the State of Louisiana.

f. CONSENT ORDER TO BE PROVIDED TO HOSPITALS. Dr. Keel shall provide a copy of this Consent Order to the administrator of any hospital where he enjoys surgical staff privileges.

g. APPEARANCE BEFORE THE BOARD. Following satisfactory completion of the probationary requirements herein, including the proctoring requirements, as evidenced by the appropriate reports from the proctor, Dr. Keel may apply to the Board for termination of probation and shall make arrangements with the Board and shall present himself before the Board at its next available monthly meeting.

IT IS FURTHER ORDERED that any violation by Dr. Keel of, or failure of strict compliance by him 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 his 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 take effect as of the date that it is dated and signed by the Board President.

New Orleans, Louisiana, this 15th day of December, 1999.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY: Mary Lou Applewhite, M.D.
MARY LOU APPLEWHITE, M.D.
PRESIDENT

**ACKNOWLEDGMENT
AND CONSENT**

Having been duly advised by my legal counsel as to the meaning, scope and effect of the foregoing Consent Order,

I, William Aubrey Keel, Jr., M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Consent Order by the Louisiana State Board of Medical Examiners, this 23 day of NOVEMBER, 1999.

William Aubrey Keel Jr M.D.
William Aubrey Keel, Jr., M.D.

WITNESSES:

Patricia M. Lavin
Signature

Patricia M. Lavin
Typed Name
70164 Seventh Street
Covington, LA 70433
Address

Mary E. Boihem
Signature

Mary E. Boihem
Typed Name
517 Soniat Avenue
Harahan, LA 70123
Address

Sworn to and subscribed before me at New Orleans, Louisiana, this 23 day of November, 1999 in the presence of the two stated witnesses.

Robert James Palmisano
Notary Public

My commission expires at my death.