

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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

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IN THE MATTER OF:

FRANCISCO ARMANDO IRIZARRY,
M.D.
(Credential No. 320751),
Respondent

No. 2022-I-051

CONSENT ORDER

Francisco Armando Irizarry, M.D. ("Dr. Irizarry"), is a physician who holds a temporary permit for postgraduate medical training to practice medicine in the State of Louisiana pursuant to the Louisiana Medical Practice Act (the "Act"), La. R.S. 37:1261-92, as evidenced by Credential No. 320751, and was engaged in the practice of general surgery in and around New Orleans, Louisiana. Dr. Irizarry had previously executed a contract with the Healthcare Professionals' Foundation of Louisiana ("HPFL") in 2020 regarding a substance use disorder and had agreed to maintain complete abstinence from any and all addictive or mood-altering substances, including alcohol. In January 2022, the Louisiana State Board of Medical Examiners (the "Board") received apparently reliable information that Dr. Irizarry had a return to use.

Investigation of the captioned matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., Director of Investigations (the "Investigating Officer") for the Board. In the course of the investigation, investigations staff learned that Dr. Irizarry had failed a PEth test performed on or around January 11, 2022. Dr. Irizarry thereafter agreed to complete a three-day inpatient evaluation. Dr. Irizarry subsequently attended a six-week inpatient treatment program at the request of his evaluators. At the conclusion of his treatment program, Dr. Irizarry executed a new contract with the HPFL and was cleared to return to the practice of medicine subject to his participation in various return to work recommendations.

Dr. Irizarry has cooperated with the investigation, including by voluntarily agreeing to undergo a three-day inpatient evaluation, meeting with the Investigating Officer to discuss the above allegations, and executing a new contract with the HPFL.

As evidenced by his subscription hereto, Dr. Irizarry acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing would establish sufficient cause to take action with respect to his temporary

permit for postgraduate medical training to practice medicine in this state pursuant to La. R.S. 37:1285(A)(5)¹ and (12).²

Recognizing his right to have notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Irizarry 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. 49:955–65, Dr. Irizarry, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. R.S. 49:955(D) consents to entry of the Order set forth hereinafter. Dr. Irizarry acknowledges that he hereby 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 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. Irizarry 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. R.S. 49:960. Dr. Irizarry 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, 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 temporary permit for postgraduate medical training of Francisco Armando Irizarry, M.D., to practice medicine in the State of Louisiana as evidenced by Credential No. 320751, be and the same is hereby placed **ON PROBATION**, commencing on the effective date of this Order (the "probationary period").

IT IS FURTHER ORDERED that, as an express condition to his acceptance of the terms, conditions, and restrictions in this Order, Dr. Irizarry agrees that, in the event he applies for and the Board grants Dr. Irizarry a Louisiana medical license, any such grant of a medical license by the Board shall automatically be conditioned upon and subject to Dr. Irizarry's strict compliance

¹ Pursuant to La. R.S. 37:1285(A)(5), "[t]he 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:... (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.

² Pursuant to La. R.S. 37:1285(A)(12), "[t]he 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:... (12) An inability to practice medicine with reasonable skill or safety due to mental illness or deficiency, including but not limited to deterioration through the aging process or the loss of motor skills or excessive use or abuse of drugs, including alcohol.

with the terms, conditions, and restrictions in this Order. In total, Dr. Irizarry's temporary permit for postgraduate medical training and any subsequently issued Louisiana license shall remain on probation for a minimum of five (5) years commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Dr. Irizarry's continuing exercise of any rights and privileges granted by his temporary permit for postgraduate medical training and/or any subsequently granted medical license shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions, and restrictions:

- (1) **Maintenance of Complete Abstinence.** Dr. Irizarry shall maintain complete and total abstinence from the use of alcohol, controlled and any mood-altering substance for the duration of the probationary period, except as may be prescribed by a treating physician for a *bona fide* medical condition. Dr. Irizarry shall personally inform the Board's Probation and 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 him from any physician for treatment of a *bona fide* medical condition. If the prescription is from another physician, he shall also inform his treating/monitoring physician in this same manner.
- (2) **HPFL Agreement, Reports to Board.** Dr. Irizarry shall continue to maintain a monitoring agreement with the HPFL for a period of no less than five (5) years. Dr. Irizarry shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring which are contained in such agreement, as well as those recommended by his treating physicians and those prescribed by any other health care provider involved in his care to the extent that they continue to follow him. Dr. Irizarry shall, in addition, authorize and cause 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 his compliance with the terms, conditions and restrictions in this Order and his monitoring agreement.
- (3) **Aftercare and Outpatient Programs.** Dr. Irizarry shall, within thirty (30) days of the effective date of this Order, provide confirmation that he is enrolled in individual and group outpatient therapy or aftercare programs that are consistent and compliant with the recommendations of his treating facility and that are acceptable to and have been approved by the Board or its designee in writing. Dr. Irizarry shall update the Board or its designee annually on his continuing participation in outpatient therapy or aftercare programs.
- (4) **Continuing Medical Education.** During the probationary period, Dr. Irizarry shall attend and participate in at least five (5) hours of continuing medical education programs that have been approved by the Board or its designee on chemical dependency, psychiatric conditions, and/or recovery issues. On or before the anniversary of the effective date, Dr. Irizarry shall cause to be submitted to the

Board written certification of the continuing medical education program and credit completed during the preceding twelve (12) months.

- (5) **Out-of-State Fellowship.** As an express condition to his acceptance of the terms, conditions, and restrictions in this Order, Dr. Irizarry agrees that, in the event he accepts a Fellowship or is granted a medical license in another state during the probationary period, he will execute an agreement with that state's equivalent of the HPFL that mirrors the terms of his current agreement and that, notwithstanding the provisions of subsection 9, *infra*, his failure to do so would: (a) constitute a violation of the terms, conditions, and restrictions in this Order; and (b) authorize the Board to notify the medical board of the applicable state.
- (6) **Notification of Order and Authorization.** Dr. Irizarry shall provide a copy of this Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state, and upon request of the Board's probation officer Dr. Irizarry 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. Irizarry from any hospital, institution or other health care entity where Dr. Irizarry has or has had privileges.
- (7) **Cooperation with Board's Probation and Compliance Officer.** Dr. Irizarry shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and/or 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 and conditions of this Consent Order.
- (8) **Absence from the State/Practice/Effect on Probation.** Should Dr. Irizarry at any time be absent from the State of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a physician for a period of thirty (30) days or more he will so advise the Board 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. Irizarry notifies the Board in writing that he has resumed the practice of medicine in Louisiana.
- (9) **Probation Monitoring Fee.** For each year of the probation, Dr. Irizarry 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 effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

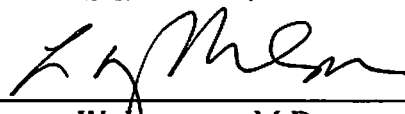
- (10) **Effect of Violation/Sanction.** By his subscription hereto, Dr. Irizarry acknowledges that his receipt of written notification that the Board has received reliable information indicating his failure to comply with the requirements set forth by this Consent Order in any respect shall, without the need for formal hearing or for providing him with any right to which he 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 him by law, constitute his irrevocable consent to the immediate suspension of his temporary permit for postgraduate medical training or any subsequently issued medical 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. Irizarry 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. Irizarry's compliance with the requirements of this provision.
- (12) **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 of strict compliance with any of the terms set forth by this Order by Dr. Irizarry shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Irizarry's temporary permit for postgraduate medical training or any subsequently issued medical 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. 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 27th day of June, 2022.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

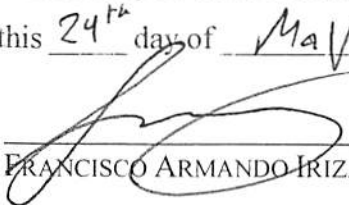
By: 
LESTER W. JOHNSON, M.D.
President

Acknowledgment and Consent on Following Page

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF Orleans

I, FRANCISCO ARMANDO IRIZARRY, 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 24th day of May, 2022.


FRANCISCO ARMANDO IRIZARRY, M.D.

WITNESSES:


Signature

Olivia Hoffman
Typed Name

6227 S. Claiborne Ave
Street Address

New Orleans, LA, 70125
City/State/Zip Code


Signature

Amanda Aguilar
Typed Name

6227 S. Claiborne Ave
Street Address

New Orleans, LA, 70125
City/State/Zip Code

Sworn to and subscribed before me this 24th day of May, 2022, in the presence of the two stated witnesses.


Notary Public (Signature)

Name: Alan Simmons Jr

Notary/Bar No.: 178351

Commission expires: At death

