

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. _____

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In The Matter Of
:
HERBERT FRANCIS VANDENBERG, M.D.
(Certificate No. 11649R)
:
:
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No. 03-I-037

**CONSENT ORDER FOR
OFFICIAL REPRIMAND**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information indicating that Herbert Francis Vandenberg, M.D. ("Dr. Vandenberg"), a physician who at all times pertinent has been licensed in this state and engaged in the practice of psychiatry in and around Ruston, Louisiana, failed to inform the Board of material information in connection with the renewal of his medical license for the years 2001 and 2003. Such information indicates, more particularly, that Dr. Vandenberg's Illinois medical license was suspended in 2003 by virtue of his failure to respond to that board's inquiry regarding the settlement of a malpractice claim that occurred several years earlier. A review of the Board's records reveal that Dr. Vandenberg did not inform the Board of Illinois' action or of the medical malpractice settlement in response to questions eliciting such information on his renewal applications.

Investigation of the captioned matter was assigned to John B. Bobear, M.D., Medical Consultant/Director of Investigations for the Board. Dr. Bobear's review and analysis of the matter confirms to his satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Vandenberg charging him with enumerated violations of the Louisiana Medical Practice Act.¹

On his own behalf Dr. Vandenberg asserts that he was unaware of his involvement in the malpractice suit in which multiple providers were named, until told of the proposed settlement by an attorney in 2001, or of his obligation to report such settlement to the Illinois board or to the Board. Moreover, as he had no intention of returning to Illinois to practice he did not contest that board's action and claims that he was unaware of his obligation to inform the Board. He now recognizes and acknowledge his responsibility for the accuracy of the submissions made and by his subscription hereto acknowledges

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

the substantial accuracy of the foregoing information as recited herein above and that proof of such information upon an administrative evidentiary hearing could establish grounds under the Louisiana Medical Practice Act for the imposition of such terms, conditions or restrictions on his license to practice medicine in the state of Louisiana as the Board may deem appropriate.

Recognizing his right to have notice of such allegations and charges asserted against him to administrative adjudication of such charges, at which time he 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. Rev. Stat. §49:955-965, Dr. Vandenberg, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Consent Order for Official Reprimand set forth hereinafter and acknowledges and waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act or which otherwise may be afforded to him by law to contest his agreement to or the force and effect of this document in any court relating to the matters referred to herein. By his subscription hereto, Dr. Vandenberg also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, 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. Vandenberg expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the information provided, accordingly, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

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 Herbert Francis Vandenberg, M.D., is *OFFICALLY REPRIMANDED* for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that Herbert Francis Vandenberg, M.D., shall pay to the Board a fine in the amount of One Thousand and No/100 (\$1,000.00) Dollars within ninety (90) days of the effective date of this Order.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Dr. Vandenberg shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such disciplinary action as the Board deems 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 in New Orleans, Louisiana, and effective this 7th day of December 2004.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY:


KIM EDWARD LEBLANC, M.D., PH.D.
President

*Acknowledgement and Consent
on Following Page*

STATE OF LOUISIANA
PARISH OF LINCOLN

**ACKNOWLEDGMENT
AND CONSENT**

I, HERBERT FRANCIS VANDENBERG, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 6th day of October, 2004.



HERBERT FRANCIS VANDENBERG, M.D.

WITNESSES:

Terr. V. Murphy
Signature
Terr. V. Murphy
Typed Name
941 N. Trenton St.
Address
Ruston, La. 71270
City, State, Zip Code

ERIC K. BURBEX
Signature
ERIC K. BURBEX
Typed Name
941 N. TRENTON ST.
Address
RUSTON, LA 71270
City, State, Zip Code

Sworn to and subscribed before me at Ruston, Louisiana, this 6th day of October, 2004, in the presence of the two stated witnesses.



Notary Public

Tyler Graham Skrms
Notary Printed Name
24664
Notary Bar # / Notary #
24664