

BEFORE THE ARKANSAS STATE MEDICAL BOARD

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

ORDER OF REPRIMAND

On the 11th day of April 2024, the parties came before the Arkansas State Medical Board pursuant to a Show Cause Order and Notice dated February 15, 2024. The Arkansas State Medical Board (“ASMB” or the “Board”) appeared by a quorum of its membership and was represented by its counsel, Juliane Chavis, Senior Assistant Attorney General. Leslie Gene Smith, M.D., appeared in person and was represented by Darren O’Quinn. The parties hereby agree to the following Findings of Fact, Conclusions of Law and Order which are hereby adopted by the ASMB:

FINDINGS OF FACT

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. The Board also received a rebuttal in the form of an email from M.A. The rebuttals 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.

CONCLUSIONS OF LAW

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.

As set out in Findings of Fact II and III above, Leslie Gene Smith, M.D., admits, and the Board finds, that he violated Board Rule 2(7), which 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.

III.

As set out in Findings of Fact II and III above, Leslie Gene Smith, M.D., admits, and the Board finds, that he violated Board Board Rule 32(A), which states it is an ethical violation for a physician to engage in sexual contact, sexual relations, or a romantic relationship with a patient concurrent with a patient-physician relationship.

IV.

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.

V.

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

VI.

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.

ORDER

For the violations of the Medical Practices Act set out above in the Conclusions of Law, the Board hereby orders:

I.

Pursuant to Ark. Code Ann. § 17-95-410(e)(3)(C), the Board issues this order of reprimand to Leslie Gene Smith, M.D.

II.

Leslie Gene Smith, M.D., shall continue to work with Dr. Diner and the Arkansas Medical Foundation (“AMF”), remain in compliance, and follow all recommendations until he is released by Dr. Diner.

III.

Leslie Gene Smith, M.D., shall continue the hospital rehabilitation program he has already begun, follow all recommendations, remain in compliance, and complete the program requirements.

IV.

Leslie Gene Smith, M.D., shall take a continuing medical education course in boundaries. However, if Leslie Gene Smith, M.D., successfully completes the hospital program and fulfills all AMF requirements, and provides proof of completion of both, the Board will waive the requirement that he take a boundaries course.

V.

Leslie Gene Smith, M.D., shall pay the costs associated with this matter in the sum of \$216.00 on or before April 11, 2025.

VI.

Leslie Gene Smith, M.D., shall appear before the Board at all times requested.

IT IS SO ORDERED.

ARKANSAS STATE MEDICAL BOARD



Edward Gardner, M.D., Chairman

Date: 04/15/2024

Prepared by:
/s/Juliane Chavis
Senior Assistant Attorney General
Counsel for the Arkansas State Medical Board
323 Center Street, Suite 200
Little Rock, Arkansas 72201
julie.chavis@arkansasag.gov