

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NUMBER: 09-A-017

IN THE MATTER OF:

**JOIA CREAR-PERRY, M. D.
(CERTIFICATE NO. 023616)**

OPINION AND RULING

This matter comes before the Board pursuant to an Administrative Complaint which charges Respondent Joia Crear-Perry, M. D., with violating the terms of a Consent Order previously entered into between the Board and Respondent. The matter was heard before a panel of the Board, consisting of Kim Edward LeBlanc, M. D., PH. D, and Robert E. Dawson, M. D., constituting less than a quorum of the Board. Under R. S. 37:1285.1, a case may be held before a panel of one or two members of the Board, who shall submit written findings, conclusions, and recommendations to the entire Board, along with the entire record in the case, including all pleadings and a transcript of the testimony. The member or members of the hearing panel shall not participate in the deliberations of the remainder of the Board, who shall render the final opinion.

Dr. Crear-Perry has been board certified in obstetrics and gynecology since 2004. In 2005 her obstetric privileges were suspended by Baptist Memorial Medical Center. Based on her representation that she would seek remedial training, she was allowed to take a leave of absence from that institution. Following Hurricane Katrina, without having taken remedial training, she applied for, and was granted, staff privileges at East Jefferson General Hospital, without

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revealing to them her suspension at Baptist. Nor did she reveal the suspension to the Board in any of her renewal applications after her suspension. When East Jefferson learned of her trouble at Baptist, and after a hearing, Respondent's medical staff privileges were revoked.

During the Board's investigation of the matter, it was agreed that Dr. Crear-Perry would undergo evaluation with Affiliated Monitors, Inc. Their report, based on review of a number of Respondent's charts, made a number of recommendations.

Thereafter, on October 20, 2008, a consent order was entered into between the Board and Dr. Crear-Perry, by virtue of which her license was suspended for six months. The suspension was stayed, and Respondent placed on probation for a period of three years, and subject to a number of conditions. Her failure to abide by the conditions imposed thereby form the basis of this complaint.

First, Respondent is charged with violating the Limitations on Practice imposed by the Consent Order. This limitation reads as follows:

"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."

It is clear from the sign-in sheets from Dr. Crear's office, and from the charts of the patients, that she was seeing women who were pregnant, concerning the pregnancy, throughout the period after the execution of the consent order. That constitutes the practice of obstetrics. We find her guilty of that aspect of the charges against her.

The second violation alleged is of the supervision of practice condition, which reads:

“During the probationary term, Dr. Crear’s practice shall be monitored and supervised by a physician acceptable to the Board who shall oversee the course of remediation recommended by the AMI report.”

It is undisputed that Dr. Crear practiced without supervision until June 23, 2009, when a supervising physician was approved by the Board. We do note that during this period, Respondent proposed other physicians as monitors, but they each refused to act as such. Therefore, for eight months she was in violation of the Consent Order, and is therefore guilty of this aspect of the charges against her.

The third violation concerns her failure to obtain a comprehensive medical and mental health examination on or before January 20, 2009. The record shows that a neuropsychologic examination of Dr. Crear was conducted on March 19, 2009, and the report thereof, which is in the record, is dated March 30, 2009. There is no record of a comprehensive medical examination.

Medical information redacted

The fourth violation alleged is Dr. Crear-Perry’s failure to failure to complete a medical record keeping course within six months of the date of the Consent Order. It is undisputed that this had not been done as of the date of the hearing, although the course has been approved, but not completed by Respondent.

During the entire term of Respondent's probation, there have been repeated efforts by Board staff to work with her, but despite warnings, Dr. Crear-Perry has continued to see obstetric patients, and has remained in violation not only of the above conditions, but of subsequent modifications thereto made by Board staff.

As a result of the above conduct, none of which is explained or denied, Dr. Crear was suspended from the practice of medicine, pursuant to the provisions of her Consent Order, on July 31, 2009.

Having found Respondent guilty of the charges against her, we impose the following sanctions:

First, the license of Joia Crear-Perry, M. D., to practice medicine in the State of Louisiana, as evidenced by Certificate No. 023616, which is now suspended, shall remain suspended until such time as she has completed an additional year of residence training in Obstetrics, or has completed such other remediation program as may be acceptable to the Board, and pre-approved in writing.

Second, Respondent shall comply with all requirements of the Consent Order of October 20, 2008.

Third, Respondent shall pay a fine of \$3,000.00 and all costs of this proceeding beginning with the filing of the Administrative Complaint.

Fourth, all future communication between Respondent and the Board shall be in writing via U. S. Mail or fax. E-mail will not be acceptable.

Fifth, Respondent shall complete the Medical Record Keeping course, and the Ethics and Professionalism course required by the Consent Order within ninety days of the date of this opinion.

NEW ORLEANS, LOUISIANA, THIS 14th DAY OF DECEMBER, 2009.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

A handwritten signature in cursive script, appearing to read "Linda Gage-White", is written over a horizontal line.

BY: LINDA GAGE-WHITE, M. D., PH. D., PRESIDENT