

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter of :
:
JOHN ANTHONY CALIFANO, M.D. :
:
(Certificate No. MD.207611), :
Respondent :
:
----- X

No. 18-I-177
CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information which indicated that John Anthony Califano, M.D. ("Dr. Califano"), a physician that is, and was at all times material to the facts and matters alleged herein licensed and engaged in the practice of medicine in and around Monroe, Louisiana, engaged in an inappropriate relationship with a patient. Dr. Califano voluntarily removed himself from practice and submitted to evaluations related to the allegation of boundary violations. Thereafter, Dr. Califano underwent the initial phases of recommended treatment. His evaluating and treating healthcare providers have determined that under the appropriate circumstances, Dr. Califano is now capable of returning to the practice of medicine with requisite skill and safety to patients.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter determined reasonable cause existed such that a formal Administrative Complaint could be filed against Dr. Califano, charging him with violations of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1261 et. seq. ("the Act"), pursuant to La. Rev. Stat. §§37:1285A(13)¹.

While not admitting to any violation of the Act or any of the facts stated therein, Dr. Califano, nonetheless, acknowledges that the foregoing information could provide the Investigating Officer for the Board with probable cause to pursue formal

¹ The board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued pursuant to this Part for the following causes:... (13) Unprofessional conduct, including but not limited to, conduct manifested as sexual misconduct, disruptive behavior, failing to cooperate with the board, failing to maintain independent medical judgment, improperly delegating or supervising, exercising undue influence, enabling the unauthorized practice of medicine, practicing or enabling practice by an impaired provider, failing to practice within the scope of education, training, and experience, intentionally falsifying or fraudulently altering records, or failing to create or maintain medical records.

administrative proceedings against him for violation of the Act, La. Rev. Stat. §§37:1285A(13), and further, that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension, revocation, or imposition of such other terms, conditions, or restrictions on his license to practice medicine in the state of Louisiana as the Board may determine appropriate.

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Califano would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §49:955-965, Dr. Califano, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Dr. Califano acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which may be afforded to him by any other law to contest or appeal his agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By his subscription hereto, Dr. Califano also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this 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 he waives any objection to such disclosures under La. Rev. Stat. §49:960. Furthermore, Dr. Califano expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order.

Based upon the information provided, the Board has concluded that the public interest would be properly protected and served by allowing Dr. Califano to maintain his license subject to appropriate specified terms, conditions and restrictions. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, 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 this Order set forth hereinafter by consent. Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of John Anthony Califano, M.D. to engage in the practice medicine in the state of Louisiana, as evidenced by Certificate No. MD.207611, is hereby placed on **PROBATION** for three (3) years; *provided, however*, that such licensure and Dr. Califano's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Personal Appearance before the Board. Dr. Califano shall personally appear before the Board or its designee to permit the Board to consider his intentions to be in compliance with the terms, conditions and restrictions contained in this order.

(2) Continuing Treatment/Healthcare Professionals' Foundation of Louisiana (HPFL) Monitoring Agreement/Reports to Board. Dr. Califano shall, if he has not already done so, enter into a monitoring agreement with the HPFL for the entirety of the probationary period required by this Order. Dr. Califano shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring of his condition and all aftercare recommendations, which have or may be contained in his HPFL monitoring agreement, or any subsequent agreement which may be recommended by the HPFL, as well as those recommended by his evaluating and treating physicians, and those prescribed by any other health care provider involved in his care. Dr. Califano shall, in addition, authorize and cause his evaluating, treating and monitoring physicians and/or the HPFL to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports and/or verbal reports, should the Board desire the latter, on his then-current treatment diagnosis, prognosis, course of treatment, his fitness and ability to practice medicine with reasonable skill and safety to patients, and his compliance with the terms, conditions and restrictions of this Order and his HPFL monitoring agreement.

(3) Necessity for Chaperone. Dr. Califano shall designate one or more licensed medical providers that are pre-approved by the Board, in whose presence and under whose direct observation he shall conduct the entirety of any and all visits, examinations, and surgical procedures or operations of female patients in an office, institution, clinic, hospital or other practice setting. The chaperone's responsibilities shall include the observation and assessment of the propriety of interaction between Dr. Califano and his patients as may be observed and reported. The chaperone's presence and signature shall be noted in the patient's chart for each visit. Dr. Califano shall authorize, cause and ensure that his chaperone(s) strictly adheres to the evaluating/treating facility's recommendations and suggestions for chaperone education, monitoring and reporting. The requirements contained in this paragraph shall survive the probationary period and remain in effect so long as Dr. Califano shall hold a license to practice medicine in the state of Louisiana.

(4) Reports from Chaperone/Sanctions. Dr. Califano shall promptly report, and he shall cause his chaperone to promptly report, verbally and in writing to the Board, any instance in which he conducts a visit or examination of any female in the absence of the chaperone required by this Order. Moreover, Dr. Califano shall cause his chaperone to promptly

report to the Board any activity or conduct by him with a patient that the chaperone considers improper or unprofessional. Finally, Dr. Califano shall cause his chaperone to submit a report to the Board, not less frequently than semi-annually, attesting to the chaperone's presence during the entirety of all examinations required hereunder, as well as the propriety of Dr. Califano's conduct with patients. The requirements contained in this paragraph shall survive the probationary period and remain in effect so long as Dr. Califano shall hold a license to practice medicine in the state of Louisiana.

(5) Continuing Medical Education. Dr. Califano shall obtain not less than fifty (50) credit hours per year during his probationary term through attendance at and participation in continuing medical education programs ("CME"), appropriate to his specialty or current practice, accredited by the American College of Physicians, the American Medical Association, or such other national accrediting association or organization as the Board may approve in writing. On or before the anniversary of the effective date of this Order, Dr. Califano shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

(6) Absence from State/Practice/Effect on Probation. Should Dr. Califano at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, discontinue practicing medicine for a period of thirty (30) days or more, or should he fail to renew his license to practice medicine in this state, he shall advise the Board in writing. In such instance, the probationary period ordered herein and all terms, conditions and restrictions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Califano notifies the Board in writing that he has returned to, relocated or taken up residency in, resumed the practice of medicine in this state, or renewed his Louisiana medical license.

(7) Certification of Compliance with Probationary Terms. At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. Califano shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Califano's compliance with the requirements of this provision.

(8) Cooperation with Board's Probation and Compliance Officer. Dr. Califano shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional

addresses and telephone numbers and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Order.

(9) Probation Monitoring Fee. For each year of the probationary term Dr. Califano shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(10) Payment of Fine. Within one (1) year of the effective date of this Order, Dr. Califano shall pay to the Board a fine in the amount of Three Thousand Five Hundred and no/100 (\$3,500.00) Dollars.

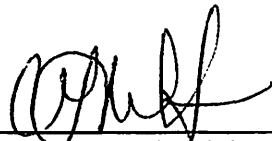
(11) Effective Date. This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Califano shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Califano's license to practice medicine in the state of Louisiana as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285(A).

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

Signed at New Orleans, Louisiana, and effective on this 13th day of August, 2018.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: 

Christy L. Valentine, M.D.
President

Acknowledgment and Consent on the following page

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF Louisiana
PARISH OF Orachita

I, John Anthony Califano, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 26 day of July, 2018.

John A. Califano
John Anthony Califano, M.D.

WITNESSES:

Dedra Dunning
Signature

Lisa J. Dempsey
Signature

Dedra Dunning
Printed Name

Lisa J Dempsey
Printed Name

1 Jupela Dr., Rayville, LA
Address 71269

233 Henderson Rd, West Monroe La
Address 70091

Sworn to and subscribed before me at Monroe, Louisiana, this 26th day of July, 2018, in the presence of the two stated witnesses.

Gay P. Adams
Notary Public (signature)

Gay P. Adams
Printed Name/Notary or La. Bar No. # 18755