

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In The Matter Of	:	No. 91-A-003
ANTONIO ANGELES ROMERO, M.D.	:	DECISION
Certificate No. 05138R	:	
Respondent.	:	

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An administrative hearing was convened before the Louisiana State Board of Medical Examiners (the Board) on Thursday, April 11, 1991, to adjudicate alleged violations of the Louisiana Medical Practice Act by Antonio Angeles Romero, M.D. (the Respondent). Present representing the Board was a quorum of its membership including Drs. Richard M. Nunnally, Gerald R. LaNasa, Keith C. Ferdinand, Bernard L. Kaplan, and Elmo J. Laborde with Dr. Laborde presiding. Also present were Mr. Thomas Lorenzi, Attorney at Law, representing Respondent who did not personally appear; Mr. James J. Thornton, Independent Counsel for the Board; and Messrs. Philip O. Bergeron and L. Thomas Styron, Attorneys for the Board. Dr. F.P. Bordelon did not take part in the hearing, nor did Dr. Ike Muslow, the Investigating Officer.

After consideration of the evidence introduced which consisted of records pertinent to the criminal action brought by the State of Louisiana against Respondent styled: State of Louisiana vs. Antonio A. Romero and Jesusa N. Romero, 533 So.2d 1264 (Ct. of App. 3d Cir. 1988) and affirmed by the Supreme Court of Louisiana in cause nos. 89-K-0037 and 89-K-038; and arguments by counsels for Respondent and the Board, the Board renders the following findings of fact and conclusions of law.

Findings of Fact

1. At all times pertinent to the allegations against Respondent, Respondent was a medical doctor licensed by the Board to practice medicine in the State of Louisiana as evidence by Certificate No. 05138R, which has not been renewed since December 31, 1988, and is, therefore, not current.

2. At all pertinent times, Respondent practiced medicine in Calcasieu Parish, Louisiana.

3. After an investigation by the Medicaid Fraud Control Unit, Criminal Division, Department of Justice, State of Louisiana, on January 14, 1987, the Grand Jury of Calcasieu Parish indicted Respondent on seventy-eight (78) counts of Medicaid Fraud as defined by Louisiana Revised Statutes, Title 14, Section 70.1. The case was styled: State vs. Antonio A. Romero and Jesusa N. Romero, Docket No. 1452-87.

4. The case was tried to a jury which, on November 20, 1987, returned a verdict of guilty on sixty-seven (67) charges and a verdict of not guilty on five counts. On January 25, 1988, the Court entered a Judgment of Acquittal on two counts to which Respondent had been found guilty by the Jury.

5. On January 25, 1988, the Court also sentenced Respondent on sixty (60) counts of Medicaid Fraud to five years in the custody of the Department of Corrections on each count, the sentences to run concurrently. The sentences were suspended and Respondent was placed on three years supervised probation which included the following conditions:

- a. Forty (40) eight-hour day of court-approved community service activities;
- b. Payment of one-half of the cost of prosecution, totalling \$39,802.78, or \$19,901.39;
- c. Payment of a supervision fee of \$25.00 per month to the Division of Probation and Parole; and
- d. As to Count No. 1, payment of a \$5,000 fine, through the Division of Probation and Parole; and
- e. Payment of court costs.

6. Respondent appealed his convictions and sentences to the Third Circuit Court of Appeals which affirmed the convictions and sentences on twenty-eight (28) counts but reversed and remanded the convictions and sentences on the remaining thirty-two (32) counts because of an improper admission of certain medical records. The State elected not to retry Respondent on these counts.

7. On appeal to the Supreme Court of Louisiana, the Supreme Court dismissed Respondent's convictions on several additional counts (again because of improper admissions of certain medical records) but affirmed the convictions and sentences on the remaining eleven (11) counts. The convictions and sentences on eleven counts of medicaid fraud are final.

8. As to each count on which a guilty verdict was returned and affirmed on appeal, the jury and appeal courts found that Respondent had presented for payment false claims for services rendered with intent to defraud the state. The penalty for Medicaid fraud is imprisonment with or without hard labor for not more than five years or a fine of not more than \$10,000, or both. Respondent has, therefore, been convicted of eleven felony (11) counts. Revised Statutes, Title 14, Section 70.1; Art. 933(3) of the Louisiana Code of Criminal Procedure.

Conclusions of Law

1. Respondent is guilty of the violations of the Louisiana Medical Practice Act as set out in paragraph 16 of the Administrative Complaint in that he was convicted of eleven criminal charges, constituting felonies under the laws of the State of Louisiana, and, more particularly, of submitting false claims for services with the intent to defraud the State of Louisiana. Louisiana Revised Statutes, Title 37, Section 1285(A)(1) and 1285(A)(11).

2. Respondent is guilty of the violations of the Louisiana Medical Practice Act as set out in paragraph 18 of the Administrative Complaint in that he submitted false claims to a governmental authority for the purpose of obtaining anything of economic value. Louisiana Revised Statutes; Title 37, Section 1285 (A)(11).

Decision

Considering the foregoing: **IT IS ORDERED** that the license of Antonio Angeles Romero, M.D., to practice medicine in the State of Louisiana, as evidenced by Certificate No. 05138R, is revoked and cancelled.

Keith C. Ferdinand, M.D. respectfully dissents from this decision.

Lafayette, Louisiana
5/6/, 1991

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By Elmo J. Laborde M.D.
Elmo J. Laborde, M.D.
President