

Louisiana State Board of Medical Examiners

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NUMBER: 10-A-001

IN THE MATTER OF:

**ANGEL MARTY GARCIA, M. D.
(Applicant)**

OPINION AND ORDER

Angel Marty Garcia, M. D., has applied for licensure in Louisiana. Following notification of this Board's intent to deny his application, Dr. Garcia requested a hearing. An Administrative Complaint, alleging the Board's intent to deny the application, and the reasons therefor, was filed, and a pre-hearing conference was scheduled. Despite proper notification, which appears in the record, Dr. Garcia failed to appear for the conference, either in person or through counsel. At the pre-hearing conference, this matter was set for hearing on December 7, 2010, and Dr. Garcia was so notified, by registered mail, which appears in the record. Despite this notification, Dr. Garcia failed to appear for the hearing, either personally or through counsel.

In the Administrative Complaint, four bases for the denial of Dr. Garcia's application are set forth. First, it is alleged that Dr. Garcia provided false sworn information to the Board in his application, in violation of R. S. 37:1285A(4). Second, it is alleged that Dr. Garcia prescribed controlled substances to patients in Louisiana in other than a legitimate manner, in violation of R. S. 37:1285A(6), and in so doing, was guilty of unprofessional conduct, in

violation of R. S. 37:1285A(13). Third, it is alleged that by prescribing controlled substances to patients in Louisiana, when not licensed to practice in this state, Dr. Garcia was guilty of unauthorized practice of medicine, in violation of R. S. 37:1271, and R. S. 37:1285A(30). Finally it is alleged that Dr. Garcia is not qualified to be licensed to practice medicine in Louisiana because he is not of “good moral character,” as required by R. S. 37:1271A.

The record shows that on Dr. Garcia’s application for licensure, which was executed on or about August 12, 2009, he answered “No” to question 6 on the application, which reads “Has your professional license, certificate, or registration been the subject of investigation or revoked, suspended, probated, restricted, reprimanded, limited, or subjected to any other disciplinary action by any state licensing board or federal authority?”

The record further shows that on November 1, 2005, an Administrative Complaint was filed against Dr. Garcia by the Florida Department of Health. In settlement of that Complaint, on April 11, 2006, Dr. Garcia entered into a Settlement Agreement, by virtue of which he was given a letter of concern, paid a fine and costs, and performed community service. He failed to reveal these facts on his application to this Board.

The record further shows that on February 24, 2009, Dr. Garcia’s DEA license was immediately suspended by the Drug Enforcement Administration for having issued prescriptions for controlled substances to “thousands of individuals throughout the United States via the Internet based on online questionnaires, submissions of unverified records, and/or telephone consultations with you or physician’s assistants.” The said prescriptions were said to be for other than a legitimate medical purpose or outside the usual course of professional practice. It was further alleged that he failed to establish a valid physician-patient relationship.

Both of these matters should have been revealed by Dr. Garcia in his application to

this Board in August, 2009, and were not. We therefore find him guilty of the first charge against him.

Also in the record, and properly identified by affidavit, is a printout of all of the prescriptions for controlled substances, written by Dr. Garcia, and filled by Wal-Mart Pharmacies nationwide, from June 13, 2007, until December 13, 2007. There are over 600 of these prescriptions, issued to patients in some forty states, from Rhode Island to California, and Minnesota to Texas. During the time that they were written, Dr. Garcia was licensed only in the State of Florida. Six of the prescriptions, written for three patients who resided in Louisiana, were filled in Louisiana.

We think it evident that Dr. Garcia could not possibly have properly established a physician-patient relationship with, or properly evaluated, that many patients, so widely dispersed, during the five month period during which the prescriptions were written. We therefore find him guilty of the second charge against him.

Since three of these patients were in Louisiana, and Dr. Garcia was not licensed in Louisiana, he is guilty of the third charge against him.

As to the fourth charge, we note that “good moral character” is defined in Black’s Law Dictionary as a “pattern of behavior conforming to a profession’s ethical standards and showing an absence of moral turpitude.” That same source defines moral turpitude as “conduct that is contrary to justice, honesty, or morality.” The record before us reveals that Dr. Garcia has lied on his application for licensure, and has issued prescriptions without legitimate medical justification. We think that conduct shows that he is not a person of good moral character, and therefore not eligible for licensure in Louisiana.

We therefore **DENY** the application of Angel Marty Garcia, M. D., for a license to

practice medicine in the State of Louisiana. We further order that he shall pay a fine of \$3000.00, and all costs of this proceeding since the filing of the Administrative Complaint, payable immediately.

NEW ORLEANS, LOUISIANA, THIS 10 DAY OF JANUARY, 2011.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

Mark H. Dawson MD

BY: MARK H. DAWSON, PRESIDENT