

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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<b>In The Matter Of</b>	:	<b>Nos. 02-I-047;</b>
	:	<b>06-I-038</b>
<b>MARK E. FREEMAN, M.D.</b>	:	
<b>(Certificate No. 020844),</b>	:	<b>CONSENT ORDER</b>
	:	

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An investigation conducted by the Louisiana State Board of Medical Examiners (the "Board") indicates that Mark E. Freeman, M.D. ("Dr. Freeman"), a physician licensed to practice medicine in this state and principally practicing in and around Lafayette, Louisiana, prescribed controlled and non-controlled substances to an investigator for the Board who was assigned to investigate the physician's practices without first conducting a face-to-face examination to support the therapy prescribed, in violation of the Louisiana Medical Practice Act (the "Act"), La. Rev. Stat. §37:1285A(13).<sup>1</sup>

As evidenced by his subscription to this Order, but without admitting any violation of the Act, Dr. Freeman nevertheless acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information could provide the Investigating Officer herein for the Board with probable cause to pursue formal administrative proceedings against him for violation of the Louisiana Medical Practice Act (the "Act"), La. Rev. Stat. §§37:1261-92, constituting sufficient cause for action against his license to practice medicine in the state of Louisiana. On the basis of the information received by the Board and with Dr. Freeman's knowledge and consent, however, the Board is persuaded that he may maintain his license to practice medicine in the state of Louisiana, *provided, however*, that he strictly observes and complies with appropriate specified conditions thereto. In consideration of this finding, accordingly, and on the recommendation of the Board's Investigating Officer respecting the pending investigation (the "I/O"), the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to administrative adjudication of such charges, at which time Dr. Freeman 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.

<sup>1</sup> The Board may take action against a physician licensed to practice in this state as a result of La. Rev. Stat. §37:1285A(13) "[U]nprofessional conduct."

Rev. Stat. §49:961 *et seq.*, Dr. Freeman, nonetheless, hereby waives his right to formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Dr. Freeman 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 he otherwise may be afforded by any 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. By his subscription hereto, Dr. Freeman also hereby authorizes the I/O 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. Rev. Stat. §49:960. Dr. Freeman expressly acknowledges that the disclosure of such information to the Board by the I/O shall be without prejudice to the I/O's authority to proceed with the filing and adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Consent Order. 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 Mark E. Freeman, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 020844 is hereby, effective as of the date of this Order, place *on probation* for a period of one (1) year; *provided, however*, that such license and Dr. Freeman'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 and conditions:

**(1) Evaluation of Patients.** Dr. Freeman shall not provide medical care or treatment to any patient with whom he has not first established a physician-patient relationship based on an in-person, face-to-face physical examination. To confirm compliance with this provision, Dr. Freeman shall allow a designee of the Board to review no less than ten (10) patient records annually during unannounced visits.

**(2) Adherence to Board's Rules.** Where applicable to his practice, Dr. Freeman shall adhere to the Board's Integrative and Complementary Medicine Rules ("Rules")<sup>2</sup> in connection with anti-aging, hormone replacement, and any similar therapies or modalities he offers or provides to patients.

**(3) Continuing Medical Education.** Dr. Freeman shall obtain not less than fifty (50) credit hours during the probationary term through attendance at and participation in continuing medical education programs ("CME") 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

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<sup>2</sup> La. Adm. Code, 46 XLV.7101-7111.

Order, Dr. Freeman 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.

(4) **Payment of Fine.** Within ninety (90) days of the effective date of this Order Dr. Freeman shall pay to the Board a fine in the amount of Two Thousand and no/100 (\$2,000.00) Dollars.

(5) **Payment of Investigator Fees.** Within one hundred and eighty (180) days of the effective date of this Order, Dr. Freeman shall reimburse the Board for investigative fees expended in this matter in the amount of One Thousand and Ninety-Five no/100 (\$1,095.00) Dollars.

(6) **Probation Monitoring Fee.** For the year of his probationary term Dr. Freeman shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the fee shall be due not later than sixty (60) days from the effective date of this Order.

(7) **Sanction.** By his subscription hereto, Dr. Freeman acknowledges that his receipt of written notification from the Board's Director of Investigations of the receipt or a written report that indicates his failure to comply with the requirements set forth by this 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. Rev. Stat. §§49:951 *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 medicine in this state by the Board pending the final resolution of an administrative hearing and decision by the Board with respect to the information made the basis of such report.

(8) **Cooperation with Board's Probation and Compliance Officer.** Dr. Freeman 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 Consent Order.

(9) **Absence from State - Effect on Probation.** Should Dr. Freeman 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 for a period of thirty (30) days or more, he will so 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. Freeman notifies the Board in writing that he has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance, Dr. Freeman shall not receive credit toward completion of the probationary period for the time during which he was absent from the state of Louisiana.

**(10) Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. Freeman shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order.

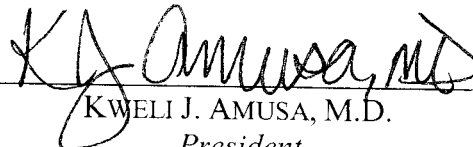
**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Freeman shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Freeman's license 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.

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

Signed at New Orleans, Louisiana, and effective on this 20<sup>th</sup> day of October, 2008.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

BY:

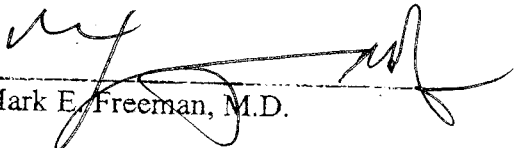
  
KWELI J. AMUSA, M.D.  
*President*

*Acknowledgement and  
Consent on Following Page*

**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA  
PARISH OF \_\_\_\_\_

I, Mark E. Freeman, M.D., hereby acknowledge, approve, accept and consent to entry of  
the above and foregoing Order, this 7<sup>th</sup> day of 09, 2008.

  
Mark E. Freeman, M.D.

WITNESSES:

Connie Culp  
Signature

Connie Culp  
Typed Name

1101 Eraste Landry Rd.  
Address

Lafayette, LA 70506  
City/State/Zip Code

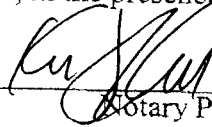
Marie Dauterive  
Signature

Marie Dauterive  
Typed Name

1101 Eraste Landry Rd.  
Address

Lafayette, LA 70506  
City/State/Zip Code

Sworn to and subscribed before me this 7<sup>th</sup> day of 09,  
2008, in the presence of the two stated witnesses.

  
Notary Public

KRAL J. KOCH 17010  
Printed Name/Notary or Bar Number