

BEFORE THE LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

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In The Matter Of :

No. 92-I-042-X

DWIGHT L. McKENNA, M.D. :  
(Certificate No.003347R), :

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CONSENT  
ORDER

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On February, 15, 1992, Dwight L. McKenna, M.D. ("Dr. McKenna"), a physician licensed to practice medicine in the state of Louisiana, was convicted of two felony counts of violating the Internal Revenue Code as a result of making false statements on income tax returns from earnings gained from his medical practice during the calendar years 1987 and 1988. (*United States of American v. Dwight McKenna*, Cr. No. 91-446 (U.S. E. D. La. 1992), hereinafter referred to as "federal conviction").<sup>1</sup> As a result of the foregoing conviction, on April 29, 1992 Dr. McKenna was sentenced to fifteen (15) months imprisonment, assessed the payment of fines and costs of the prosecution and placed on supervised release probation for a period of one (1) year following his release from incarceration, upon specified terms and conditions.<sup>2</sup>

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<sup>1</sup> On September 19, 1991, Dr. McKenna was indicted by a Federal Grand Jury on two counts of violation of the Internal Revenue Code, 26, USC §7206(1) as a result of allegedly filing income tax returns for the calendar years 1987 and 1988 which he did not believe to be true and correct in that Dr. McKenna reported gross earnings for his medical practice far below his actual gross earnings for the two years in question.

<sup>2</sup> In addition to the fifteen months of incarceration, Dr. McKenna was fined a total of \$4,000 and assessed as costs of prosecution \$5,064.49. While on supervised release Dr. McKenna was ordered not to commit another federal, state or local crime, to comply with the fifteen standard conditions of probation, to cooperate with the Internal Revenue Service to resolve his tax indebtedness and to submit complete personal and business financial information, including Internal Revenue Service information to the probation officer as directed. See Judgment and Probation/Commitment Order, *United States of America v. Dwight McKenna*, C.R. No. 91-446 (Apr. 29, 1992).

As evidenced by his subscription hereto, Dr. McKenna acknowledges the substantial accuracy of the foregoing information and, further, that proof of such information upon an administrative evidentiary hearing would establish grounds under the Louisiana Medical Practice Act for the suspension, revocation or such other as the Board might deem appropriate against his license to practice medicine in the state of Louisiana, as a result of his "Conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States," and "Conviction of a crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of medicine." <sup>3</sup> Although Dr. McKenna acknowledges that he was found guilty as stated above, he has consistently maintained his innocence of the charges and is presently pursuing an appeal of the referenced-conviction.

Recognizing his right to have notice of 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 or facts and conclusions of law, Dr. McKenna, nonetheless, hereby waives his right to a 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. McKenna also hereby authorizes 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. McKenna expressly acknowledges that the disclosure of 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 Dr. McKenna 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 upon the recommendation of the Investigating Officer assigned to this matter, 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 with the full understanding that this consent order is predicated upon the validity of the said conviction and that if the said conviction is overturned or dismissed for any reason whatsoever this Consent Order shall become null and void pursuant to the authority

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<sup>3</sup> La. Rev. Stat. §37:1285A(1) and (2).

vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

**IT IS ORDERED** that the license of Dwight L. McKenna, M.D., to engage in the practice of medicine in the state of Louisiana as evidenced by Certificate No. 0033347R, shall be, and the same is hereby placed ON PROBATION, for a period three (3) years from the effective date hereof; *provided, however,* that Dr. McKenna shall be allowed to exercise the rights and privileges under his license in the event that he shows that he has complied with the following conditions and restrictions:

(a) **Practice of Medicine Prohibited.** Dr. McKenna not engage in the practice of medicine in any form in the state of Louisiana until and unless the Board issues and serves on him a written order authorizing his practice in this state. As express conditions to the issuance of such order, Dr. McKenna shall have (1) been discharged from the term of incarceration to which he was sentenced as a result of his federal conviction; and (2) completed and provided written certification to the Board of at least fifty (50) of the continuing medical education credit hours required hereunder, and (3) that he makes a personal appearance before the Board as stated in paragraph d.

(b) **Compliance with Terms and Conditions of Federal Probationary Order.** Dr. McKenna shall comply with the terms conditions and restrictions enumerated in the Judgment and Probation/Commitment Order issued in connection with his federal conviction, dated April 29, 1992, all of which are incorporated herein by reference. Dr. McKenna shall, and does by his subscription hereto, authorize his Probationary Officer in connection with his federal conviction to provide the Board with written and verbal reports relative to his compliance with the terms and conditions of his federal probation. Moreover, Dr. McKenna shall, at the conclusion of his federal probation, cause his federal Probation Officer to direct correspondence to the Board advising of his successful completion of the terms, conditions and restrictions ordered thereunder.

(c) **Continuing Medical Education.** Dr. McKenna shall obtain not less than fifty (50) credit hours per year for each of the three years of the probationary period identified herein, through attendance at and participation in continuing medical education ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association, and he shall obtain such an award within three (3) years form the date hereof. On or before October of each year during the term of probation ordered hereinabove, Dr.

McKenna shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the proceeding twelve months.

(d) Personal Appearance Before the Board. Dr. McKenna shall arrange for and shall personally appear before the Board or its designee at its next meeting following his request to re-enter the practice of medicine in Louisiana to permit the Board to consider his compliance with the terms of this Order and to advise the Board of his intentions with respect to the practice of medicine.

(e) Verification of Compliance/Probationary Officer. Dr. McKenna shall immediately notify the Board's Probationary Officer of any change in his personal and professional addresses and telephone numbers and he shall direct all CME credits and all other matters relating to this Order, to the attention of the Probationary Officer.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. McKenna, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. McKenna's license to practice medicine in the state of Louisiana. Upon the abridgement of the Consent Order by Dr. McKenna, the Board may take whatever action they deem appropriate with respect to discipline under the relevant statute.

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


New Orleans, Louisiana, this 4<sup>th</sup> day of December  
1992.

LOUISIANA STATE BOARD OF  
MEDICAL EXAMINERS

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

**ACKNOWLEDGEMENT**  
**AND CONSENT**

I, DWIGHT L. MCKENNA, M.D., hereby acknowledge, approve,  
accept and consent to entry of the above and foregoing Order, this  
1st day of  
December, 1992.

  
DWIGHT L. MCKENNA, M.D.

WITNESS:

Marshall Muhammad