

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
www.lsbme.la.gov



**BEFORE THE
LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:

(504) _____

No. 2020-I-828

IN THE MATTER OF:

APRIL JUSTINE FOX, M.D.
(Credential No. MD.024775),
Respondent

CONSENT ORDER

April Justine Fox, M.D., ("Dr. Fox") is, and at all times present hereto has been, a physician licensed to practice medicine in the State of Louisiana, pursuant to the Louisiana Medical Practice Act ("the Act"), La. R.S. 37:1261 *et seq.*, as evidenced by Credential No. MD.024775. Dr. Fox principally practices as a physician and surgeon in and around New Orleans, Louisiana.

Dr. Fox has no prior disciplinary history before the Louisiana State Board of Medical Examiners (the "Board"). In 2007, Dr. Fox, on her own accord, sought and completed an inpatient treatment program for alcohol abuse. She thereafter entered into and successfully completed a five-year monitoring contract with the Healthcare Professionals' Foundation of Louisiana (the "HPFL"). That monitoring contract expired in 2012 without further issue or relapse. Beginning in late 2019, Dr. Fox had a relapse and return to use. She sought outpatient treatment in early 2020 and eventually self-reported to a 30-day inpatient treatment program in August 2020.

In October 2020, the HPFL notified the Board that Dr. Fox had self-referred to obtain monitoring and advocacy relating to her treatment and recovery. At the HPFL's request, she completed a three-day evaluation at a Board-approved facility. Upon discharge, Dr. Fox was provided with treatment recommendations, including executing a new five-year monitoring contract with the HPFL and completing an HPFL-approved intensive outpatient treatment program. The treatment team reported that Dr. Fox is capable of practicing medicine with reasonable skill and safety under conditions consistent with its recommendations. On November 2, 2020, Dr. Fox executed a five-year monitoring contract with the HPFL. Dr. Fox also met with the Board's Investigating Officer, acknowledged the accuracy of the forgoing information, and committed to future abstinence and compliance with her HPFL contract.

As evidenced by her subscription hereto, Dr. Fox again acknowledges the substantial accuracy of the foregoing information and that such information would provide the Investigating Officer assigned to this matter by the Board with probable cause to institute administrative proceedings against her medical licensure for violations of the Louisiana Medical Practice Act,

La. R.S. 37:1285(A)(5) and (25),¹ pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing may establish grounds under the Act for the suspension or revocation of her license to practice medicine in the state of Louisiana or other such action as the Board might deem appropriate. On the basis of apparently reliable information, however, the Board is persuaded that Dr. Fox's condition may be susceptible to effective medical treatment, resulting in the maintenance of her capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that she observes and complies with the recommended restrictions and conditions to maintenance of her medical license as described herein.

Recognizing her right to written notification of any charges that may be asserted against her as a result of this investigation, as well as the right to administrative adjudication of such charges, at which time she would be entitled to be represented by legal counsel, to call witnesses and to present evidence 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. R.S. 49:951 *et seq.*, Dr. Fox, nonetheless, hereby waives her rights to notice, formal adjudication and written decision and, pursuant to La. R.S. 49:955(D), consents to entry of the Order set forth hereinafter. Furthermore, Dr. Fox acknowledges that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951 *et seq.*, or to which she otherwise may be afforded by any law to contest her agreement to or the force and effect of the Board's investigation or this document in any court or other forum relating to the matters referred to herein. Dr. Fox also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose and to discuss with the Board the nature and result of the investigation and waives any objection to such disclosures under La. R.S. 49:960. The disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against her or to the Board's capacity to adjudicate such charges should the Board decline to approve this Consent Order.

Based upon the information provided, and upon the recommendation of the Investigating Officer, the Board hereby concludes that, consistent with its mandate under La. R.S. 37:1261, the interests of public health, safety, and welfare will be effectively served by entry of the Order set forth hereinafter, by consent. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. R.S. 37:1285 and La. R.S. 49:955(D);

IT IS ORDERED that the license of April Justine Fox, M.D., to practice medicine in the State of Louisiana as evidenced by Credential No. MD.024775 is hereby placed ***ON PROBATION*** for a period of five (5) years (the "probationary period") from the date of this Order, conditioned

¹ The Board may take action against a licensee for violations of La. R.S. 37:1285(A)(5) ("Habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence.") and La. R.S. 37:1285(A)(25) ("Inability to practice medicine with reasonable skill or safety to patients because of . . . excessive use or abuse of drugs, including alcohol.").

upon and subject to Dr. Fox's acceptance of and strict compliance with the following terms, conditions, and restrictions:

- (1) Continuing Treatment, Participation with HPFL, Reports to Board.** Dr. Fox shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring which are contained in her current HPFL monitoring agreement and any amendments thereto, or any subsequent agreement or amendments thereto which may be recommended by the HPFL as well as those recommended by any of her treating physicians and those prescribed by any other health care provider involved in her care to the extent that they continue to follow her. Dr. Fox shall, in addition, authorize and cause her treating and monitoring physicians and/or the HPFL to submit to the Board or its designee, not less frequently than quarterly, written reports and/or verbal reports, should the Board or its designee desire the latter, on her then-current treatment diagnosis, prognosis, course of treatment, her fitness and ability to practice medicine with reasonable skill and safety to patients, and her compliance with the terms, conditions and restrictions of this Order and her HPFL monitoring agreement.
- (2) Approved Intensive Outpatient Treatment.** If she has not already done so by the Effective Date of this Order, Dr. Fox shall complete an intensive outpatient treatment program with a Board-approved treatment facility. Dr. Fox shall continue in, abide by, and strictly adhere to all treatment recommendations from such program. Dr. Fox further shall ensure that such Board-approved treatment facility provides a written report to the Board or its designee confirming her completion of the intensive outpatient treatment program.
- (3) Maintenance of Complete Abstinence.** Dr. Fox shall maintain complete and total abstinence from the use of alcohol, controlled and any mood-altering substance during the probationary period, except as may be prescribed by a treating physician other than herself for a bona fide medical condition. Dr. Fox shall personally inform the HPFL and the Board's Compliance Officer, both orally and in writing, within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by her from any physician for treatment of a bona fide medical condition. If the prescription is from another physician, she shall also inform her treating/monitoring physician in this same manner.
- (4) Drug Screens.** Dr. Fox shall submit to periodic, unannounced blood, urine, saliva and/or hair collection for testing for the presence of alcohol and/or controlled and other mood-altering substances by the HPFL or its designee. Unless and until this condition is modified or rescinded by the Board or its designee, she shall authorize and cause

such physician or testing facility and/or the HPFL to report the results of such drug screens to the Board or its designee not less frequently than quarterly throughout the probationary period.

- (5) **Board Access to Treatment Records and Reports.** Dr. Fox shall and does by her subscription hereto authorize any physician, healthcare professional or any institution at which she undergoes treatment, as well as any physician under whose care she may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor her, to provide the Board or its designee with copies of all medical reports relating to Dr. Fox's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board or its designee with written and verbal reports relative thereto. Dr. Fox expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and acknowledges that she shall immediately provide the Board or its designee written authorization to obtain such records upon request.
- (6) **Notification of Order and Authorization.** Dr. Fox shall provide a copy of this Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom she provides services as a physician in this state, and upon request of the Board's probation officer Dr. Fox shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records pertaining to Dr. Fox from any hospital, institution or other health care entity where Dr. Fox has or has had privileges.
- (7) **Probation Monitoring Fee.** For each year of the probation, Dr. Fox shall pay the Board an annual 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 date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
- (8) **Cooperation with Board's Probation and Compliance Officer.** Dr. Fox shall immediately notify the Board's Probation and Compliance Officer of any change in her current home and professional addresses and telephone numbers and she shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms and conditions of this Consent Order.

- (9) Absence from the State/Practice/Effect on Probation.** Should Dr. Fox at any time be absent from the State of Louisiana, relocate to and/or take up residency in another state or country for a period of thirty (30) days or more, she will so advise the Board or its designee in writing. In such instance, the probation ordered herein and all terms, conditions and restrictions thereof shall be deemed interrupted and extended and shall not commence again until Dr. Fox notifies the Board in writing that she has resumed the practice of medicine in Louisiana.
- (10) Effect of Violation/Sanction.** By her subscription hereto, Dr. Fox acknowledges that her receipt of written notification that the Board has received reliable information indicating her failure to comply with the requirements set forth by this Consent Order in any respect shall, without the need for formal hearing or for providing her with any right to which she may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951, *et seq.*, or which otherwise may be afforded to her by law, constitute her irrevocable consent to the immediate or continued suspension of her license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceeding by issuance of a final decision following administrative adjudication of such charges.
- (11) Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Fox shall provide the Board with an affidavit certifying that she 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. Fox's compliance with the requirements of this provision.
- (12) Petition for Reinstatement.** No earlier than three (3) years from the Effective Date of this Consent Order, Dr. Fox may petition the Board for reinstatement of her license to practice medicine in this state without restriction. At such time, Dr. Fox shall submit the information and otherwise comply with the procedures described in term (11) above. The Board may thereafter amend, modify, or terminate any of the terms, conditions, and/or restrictions of the probationary period, as it deems appropriate at that time, in its sole discretion.
- (13) Effective Date.** This Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

IT IS FURTHER ORDERED that any violation of or failure to strictly comply with this Order by Dr. Fox shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Dr. Fox's license to practice medicine in this state as the Board may deem appropriate, as if such violation were enumerated among the causes provided in La. R.S. 37:1285.

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

New Orleans, Louisiana, this 29th day of March, 2021.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: 

RODERICK V. CLARK, M.D., M.B.A.
President

Acknowledgment and Consent on Following Page

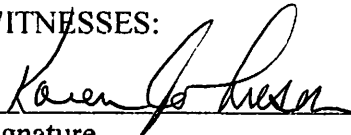
**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF Ouachita

I, APRIL JUSTINE FOX, 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 25th day of February, 2021.


APRIL JUSTINE FOX, M.D.

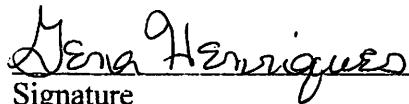
WITNESSES:


Signature

Karen Johnson
Typed Name

708 Central Ave.
Street Address

Westwego, LA 70094
City/State/Zip Code

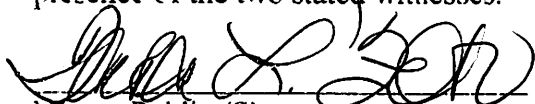

Signature

GENA HENRIQUES
Typed Name

1417 N. Cumberland St.
Street Address

Metairie, LA 70003
City/State/Zip Code

Sworn to and subscribed before me this 25th day of February, 2021, in the presence of the two stated witnesses.


Notary Public (Signature)

TARA L. FOTO
Name: _____ **Notary Public, State of Louisiana**
(La. Bar No. 24095)
Notary/Bar No.: _____ **My Commission is issued for life.**
Commission expires: _____