

LOUISIANA STATE  
BOARD OF MEDICAL EXAMINERS

\* \* \* \* \*  
\*  
\*  
In The Matter Of \*  
\*  
PETER A. VIGLIA, M.D. \*  
\*  
\*  
\* \* \* \* \*

CONSENT ORDER

---

By Notice of February 13, 1976, the Louisiana State Board of Medical Examiners (Board) suspended the medical licensure of Peter A. Viglia, M.D. (Dr. Viglia) pending formal adjudication on April 1, 1976 of a specified violation of the Medical Practice Act, to-wit: "[c]onvic-  
tion of a crime . . . ," LSA-R.S. 37:1285(1). Hearing was successively continued, at the request of Dr. Viglia's counsel, pending trial and appellate review in United States v. Peter A. Viglia, M.D., No. 75-623 (E.D. La.).

By supplemental Notice of September 28, 1977, the administrative charge against Dr. Viglia was amended to include "[i]nability to practice medicine with reasonable skill or safety to patients because of mental illness or deficiency . . . ," LSA-R.S. 37:1285(25). At the same time, pursuant to LSA-R.S. 37:1270(5) & 1278, the Board directed Dr. Viglia to present himself for examination by

James Henry Brown, M.D. Hearing was scheduled for November 4, 1977, but continued once again upon Dr. Viglia's medical confinement. The hearing was finally set for August 15, 1979.

Recognizing his right to have the specified charges adjudicated pursuant to LSA-R.S. 49:955-58, and to a Final Decision rendered upon written findings of fact and conclusions of law, Dr. Viglia, together with his undersigned counsel, Lawrence Blake Jones, Esq., nonetheless hereby waives his right to a formal adjudication of the charges and, pursuant to LSA-R.S. 49:955D, consents to entry of the following order.

The Board takes administrative notice that on March 23, 1977, the United States Court of Appeals for the Fifth Circuit affirmed Dr. Viglia's conviction by the United States District Court for the Eastern District of Louisiana of thirteen (13) counts of violating 21 U.S.C. § 841(a)(1), January 7, 1976, relative to unlawfully dispensing or prescribing controlled substances. United States v. Peter A. Viglia, M.D., No. 75-623 (E.D. La.). The Board also takes notice that, pursuant to said conviction, Dr. Viglia was sentenced by the Hon. Alvin B. Rubin, District Judge,

to imprisonment for a term of fifteen (15) months with a special parole term of two (2) years.

In entering the following Consent Order, the Board has also considered the October 12, 1977 report of James H. Brown, M.D., providing the Board with a psychiatric evaluation of the physician and suggesting that "consideration be given to a limited type of practice in a structured and supervised setting . . . ." Similarly, the Board reviewed the January 31, 1978 report of G. Adrian Dean, M.D., Staff Psychiatrist of the Southeast Louisiana Hospital, together with Dr. Viglia's complete medical record at that institution. More recently, the Board received a June, 1979 evaluation by Max E. Johnson, M.D. and current correspondence from John S. Salatich, M.D. offering to employ Dr. Viglia in the non-acute adult emergency room of Charity Hospital in New Orleans.

In consideration of the foregoing, and pursuant to the authority vested in the Board by LSA-R.S. 37:1285 and LSA-R.S. 49:955D,

IT IS ORDERED that the license of Peter A. Viglia, M.D. to practice medicine in the State of Louisiana be, and the same is hereby, REINSTATED ON PROBATION for a period

of one (1) year from the date hereof; provided, however,  
that such reinstatement shall become and remain effective  
only upon the physician's strict compliance with the  
following probationary terms, conditions and restrictions.

- A. Peter A. Viglia, M.D. shall not pre-  
scribe, dispense or administer Controlled  
Substances as defined, enumerated or  
included in 21 C.R.F. §§ 1308.11-.15 and  
LSA-R.S. 40:964, and any substance which  
may hereafter be included in any controlled  
substance schedule by amendment or revision  
of the cited regulations or statute; nor  
shall he attempt to obtain any federal or  
state registration or license to pre-  
scribe, dispense, distribute or administer  
Controlled Substances;
- B. Peter A. Viglia, M.D. shall not engage in  
the private practice of medicine in any  
form in the State of Louisiana;
- C. Prior to, and as an express condition of  
the issuance of restricted licensure here-  
under, Dr. Viglia shall submit or cause  
to be submitted to the Board:
  - (1) a written agreement, subscribed  
by John S. Salatich, M.D., or  
another senior physician on the  
staff of Charity Hospital, New  
Orleans, confirming that Dr.  
Viglia has been accepted for  
employment and retained as a  
physician in the non-acute adult  
emergency room of Charity Hospital,  
New Orleans, and undertaking to  
provide the Board with quarterly  
written reports on Dr. Viglia's  
practice at such institution; and

- (2) the name and address of a psychiatrist, acceptable to the Board, to whom Dr. Viglia will submit for continuing psychiatric treatment and such evaluation and testing as is necessary to satisfy the Board as to Dr. Viglia's continuing physical and mental fitness and capacity to practice medicine with reasonable skill and safety to patients.
- D. Dr. Viglia shall not, during the pendency of any restricted licensure issued hereunder, practice medicine other than at Charity Hospital, New Orleans, and in the non-acute adult emergency room. Notwithstanding condition "A", above, Dr. Viglia may recommend the prescription, dispensation or administration of controlled substances to a patient of said institution provided that such prescription, dispensation or administration is issued or made under the Controlled Substances registration and license of the institution;
- E. Dr. Viglia shall submit to continuing treatment by the approved psychiatrist and to such evaluation and testing as is necessary to satisfy the Board as to Dr. Viglia's continuing physical and mental fitness to practice medicine with reasonable skill and safety. Consistent with this condition, Dr. Viglia shall authorize the approved psychiatrist to submit and shall cause to be submitted to the Board every two (2) months a written evaluation setting forth the psychiatrist's findings relative to Dr. Viglia's diagnosis, prognosis, treatment, and fitness and capacity to practice medicine with reasonable skill and safety;

- F. Within one month prior to the expiration of the restricted licensure issued hereunder, Dr. Viglia shall appear before the Board to consider his progress in treatment and practice and the nature of licensure, if any, to be issued thereafter.

IT IS FURTHER ORDERED that the Board may, in its discretion, immediately suspend or revoke the restricted license issued hereunder upon a reasonably substantiated report from either Dr. Viglia's employing institution or treating psychiatrist that Dr. Viglia is or has become unable to practice medicine with reasonable skill and safety.

IT IS FURTHER ORDERED that the issuance of restricted licensure hereunder shall create no right or entitlement to or presumption of licensure thereafter, which shall remain in the discretion of the Board based upon Dr. Viglia's professional performance and medical progress during the rehabilitation period.

IT IS FURTHER ORDERED that any violation of the probationary conditions and restrictions set forth herein shall be deemed just cause for the suspension or revocation of the medical licensure of Peter A. Viglia, M.D., or for such other disciplinary action as the Board deems appropriate, as if such violation were enumerated among the causes set forth in LSA-R.S. 37:1285.

IT IS FURTHER ORDERED that the Secretary, upon Dr. Viglia's compliance with condition "C", above, issue to Peter A. Viglia, M.D. an institutional temporary permit subject to the terms, conditions and restrictions set forth herein.

New Orleans, Louisiana, this 14<sup>th</sup> day of September, 1979.

LOUISIANA STATE BOARD OF  
MEDICAL EXAMINERS

By Charles B. Odom, M.D.  
CHARLES B. ODOM, M.D.  
President

Approved and Accepted:

Peter A. Viglia, M.D.  
PETER A. VIGLIA, M.D.

Lawrence Blake Jones  
LAWRENCE BLAKE JONES  
Attorney for Peter A. Viglia, M.D.

Robert J. Conrad, Jr.  
ROBERT J. CONRAD, JR.  
Counsel for the Louisiana  
State Board of Medical  
Examiners