

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE  
LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

(504) \_\_\_\_\_

No. 2021-I-436

IN THE MATTER OF:

CONSENT ORDER

J. FOSTER CHAPMAN, D.O.

(Credential No. DO.000201),

Respondent

The Louisiana State Board of Medical Examiners (the "Board") has received reliable information that J. Foster Chapman, D.O. ("Dr. Chapman"), a physician who at all times pertinent has been licensed by the Board and engaged in the practice of medicine in and around Alexandria, Louisiana, was charged with and plead guilty to one count of Conspiracy to Commit Health Care Fraud in violation of Title 18 U.S.C. § 1349, in the United States District Court for the Middle District of Louisiana, a felony under the laws of the United States.<sup>1</sup>

Dr. Chapman originally was indicted for one count of conspiracy to commit health care fraud and four counts of health care fraud on September 18, 2019.<sup>2</sup> Dr. Chapman attended an initial appearance in federal court on October 7, 2019, where he was informed of the charges pending against him.<sup>3</sup> Nevertheless, in answer to the Oath and Affirmation section of his February 19, 2020 License Renewal Application submitted to the Board, Dr. Chapman answered "No" to question 3: "SINCE YOUR LAST RENEWAL - Have you been cited, arrested, charged with, convicted of or pled guilty or nolo contendere to a violation of any municipal, state or federal statute including any that have been expunged or judicially removed for any reason with the exception of misdemeanor traffic offenses or traffic ordinance violations that do NOT involve the use of drugs or alcohol?" Dr. Chapman reported that he failed to acknowledge the federal charges then-pending against him in the Middle District of Louisiana on his renewal application due to a misunderstanding of his obligation in the light of a pending plea agreement.

<sup>1</sup> Plea Agreement, Docket No. 43, *United States v. Chapman*, No. 3:19-cr-114 (M.D. La. June 3, 2021).

<sup>2</sup> Indictment for Conspiracy to Commit Health Care Fraud, Health Care Fraud, and Forfeiture Allegations, Docket No. 1, *United States v. Chapman*, No. 3:19-cr-114 (M.D. La. Sept. 18, 2019).

<sup>3</sup> Minute Entry, Docket No. 10, *United States v. Chapman*, No. 3:19-cr-114 (M.D. La. October 7, 2021).

Dr. Chapman entered into a Plea Agreement in November 2020, and his guilty plea was accepted by the federal district court on June 3, 2021.<sup>4</sup> As stipulated in the Plea Agreement, beginning in or around June 2018, and continuing through in or around August 2019, Dr. Chapman knowingly and willfully conspired and agreed with others to commit health care fraud.<sup>5</sup> Specifically, while working as an independent contractor for various purported telemedicine companies, Dr. Chapman falsely certified that he had conducted various in-person examinations and diagnostic tests prior to ordering durable medical equipment (“DME”), when, in fact, Dr. Chapman never saw the beneficiaries face-to-face and did not conduct the identified examinations and tests.<sup>6</sup> Between June 2018 and August 2019, Dr. Chapman caused the submission of approximately \$2,520,374.02 in false and fraudulent claims to Medicare for DME, specifically knee braces, that were ineligible for Medicare reimbursement because the DME were not medically necessary.<sup>7</sup> Of this amount, Medicare reimbursed the DME suppliers approximately \$711,627.83.<sup>8</sup> For his participation in the scheme, Dr. Chapman was paid approximately \$147,894.<sup>9</sup> In his Plea Agreement, Dr. Chapman agreed that this amount is subject to forfeiture.<sup>10</sup>

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists to file formal charges against Dr. Chapman for violations of the Louisiana Medical Practice Act (the “Act”), pursuant to La. R.S. 37:1285(A)(1), (2), (13) and (30), and the Board’s Rules, La. Admin. Code tit. 46, pt. XLV, § 4205(B).<sup>11</sup>

As evidenced by his subscription hereto, Dr. Chapman acknowledges that the information developed by the Board’s investigation would constitute probable cause for the institution of administrative proceedings against his medical license and that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate.

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<sup>4</sup> Plea Agreement, Docket No. 43 at 14, *United States v. Chapman*, No. 3:19-cr-114 (M.D. La. June 3, 2021); Minute Entry, Docket No. 45, *United States v. Chapman*, No. 3:19-cr-114 (M.D. La. June 3, 2021).

<sup>5</sup> Plea Agreement, Docket No. 43 at 5–7, *United States v. Chapman*, No. 3:19-cr-114 (M.D. La. June 3, 2021).

<sup>6</sup> *Id.* at 6.

<sup>7</sup> *Id.* at 7.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Pursuant to the Act, La. R.S. 37:1285(A), the Board may take action against the license of a physician as the result of: “(1) Conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States”; “(2) Conviction of a crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of medicine”; “(13) Unprofessional conduct, including but not limited to, . . . intentionally falsifying or fraudulently altering records, or failing to create or maintain medical records”; and “(30) Violation of any rules and regulations of the board, or any provisions of this Part” Pursuant to the Board’s Rules, “[a] physician shall not falsely create or alter a medical record . . .” La. Admin. Code tit. 46, pt. XLV, § 7603(10)(a).

Recognizing his right to have notice and administrative adjudication of any charges that may be filed in this matter, at which time Dr. Chapman 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. R.S. 49:951 *et seq.*, Dr. Chapman, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision and pursuant to La. R.S. 49:955(D), consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. Chapman also waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951 *et seq.*, or which otherwise may be afforded to him by law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum or body relating to the matters referred to herein. By his subscription hereto, Dr. Chapman 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 to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. R.S. 49:960. Further, Dr. Chapman 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 filing and adjudication of an Administrative Complaint against him, or to the Board's capacity to adjudicate any charges that may be filed in this matter should the Board decline to approve this Order.

Based upon the information provided, accordingly, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. R.S. 37:1261, 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 J. Foster Chapman, D.O., to practice medicine in the state of Louisiana, as evidenced by Credential No. DO.000201, is hereby placed on ***INDEFINITE SUSPENSION***.

**IT IS FURTHER ORDERED** that the reissuance or reinstatement of Dr. Chapman's license to practice medicine in the State of Louisiana shall be subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

**1. Suspension; Reissuance/Reinstatement.** Dr. Chapman shall not practice medicine in the State of Louisiana until and unless the Board issues and serves on him a written order reissuing or reinstating his medical license. As express conditions to Dr. Chapman's petition or request of the Board for such an order, Dr. Chapman shall have: (1) been released from any period of incarceration and successfully completed any period of probation/supervised release imposed by the Court as a result of the above mentioned criminal plea; (2) scheduled and met with the Investigating Officer of the Board to discuss his then-current status and plans for resumption of practice; (3) satisfied the eligibility and other requirements of the Board's rules governing license issuance or reinstatement as of the date of his petition or request, La. Admin. Code tit. 46, pt. XLV, ch. 3; and (4) demonstrated to the Board's satisfaction his competency to resume practice with skill and safety to patients. Thereafter, any petition or request for reissuance or reinstatement of medical licensure made by Dr. Chapman shall be granted or denied, at the sole discretion of the

Board, and on such probationary terms, conditions and/or restrictions as the Board may then deem appropriate. Any reinstatement of Dr. Chapman's license shall include a minimum one-year period of probation.

2. **Effective Date.** This Consent Order shall be effective on 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. Chapman shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Chapman's license to practice medicine in the state of Louisiana, or for such other action as the Board may deem appropriate, as if such violations 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 21<sup>st</sup> day of Feb, 2022.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

By:   
LESTER W. JOHNSON, M.D.  
*President*

*Acknowledgment and Consent on Following Page*

**ACKNOWLEDGMENT  
AND CONSENT**

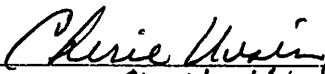
STATE OF LOUISIANA

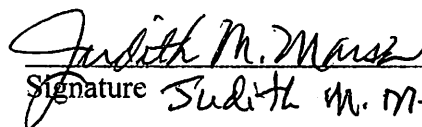
PARISH OF East Baton Rouge

I, J. FOSTER CHAPMAN, D.O., 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 19<sup>th</sup> day of January, 2022.

  
J. FOSTER CHAPMAN, D.O.

WITNESSES:

  
Signature Cherie Ursin

  
Signature Judith M. MARS

Typed Name

Typed Name

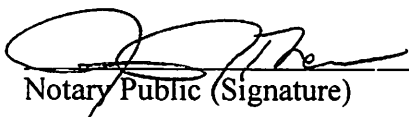
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City/State/Zip Code

Sworn to and subscribed before me this  
20 day of January, 2022, in the  
presence of the two stated witnesses.

  
Notary Public (Signature)

Name: Jennifer Jones Thomas  
Notary/Bar No.: 26532  
Commission expires: Death

**Jennifer Jones Thomas**  
LA Bar Roll No. 26532  
LA Notary No. 59753  
Commissioned Statewide  
State of Louisiana  
P.O. Box 3513 Baton Rouge, LA 70821