

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NUMBER: 04-A-011

IN THE MATTER OF:

ABDEL RAHAM MOHAMED ALI ALMASRI, M.D.
(CERTIFICATE NO. 11745R)

OPINION AND RULING

This matter comes before the Board pursuant to an Administrative Complaint charging Respondent Abdel Raham Mohamed Ali Almasri, M. D., with a number of violations of the Medical Practice Act. The matter was heard before a panel of the Board consisting of Drs. Gage-White, James, Amusa, Laborde, and LeBlanc, President. The case arises out of the alleged failure of Respondent to comply with the Board's Pain Management Rules, 46 La. Admin. C. §§ 6915-6923, and with the Board's Obesity Rules, 46 La. Admin. C. §§ 6901 - 6913, in a number of cases.

The matter first came to the attention of the Board in 1997, when Dr. Almasri was notified that the Board was investigating his practice, and given an opportunity to come in to discuss the matter, pursuant to R. S. 49:961C. Apparently an Administrative Complaint was accepted by the Board, and a pre-hearing conference was authorized. No further action was taken at that time. Dr. Almasri continued to renew his Louisiana license through the year 2002, but failed to renew for the year 2003, and he is not presently licensed in this state. In his application for renewal for 2002, he gave his address as 520 East Arlington, Ada, OK,

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73439. Prior to that time, his address was 8369 Florida Blvd., Suite 8, Denham Springs, LA, 70726.

On May 21, 2003, the present Administrative Complaint was executed by the Director of Investigations for the Board. By letter of November 14, 2003, addressed to the Ada, OK, address furnished by Dr. Almasri, and sent by certified mail, Dr. Almasri was notified of the charges against him, and furnished with a copy of the proposed Administrative Complaint, and a proposed Consent Order. He was given an opportunity to come in and discuss the charges. The letter and enclosures were returned, marked "No longer at this address." The same material was subsequently sent to Dr. Almasri at two different forwarding addresses in Ada, OK, and to the Denham Springs address. On April 12, 2004, a letter was received from an attorney in Ada, OK, which stated that Dr. Almasri had moved to Doha, Qatar, in January, 2003. Subsequent notices of pre-hearing conference, and of the hearing, were directed to the Ada, OK, addresses, but were refused. Subsequently, Board personnel reported addresses for Dr. Almasri in Qatar, but no further attempts were made to notify him.

The Board's rules, La. Admin. C., Title 46, Section 9905B, provide that the notices of the complaint, and of the time, date, and place of the hearing, shall be served on the Respondent by registered mail, return receipt requested, and by regular mail, at his most current address reflected by the official records of the Board. This was done, in addition to attempted notification at three other addresses discovered by the Board. Due process does require notice, but that does not mean that the notice must be received. Respondent is under an obligation to keep the Board advised of his whereabouts. His failure to do so places the responsibility for his failure to receive the notice squarely on his shoulders. We find that the elements of due process have been met in this case, and that Respondent was legally notified of the proceedings against him, and of the time, date and place of the hearing.

The substance of the complaints against Dr. Almasri involves nine patients for whom he was doing pain management, and two patients whom he was treating for obesity. We will not go into detail about these cases. Suffice it to say that the charts reflect a failure to evaluate completely these patients, and a failure to observe the Pain and Obesity Rules, as well as the basic tenets of good medicine. Respondent, in several cases, ignored direct evidence of fraud in obtaining controlled substances and diversion of the drugs prescribed by him, and continued to prescribe controlled substances to those patients.

We find his standard of practice to be unacceptable. Dr. Almasri is charged with violations, not only of the Pain and Obesity Rules, *supra*, but also with violating R. S.

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37:1285A(6), which proscribes prescribing controlled substances without legitimate medical justification or in other than a legal and legitimate manner; and of R. S. 37:1285A(14), which proscribes continuing medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state. Finally, he is charged with violating R. S. 37:1285A(30), which proscribes violation of any rule or regulation of the Board, or any provisions of the Medical Practice Act.

We find Respondent to be guilty of all of the charges against him, and impose the following sanction: The license of Abdel Rahman Mohamed Ali Almasri, M. D., to practice medicine in the State of Louisiana, currently inactive, evidenced by Certificate No. 11745R, is hereby **SUSPENDED INDEFINITELY**. Because Dr. Almasri was not present to defend himself, we further order that, in the event he should return to the State of Louisiana, and should wish to practice medicine in this state, he shall be given the opportunity to appear before the Board to present any reasons why he should be readmitted to practice medicine in Louisiana.

IT IS FURTHER ORDERED that Respondent pay all costs of this proceeding.
New Orleans, Louisiana, this 13th day of November, 2004.

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BY: KIM EDWARD LEBLANC, M.D., Ph.D., PRESIDENT