

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.org



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

Ext. _____

----- X

In The Matter Of

07-I-334

JOIA CREAR, M.D.
(Certificate No.023616),

**CONSENT
ORDER**

Respondent.

----- X

The Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board"), began an investigation of Joia Crear, M.D., ("Dr. Crear") upon receipt of reliable information that Dr. Crear had been the subject of an investigation and suspension by the medical staff of Baptist Memorial Medical Center ("BMMC") and had failed to disclose this information in her 2005, 2006 and 2007 applications for renewal of her Louisiana medical license. Investigation revealed that the medical executive committee ("MEC") at BMMC had suspended Dr. Crear's obstetrical privileges on or about March 17, 2005 after a focused review based on concerns about patient safety and compliance with hospital policies and rules, and recommended that Dr. Crear's privileges be limited to gynecology. The MEC stated it would permit Dr. Crear to reapply for obstetrical privileges only after completing an additional year of training in obstetrics at an approved residency program. After receiving notice of this action, Dr. Crear asked for, and received, a leave of absence from the medical staff based on her representation that she intended to obtain the recommended training. Although Dr. Crear was advised there would be no report to the National Practitioner Databank in connection with her suspension, she was specifically told that the fact of her suspension would remain in her BMMC credentialing files. She was also specifically told that, upon inquiry to BMMC by another hospital, BMMC would provide a factual statement that would include the period of the summary suspension.

Investigation further revealed that Dr. Crear did not obtain the additional training that had been discussed as a factor in BMMC's agreement to accept her request for a leave of absence. Furthermore, Dr. Crear failed to disclose the BMMC matters to East Jefferson General Hospital ("EJGH") in her application for staff privileges at EJGH, and has stated that she did so because she believed the BMMC matter had been "expunged", notwithstanding BMMC's direct statement

to her that her suspension would remain in her files and would be disclosed to any hospital that inquired to BMMC about her credentialing background. After the Medical Executive Committee recommended revocation of her privileges, Dr. Crear requested a hearing. After a hearing, the EJGH board of directors affirmed the revocation of Dr. Crear's medical staff privileges based on this failure to disclose the BMMC matter to them in her application for staff privileges. Dr. Crear has not practiced obstetrics since May 9, 2008.

In connection with the investigation leading to this Consent Order, Dr. Crear acknowledged the need to address concerns about her competence and agreed to undergo an assessment of her current practice. Accordingly, all parties agreed to engage Affiliated Monitors, Inc. ("AMI") to conduct the review and the physician-reviewer was acceptable to both Dr. Crear and the DOI. A report was subsequently received from AMI concerning the findings of the physician-reviewer who had evaluated Dr. Crear's practice. The reviewer made a number of recommendations following this review.

Dr. Crear admits that she did not disclose the BMMC matters to the Board or to EJGH. As evidenced by her subscription hereto, Dr. Crear acknowledges the accuracy of the foregoing information and that such acknowledgment and reported information would provide the Investigating Officer with probable cause to initiate formal administrative proceedings against her license pursuant to the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1285(A)(3)¹ and (10)² and constituting cause for such action against the physician's license to practice medicine in the state of Louisiana as the Board may deem appropriate.

Recognizing her right to have an administrative adjudication of such charges, at which time Dr. Crear 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. Rev. Stat. §§49:955-965, Dr. Crear, nonetheless, hereby waives her right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Dr. Crear also acknowledges that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §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. By her subscription hereto, Dr. Crear 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 she waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Crear 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

¹ La. Rev. Stat. §37:1285A(3) provides that the Board may take action against the license of a physician as the result of 'Fraud, deceit, or perjury in obtaining any diploma, license, or permit pertaining to this Part.'

² La. Rev. Stat. §37:1285A(10) provides that the Board may take action against the license of a physician as the result of "Efforts to deceive or defraud the public;"

Administrative Complaint against her 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 Joia Crear, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 023616 shall be and is hereby **SUSPENDED** for six months, with the suspension stayed and Dr. Crear's license placed **ON PROBATION** for a period of three (3) years from the effective date of this Consent Order; *provided, however*, that Dr. Crear's license to practice medicine and her continuing exercise of the rights and privileges granted to her thereby, shall be subject to her acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Limitations on Practice. Dr. Crear shall not engage in the practice of Obstetrics until such time as she has completed an additional year of residency training and/or a remediation program developed in association with a residency training program which has been pre-approved by the Board in writing. She may petition the Board for relief from this limitation, which the Board may grant or refuse in its sole discretion, based upon a report from the training program indicating that she is then capable of practicing in the area of Obstetrics with reasonable skill and safety to patients.

(2) Approval of Practice Site. Dr. Crear shall not, during the term of probation ordered herein, engage in any form of the practice of medicine in the state of Louisiana, other than in the course and scope of her employment at a hospital, clinic, institution or such other setting or location as the Board, in its sole discretion, has preapproved in writing. Dr. Crear shall provide a copy of this Consent Order to her employer and to the medical executive committee, or its equivalent, of any hospital or entity of which Dr. Crear is a member of the medical staff.

(3) Supervision of Practice. During the probationary term, Dr. Crear's practice shall be monitored and supervised by a physician acceptable to and approved by the Board, who shall oversee the course of remediation recommended by the AMI report. Further, the supervising physician shall review cases with Dr. Crear on a regular basis to ensure that her management of patients is appropriate and that she is practicing medicine with reasonable skill and safety for her patients. Dr. Crear shall authorize and cause her supervising physician, not less frequently than quarterly, to submit to the Board written reports on his or her determinations concerning Dr. Crear's clinical and professional competency and professionalism as derived from such monitoring and supervision. After one year of her probationary period, Dr. Crear shall be eligible to petition the Board for relief from this requirement, which the Board may grant or refuse in its sole discretion.

(4) Comprehensive Medical and Mental Health Examination. Within ninety (90) days of the acceptance of this Order by the Board, Dr. Crear shall, at her expense, submit to a comprehensive medical and mental health examination by a program acceptable to the Board and shall cause the results of this examination to be provided to the Board.

(5) Payment of Fine. Dr. Crear shall pay a fine of \$3,000 to the Board, which payment shall be made within one year of the acceptance of this Order by the Board.

(6) Community Service. During each year of her probationary term, Dr. Crear shall perform twenty (20) hours of uncompensated community service which has been pre-approved by the Board.

(7) Continuing Medical Education. During each year of the probationary period, Dr. Crear shall obtain not less than fifty (50) credit hours of continuing medical education ("CME"). Dr. Crear shall cause to be submitted to the Board written certification of the CME program(s) that she has attended in order to satisfy these obligations.

(8) Medical Recordkeeping Course. During the first six months of her probation, Dr. Crear shall complete an intensive course in Medical Recordkeeping that has been pre-approved by the Board.

(9) Ethics and Professionalism Course. During her probationary term, Dr. Crear shall complete an intensive course in Medical Ethics and Professionalism that has been pre-approved by the Board.

(10) Probation Monitoring Fee. For each year of the probationary term, Dr. Crear 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. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(11) Cooperation with Board's Probation and Compliance Officer. Dr. Crear 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, conditions and restrictions of this Consent Order.

(12) Absence from State - Effect on Probation. Should Dr. Crear 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, she will so advise the Board in writing. In such instance, the probationary period ordered herein and all terms and conditions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Crear notifies the Board in writing that she has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance, Dr. Crear shall not receive credit toward completion of the probationary period for the time during which she was absent from the state of Louisiana.

(13) Certification of Compliance with Probationary Terms/Personal Appearance Before the Board. At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. Crear shall contact the Board and arrange for a personal appearance before the Board, or a committee that may be designated by the Board, at its meeting preceding the expiration of the probationary term ordered herein. As a precondition to her request for an unrestricted license, Dr. Crear shall provide the Board with an executed affidavit certifying that she has complied with each of the terms of probation imposed upon her by this Order and that she has satisfactorily completed a course of remediation. She shall also provide a written report from her supervising physician that she is then able to resume an unrestricted practice.

(14) Effect of Violation/Sanction. By her subscription hereto Dr. Crear acknowledges that her failure to comply with the requirements set forth by this 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. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to her by any law, constitute her consent to the immediate suspension of her license to practice medicine in this state by the Board pending the final resolution of an administrative hearing and decision by the Board, or until such time as she complies with the terms and conditions of this Consent Order.

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

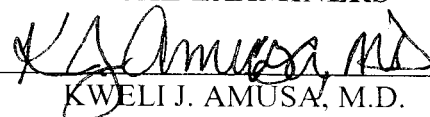
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions, or restrictions set forth by this Order by Dr. Crear shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Crear's license 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. Rev. Stat. §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 20th day of October, 2008.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:

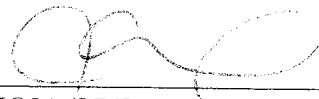

KWELI J. AMUSA, M.D.

PRESIDENT

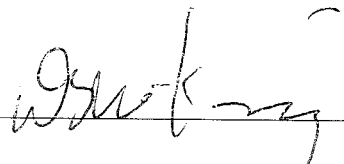
STATE OF Louisiana
PARISH/COUNTY OF Orleans

**ACKNOWLEDGMENT
AND CONSENT**

I, JOIA CREAR, M.D., hereby acknowledge, approve, accept and consent to entry
of the above and foregoing Order, this 20th day of October, 2008.


JOIA CREAR, M.D.

WITNESSES:


Signature

Don S. McKinney

Typed Name

4500 One Shell Square, P.O.

Address


Signature

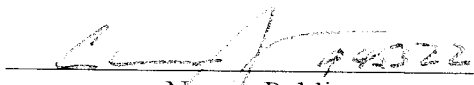
Scott C. Buck Jr.

Typed Name

630 Camp, N.O., La. 70131

Address

Sworn to and subscribed before me at New Orleans, Louisiana, this 20th day of
October, 2008, in the presence of the two stated witnesses.


Notary Public

Print name C. Wm. BARNES JR.

Bar/Notary No.: 03371/45222