

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In The Matter of:

RICARDO E. LOPEZ, M.D.
(Certificate No. 009359)

No. 92-I-006-X

**CONSENT
ORDER**

The Louisiana State Board of Medical Examiners (the "Board") has developed apparently reliable information indicating that Ricardo E. Lopez, M.D. ("Dr. Lopez"), a physician licensed to practice medicine in the state of Louisiana, has dispensed medications in violation of the Board's rules and regulations pertaining to dispensing physicians.

More particularly, such information reveals that between January, 1990 and October, 1991, Dr. Lopez purchased fourteen hundred (1,400) controlled substances which he allegedly dispensed or administered to himself to alleviate complaints of pain, which he attributes to various medical conditions which he contends are ongoing. Such medications include: Hydrocodone APAP, 5/500mg., #200; Florazepam, 30mg., #200; Vicodin, #200; Lorazepam, 1mg., #400; and Diazepam, 10mg., #400. Similarly, between February, 1990 and November, 1991, Dr. Lopez received one thousand and eighty (1,080) medication samples, consisting of Xanax, #980 and Halcion, #100, which he allegedly dispensed to himself for treatment of various medical conditions. Nevertheless, Dr. Lopez failed to create or to maintain any medical record or chart for himself, nor did he otherwise document the date, type, amount and medical justification for the controlled substances which he allegedly dispensed to himself. Moreover, Dr. Lopez failed to create or maintain any record of the purchase, acquisition, dispensation, location or inventory of such medications, which were principally stored at his home, in violation of §6527A,¹ §6529A²

¹§6527A provides:

'A. Each registrant shall maintain current, accurate, complete and readily retrievable records of all transactions by which the registrant orders, purchases, acquires, receives or otherwise comes into possession or custody of medications, or other than *bona fide* medication samples*, for dispensation or administration to patients.'

*A bona fide medication sample, as defined by the Board's Dispensing Rules, excludes controlled substances. (§6303)

and §6529B³ of the Board's Dispensing Rules. In sum, Dr. Lopez has no records which would document the receipt or disposition of such drugs.

On February 6, 1992 a criminal complaint was filed in the United States District Court for the Eastern District of Louisiana, charging Dr. Lopez with knowingly and intentionally omitting material information from a record required to be kept under Title 21, United States Code, Section 827(a)(3), in that he failed to maintain a complete and accurate record of each controlled substance received, sold, delivered or otherwise disposed of by him.⁴ Although the criminal complaint was dismissed by the Court in 1993, such information indicates that Dr. Lopez failed to advise the Board that such charges were initiated against him in 1992 on the application for renewal of his 1993 Louisiana medical license.

As evidenced by his subscription hereto, Dr. Lopez acknowledges the substantial accuracy of the forgoing information. Such acknowledgment and the reported information would provide the Investigating Officer of the Board with probable cause to initiate formal administrative proceedings against Dr. Lopez, charging him with violations of the Louisiana Medical Practice, La. Rev. Stat. §§37:1261-92,⁵ and the Board's Dispensing Rules, La. Adm. Code §§65:6501-6561.⁶

Recognizing his right to have the allegations and charges asserted against him, to administrative adjudication of such charges, pursuant to La. Rev. Stat. §49:955-958, and to a final decision rendered upon written findings of facts and conclusions of law, Dr. Lopez, nonetheless, hereby waives his right to notice of 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. Lopez also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or legal counsel assisting him in that capacity, 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 waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Lopez expressly acknowledges that the disclosure of information to the Board by the

'B. The records required to be maintained by this section shall include: 1. A record of each order, purchase or other acquisition made or placed by the registrant for medications . . .'

²§6529A provides:

'Each registrant shall maintain current, accurate and complete records, in writing or electronically recorded, so as to be readily convertible into writing, of a generic chemical or trade name and exact quantity or amount and location of all medications in the registrant's possession or custody, which records shall, not less frequently than monthly, be updated to reflect and account for all purchases, acquisitions, dispensations, transfers, losses or other transactions involving the medications in the registrant's possession.' (emphasis supplied).

³§6529B provides:

'Not less frequently than quarterly during each calendar year, each registrant shall conduct or cause to be conducted a physical inventory of all medications in the possession or custody of the registrant for each location at which the registrant maintains or stores medications and shall conduct reasonable inquiry to determine and to record the nature and cause of any discrepancy between such physical inventory and the kind and amount of medications evidenced by the records required under the preceding paragraph of this Section. A record of each such quarterly physical inventory and reconciliation shall be made and retained by the registrant.'

⁴*United States of America v. Ricardo Lopez, M.D.*, Crim., Case No. 92-046 (Feb. 6, 1992). The criminal complaint was dismissed by the Court by Order dated August 16, 1993.

⁵La. Rev. Stat. §37:1285A(3), (6) and (30).

⁶La. Adm. Code, Title 46, Subpart 3, §§6505, 6507, 6527A, 6529A and §6529B.

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.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to ensure 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 Ricardo E. Lopez, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 009359, be, and the same is hereby, effective as of the date hereof, placed on *PROBATION* for a period of three (3) years from the effective date hereof and Dr. Lopez's medical licensure and his continuing exercise of the rights and privileges thereunder shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (a) ***Suspension of Dispensing Registration:*** The registration issued by the Board to Ricardo E. Lopez, M.D., entitling him to dispense medications in the state of Louisiana is hereby *SUSPENDED* for a minimum period of five (5) years;
- (b) ***Request for Reinstatement of Dispensing Registration:*** Following the expiration of the five (5) year period of suspension ordered hereinabove, Dr. Lopez may seek reinstatement of his dispensing registration. The Board may, although it is not required to, consider such request, which it may, in its sole discretion, decline altogether, defer for such longer period as it may deem appropriate or approve pursuant to such terms and conditions as it may consider acceptable;
- (c) ***Self Treatment Prohibited:*** Dr. Lopez shall not, for the remainder of his medical career, undertake to treat himself for any medical condition from which he now or may subsequently suffer, nor shall he self-administer or dispense to himself any controlled substance of any nature whatsoever, in treatment of any such condition, leaving such treatment instead to one or more physicians of his own selection;
- (d) ***Continuing Medical Education:*** Dr. Lopez shall obtain not less than fifty (50) credit hours per year for three (3) years through attendance at and participation in Continuing Medical Education ("CME") programs accredited by and qualifying for the Physician's Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years from the date hereof. On or before April 1, 1995, 1996, and 1997 Dr. Lopez shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve months;

- (e) **Special Purpose Examination ("SPEX").** As a specified condition of probation, Dr. Lopez shall take and successfully pass the Special Purpose Examination ("SPEX") which is offered by the Federation of State Boards of Medical Examiners within one (1) year of the effective date hereof. Should Dr. Lopez fail to successfully complete and pass the SPEX examination in satisfaction of the terms and conditions set forth herein then, in that event, his license to practice medicine in the state of Louisiana shall be suspended indefinitely. During such suspension, Dr. Lopez shall not practice medicine in any form in the state of Louisiana and he shall refrain from doing so until and unless he receives a written order from the Board permitting him to do so. Reinstatement of Dr. Lopez's license thereafter shall be conditioned upon his acceptance of and strict compliance with such terms, conditions and restrictions which the Board, in its sole discretion, may determine to be appropriate.
- (f) **Cooperation with Probation and Compliance Officer:** Dr. Lopez shall immediately notify the Board's Probationary Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all documents, including the CME certifications required pursuant to this Consent Order, to the attention of the Probation and Compliance Officer. Dr. Lopez shall cooperate with the Probation and Compliance Officer on all matters or inquiries pertaining to the conditions of his Consent Order throughout the probationary period.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the restrictions set forth by this Consent Order by Dr. Lopez shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against his license to practice medicine in the state of Louisiana as the Board may deem appropriate.

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

New Orleans, Louisiana, this 12th day of MAY, 1994.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY: 
BERNARD L. KAPLAN, M.D.
President

ACKNOWLEDGMENT AND CONSENT

I, RICARDO E. LOPEZ, M.D., HEREBY ACKNOWLEDGE, APPROVE, ACCEPT
AND CONSENT to entry of the above and foregoing Order, this 20th day of
April, 1994.

Lisa Thayer
WITNESS

Ricardo E. Lopez
RICARDO E. LOPEZ, M.D.

APPROVED AS TO FORM BY:

Darleen M. Jacobs
DARLEEN M. JACOBS, ESQ.