



# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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## BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

Nos. 2022-I-252

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**IN THE MATTER OF:**

**ROBERT BORDEN WILSON, M.D.**  
(*Credential No. 306374*),  
*Respondent*

**CONSENT ORDER**

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The above-entitled proceedings were docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of a complaint against Robert Borden Wilson, M.D. ("Dr. Wilson"), a physician who at all times material to the facts and matters alleged herein was engaged in the practice of pediatric medicine in and around Lake Charles, Louisiana. The complaint alleged that the treatment of the patient at issue had been a "medical system failure."

Investigation of the above-captioned matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., Director of Investigations (the "Investigating Officer") for the Board. The investigation revealed that Dr. Wilson had failed to render treatment within the standard of care for a three-year old patient by failing to appropriately refer the patient for inpatient treatment due to malnutrition, failing to appropriately follow up concerning clinical findings, and ultimately misdiagnosing a Wilm's tumor, leading to the death of the patient approximately four months later due to complications from the tumor.

Specifically, the investigation revealed that the patient presented with her grandmother on or around August 11, 2021, with complaints of fever, cough, and a large abdomen, which her grandmother described as an ongoing problem. The patient also appeared severely malnourished (less than the 5th percentile of weight) and developmentally delayed, had not presented to the clinic in approximately twenty-two months, and the grandmother represented that she had recently taken the patient from her mother's care. After conducting a physical examination, Dr. Wilson believed that the patient's abdomen had a kwashiorkor appearance. He then ordered an x-ray on the patient, which he interpreted as the patient being constipated. Dr. Wilson instructed the patient's grandmother to treat the patient with a three-day treatment of laxatives and to return to the clinic if the patient's distended abdomen did not improve.

The patient did not return to the clinic until October 2021, at which time the patient was again not hospitalized despite evidence of malnourishment and severe abdominal distension. Other

providers treated the patient at this visit, and thus the August 2021 visit was the only visit during which Dr. Wilson saw the patient.

The patient died on or around December 28, 2021, at Texas Children's Hospital in Houston, Texas. The physician who performed the autopsy noted in his report to the Board that the patient had a "hugely distended abdomen" due to a "4.8 pound...Wilm's tumor of the left kidney" that had metastasized to the lungs and liver, was "severely malnourished," and had "atrophic extremities."

As part of the investigation, Dr. Wilson twice met with the Investigating Officer, who expressed concern that the patient should have been hospitalized immediately upon presenting in August 2021 due to the severe malnourishment and unexplained abdominal distension; the length of time between clinic visits; and the fact that she had just been taken from her mother's care. The Investigating Officer also discussed the importance of having a radiologist overread x-rays to ensure that they are read accurately and the fact that some patients will not return to the clinic for a follow-up visit even when instructed to do so.

Dr. Wilson has cooperated with the investigation, including by providing a written response to the complaint and twice meeting with the Investigating Officer to discuss the investigation. Dr. Wilson also has accepted responsibility for his actions in this matter and acknowledged that he would handle the case differently if a patient presented to him today under similar circumstances.

As evidenced by his subscription hereto, Dr. Wilson acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing could establish sufficient cause to take action with respect to his license pursuant to the Louisiana Medical Practice Act (the "Act") pursuant to La. R.S. 37:1285(A)(14).<sup>1</sup>

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Wilson 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. 49:950 *et seq.*, Dr. Wilson, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. R.S. 49:975(D),<sup>2</sup> consents to entry of the Order set forth hereinafter. Dr. Wilson acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:950 *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. Wilson 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

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<sup>1</sup> "The board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license, permit, or certificate issued pursuant to this Part or Part I-D of this Chapter for the following causes:...(14) Medical incompetency, including but not limited to, incompetency manifested by continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state.").

<sup>2</sup> Redesignated from La. R.S. 49:955 by 2022 La. Act No. 663, eff. Aug. 1, 2022.

he waives any objection to such disclosures under 49:977.2.<sup>3</sup> Dr. Wilson 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. 49:975(D);

**IT IS ORDERED** that Robert Borden Wilson, M.D., is hereby **OFFICIALLY REPRIMANDED** for the conduct described above.

**IT IS FURTHER ORDERED** that the license of Robert Borden Wilson, M.D., to practice medicine in the State of Louisiana as evidenced by Credential No. 306374, is hereby placed **ON PROBATION** for a period of one (1) year (the "probationary period"), *provided, however*, that the continuing exercise of any rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Continuing Medical Education.** Dr. Wilson shall, during the probationary period, successfully take and complete thirty (30) hours of continuing medical education courses in addition to the twenty (20) hours of CME required by La. Admin. Code tit. 46 pt. XLV § 435. Before the completion of the probationary period, Dr. Wilson shall cause to be submitted to the Board written certification of the continuing medical education programs and credits completed during the probationary period.
- (2) **Practice Monitoring.** Within thirty (30) days of the effective date of this Order, Dr. Wilson shall enter into a contract or arrangement with a Practice Monitor, who has been pre-approved in writing by the Board or its designee, to review Dr. Wilson's medical practice during the probationary period. The Practice Monitor shall work in conjunction with the Board or its designee to develop parameters for monitoring Dr. Wilson's practice, including a review of Dr. Wilson's patient records and charts. The Practice Monitor shall review no less than twelve (12) medical records quarterly and provide quarterly written reports to the Board or its designee attesting to whether Dr. Wilson's medical practice falls within established standards of care. Any and all fees, costs or expenses incurred by Dr. Wilson in connection with this monitoring requirement shall be borne by Dr. Wilson.
- (3) **Fine.** Dr. Wilson shall, within one hundred and twenty (120) days of the effective date of this Order, pay to the Board a fine in the amount of Two Thousand Five Hundred Dollars and No/100 (\$2,500.00).

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<sup>3</sup> Redesignated from La. R.S. 49:960 by 2022 La. Act No. 663, eff. Aug. 1, 2022.

- (4) **Laws and Rules for Louisiana Physicians Online Course; Verification.** Within six (6) months of the effective date of this Order, Dr. Wilson shall complete the free online course "Laws and Rules for Louisiana Physicians," which may be accessed through the following link, <https://www.lsbme.la.gov/content/board-orientations-online-courses>. Upon completion of the course, Dr. Wilson shall complete the verification process and obtain a certificate of completion that will be submitted to the Board or its designee by the course provider.
- (5) **Notification of Order and Authorization.** Dr. Wilson 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. Wilson 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. Wilson from any hospital, institution or other health care entity where Dr. Wilson has or has had privileges.
- (6) **Cooperation with Board's Probation and Compliance Officer.** Dr. Wilson 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, specifically including without limitation providing cooperation and assistance to the Board or its designee in obtaining any records under Section 5 of this Consent Order.
- (7) **Absence from the State/Practice/Effect on Probation.** Should Dr. Wilson 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, he 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. Wilson notifies the Board in writing that he has resumed practicing as a physician in Louisiana.
- (8) **Probation Monitoring Fee.** For each year of the probationary period Dr. Wilson 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. Any subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
- (9) **Effect of Violation/Sanction.** By his subscription hereto, Dr. Wilson 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. 49:950, *et seq.*, or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate suspension of his license to

practice as a physician 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.

(10) **Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Wilson 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. Wilson's compliance with the requirements of this provision.

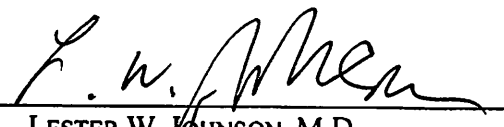
(11) **Effective Date.** This Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

**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. Wilson shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Wilson'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. 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 27<sup>th</sup> day of March, 2023.

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 Calcasieu

I, ROBERT BORDEN WILSON, 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 7<sup>th</sup> day of March, 2023.

Robert Borden Wilson  
ROBERT BORDEN WILSON, M.D.

WITNESSES:

Christie Collins  
Signature

Christie Collins  
Typed Name

127 W. Broad St. 4<sup>th</sup> floor  
Street Address

Lake Charles, LA 70601  
City/State/Zip Code

Elizabeth F. Shea  
Signature

Elizabeth F. Shea  
Typed Name

127 W. Broad St, 4<sup>th</sup> Floor  
Street Address

Lake Charles, LA 70601  
City/State/Zip Code

Sworn to and subscribed before me this 7<sup>th</sup> day of March, 2023, in the presence of the two stated witnesses.

J. Gregory Bergstadt  
Notary Public (Signature)

Name: J. Gregory Bergstadt

Notary/Bar No.: 18110

Commission expires: at death