

**BEFORE THE ARKANSAS STATE MEDICAL BOARD**

**IN THE MATTER OF: LESLIE GENE SMITH, M.D.**

**SHOW CAUSE ORDER AND NOTICE OF HEARING**

It has been determined by the Arkansas State Medical Board (“ASMB” or “Board”) that sufficient evidence exists to conduct a hearing regarding whether Leslie Gene Smith, M.D., is in violation of various provisions of the Arkansas Medical Practices Act and Board Rules. Pursuant to the provisions of Board Rule 1(2)(A), Ark. Code Ann. § 17-95-409(a)(1), Ark. Code Ann. § 17-95-409(2)(G), Ark. Code Ann. § 17-95-409(2)(P), Ark. Code Ann. § 17-95-410(a)(2) and (b), and Ark. Code Ann. § 25-15-208, as well as Board Rule 2(7), and Rule 32(A), and Rule 32(B), you are hereby Notified and Ordered to appear before the Board at the time and place set out below, and from time to time thereafter as may be directed by the Board, to show cause, if any you have, why you should not be subject to or have imposed against you, one or more of the penalties outlined in Ark. Code Ann. § 17-95-410 in that the following is alleged:

**ALLEGATIONS**

I.

Leslie Gene Smith, M.D., is licensed as a physician with the Arkansas State Medical Board. He held a license at all times relevant to this hearing.

II.

The Board received a complaint from M.A., a former patient of Leslie Gene Smith, M.D., dated May 11, 2023, filed by her attorney, Casey Mynatt. M.A. alleged she and Dr. Smith commenced a sexual relationship in 2016, while she was his patient and

shortly after the death of her husband, J.A. In his May 30, 2023, response to the complaint, filed by his attorney, Darren O'Quinn, Dr. Smith admitted he began a physical relationship with M.A. about a year after her husband's death. Dr. Smith stated in his response he last saw M.A. in his office on July 12, 2017. M.A. and Dr. Smith agree the relationship ended at the end of 2017 or beginning of 2018. M.A.'s son, B.W., was also a patient of Dr. Smith's. From December 2020 through July 2022, Dr. Smith saw B.W. as a patient forty-three (43) times, according to Dr. Smith's response dated May 30, 2023.

### III.

On August 29, 2023, M.A., through her attorney, Jenny Wilkes, M.A. filed a rebuttal and request for reconsideration with the Board. In her rebuttal, M.A. details Dr. Smith's abrupt dismissal of her son as a patient and the detrimental impact the dismissal had and continues to have on her son's mental state. M.A. also alleges that Dr. Smith allowed his then girlfriend, now wife, Whitney Emerson-Smith, access to confidential private health information M.A. conveyed by text to Dr. Smith. On September 12, 2023, Darren O'Quinn filed a response to the rebuttal for Dr. Smith. Again, Dr. Smith admitted the sexual relationship with M.A., but disputed her account of his dismissal of her son as a patient. Both were reviewed by the Board on February 8, 2024, at which time the Board voted to request Dr. Smith to appear for a Show Cause hearing.

## **APPLICABLE LAW AND REGULATIONS**

### I.

According to Board Regulation 1(2)(A), the Board holds hearings on licensees pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann., § 25-15-208, upon receipt of information, and following an investigation, indicating possible violations of its statutes and regulations.

### II.

Pursuant to Board Rule 2, the Board may revoke or suspend the license to practice medicine if the licensee has been found guilty of grossly negligent or ignorant malpractice. Malpractice includes any professional misconduct.

### III.

Board Rule 2(7) states a physician who engages in sexual contact, sexual relations, or a romantic relationship with a patient concurrent with a patient-physician relationship shows a lack of fidelity to professional duties, thus exhibiting gross negligence and ignorant malpractice. A patient's consent, initiation, or participation does not change the nature of the conduct or the prohibition.

### IV.

Board Rule 32(A) states it is an ethical violation for a physician to engages in sexual contact, sexual relations, or a romantic relationship with a patient concurrent with a patient-physician relationship.

V.

Board Rule 32(B) states it is an ethical violation for a physician to reveal or disclose confidential communications or information concerning a patient without the consent of the patient.

VI.

Pursuant to Ark. Code Ann. § 17-95-409(a)(1), the Board may revoke an existing license or impose penalties outlined in Ark. Code Ann. § 17-95-410 if a license holder has committed any offenses defined in this statute as unprofessional conduct.

VII.

Pursuant to Ark. Code Ann. § 17-95-409(2)(G), unprofessional conduct includes, “grossly negligent or ignorant malpractice.”

VIII.

Pursuant to Ark. Code Ann. § 17-95-409(2)(P), the Board may revoke an existing license or impose penalties outlined in Ark. Code Ann. § 17-95-410 if a license holder has violated any rule of the Arkansas State Medical Board.

IX.

Pursuant to Ark. Code Ann. § 17-95-410(b), the Board shall issue an order and notice of hearing if it finds any probable violations of the Medical Practices Act or Rules of the Board.

**CHARGES**

I.

Leslie Gene Smith, M.D., violated Board Rule 2(7) as outlined above in Allegations II and II above.

II.

Leslie Gene Smith, M.D., violated Board Rule 32(A) as outlined above in Allegations II and II above.

III.

Leslie Gene Smith, M.D., violated Board Rule 32(B) as outlined above in Allegation III above.

IV.

Leslie Gene Smith, M.D., violated Ark. Code Ann. § 17-95-409(2)(G), as outlined above in Allegations II and III.

V.

Leslie Gene Smith, M.D., violated Ark. Code Ann. § 17-95-409(2)(P), by violating Rules 2(7), 32(A), and 32(B) the Arkansas State Medical Board.

**WHEREFORE, IT IS CONSIDERED, ORDERED, AND ADJUDGED** by the Arkansas State Medical Board that a hearing should be conducted to determine whether Leslie Gene Smith, M.D., has violated the Medical Practices Act and Board Rules as alleged above; and, if it is found that he has, in fact, violated the Medical Practices Act and Board Rules, then the Board should determine whether the license of Leslie Gene Smith, M.D., to practice medicine in the State of Arkansas, should be revoked or suspended, or whether other sanctions should be given as punishment pursuant to the authority granted the Board pursuant to Ark. Code Ann. § 17-95-410.

**Said hearing will be conducted at 11:30 o'clock a.m. on the 11th day of April, 2024, at the meeting of the Arkansas State Medical Board, 1401 West Capitol Avenue, Suite 340, Little Rock, Arkansas 72201.**

Leslie Gene Smith, M.D., is hereby advised that he may be represented by counsel at the hearing, and that he will be given the opportunity to examine all of the evidence offered to the Board, to cross-examine witnesses, and to offer evidence and witnesses on his own behalf.

**Leslie Gene Smith, M.D., is further advised that any additional records and/or exhibits that he as a Respondent wishes to present to the Board at his hearing MUST be provided to the Board no later than 20 days prior to the hearing date. Failure to do so may result in the Board's refusal to allow the information or documentation to be presented by the Respondent.**

**IT IS SO ORDERED.**

ARKANSAS STATE MEDICAL BOARD



Edward Gardner, M.D., Chairman

Date: 02/15/2024

Prepared by:

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