

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

**NUMBER: 14-A-003
IN THE MATTER OF:**

**GREGG SPAULDING HUNTER, M. D.
(Certificate No. 14239R)**

**ADMINISTRATIVE HEARING
HELD ON JULY 21, 2014**

DECISION AND ORDER

This matter comes before the Board pursuant to an Administrative Complaint, which charges Respondent Gregg Spaulding Hunter, M. D., with a number of violations of the Medical Practice Act, R. S. 37:1261 et seq. The matter was heard before a panel consisting of Doctors Amusa, Farris, Busby, Valentine, and Clarke, with Dr. Burdine, presiding. The Respondent was present and was represented.

In the Administrative Complaint, Dr. Gregg Spaulding Hunter, M.D. is charged with the following violations:

1. (13) Unprofessional conduct;
2. (26) Refusing to submit to the examinations and inquiry of an examining committee of physicians appointed or designated by the board to inquire into the physician's physical and mental fitness and ability to practice medicine with reasonable skill and safety to patients;

FINDINGS OF FACT

A complaint was received by the Board from A. B. a patient of Gregg Spaulding Hunter, M. D. In the complaint, she alleged that Dr. Hunter was guilty of rude or discourteous behavior, sexual misconduct, and poor communication skills or poor bedside manner. The complaint was dated March 25, 2014.

The record shows that Dr. Hunter entered into a contract with the Physicians' Health Foundation in 1999, because of chemical dependence. He successfully completed that contract in 2005. In 2008, he tested positive for mood altering substances, and was asked to undergo inpatient evaluation. He initially refused and his license was summarily suspended. He subsequently underwent an inpatient evaluation, which he successfully completed, with the recommendation that he be allowed to return to practice, subject to on-going therapy and practice monitoring. On December 14, 2009, by consent order, Respondent's license was reinstated on five years probation, and he was permitted to return to the practice of medicine, subject to a number of terms and conditions.

By letter of March 28, 2014, Dr. Hunter was advised by his compliance officer, Leslie R. Rye, of the complaint against him. She stated that the Board's investigation found the complaint to be credible, and "with your history with the Board and the vulnerable nature of psychiatric patients, it is our obligation to take this complaint seriously." He was further advised that it was recommended that he submit to an evaluation at the Behavioral Medicine Institute of Atlanta.

On April 7, 2014, Dr. Hunter responded with a lengthy letter giving his side of the story, and requesting a meeting with the Board's Director of Investigations and Ms Rye to attempt to resolve the matter, "as I appeal your recommendation for an evaluation."

On April, Ms Rye responded, advising that the Director of Investigations had directed her to inform Respondent that a meeting would not be scheduled, and that he was expected to complete an evaluation as directed, which had been scheduled for May 12-14, 2014. He was further

advised that if he failed to get the evaluation voluntarily, the Director of Investigations would recommend to the Board that he be ordered to undergo the evaluation. His refusal thereafter could lead to his summary suspension.

Thereafter, Dr. Hunter advised Ms Rye that he was uncomfortable with going to the Atlanta institution, and was given alternative facilities which were satisfactory to the Board. He made contact with Acumen Assessments in Lawrence, KS. He attempted to borrow the money to go there, but was unable to do so. On May 27, 2014, he advised the Board that he could not raise the money for an evaluation. He was summarily suspended on May 30, 2014, and this hearing ensued.

At the hearing, Ms Rye testified that, while Respondent was undergoing evaluation in 2009, pornography was found in this car, and he had sex with a female patient. In 2013, the Board received a call from a female who advised that Dr. Hunter had a civil law suit, which had just been settled, about sex with a patient. Since this matter was over ten years old, and there was no written complaint, the Board did not investigate further.

Dr. Hunter's defense is based on the assertions that he was never granted a face to face meeting with anyone at the Board to give his side of the story; that the Board's investigation was inadequate to support the action taken against him; and that he does not have the funds to pay for an evaluation. He would like to continue to practice under increased monitoring.

CONCLUSIONS OF LAW

Dr. Hunter is charged with violating R. S. 37:1285A(26) for refusing to submit to the evaluation; and R. S. 37:1285A(13) for unprofessional conduct for refusing to submit to the evaluation. We find him guilty on both counts. There is a credible basis for the investigation. Not only does the complaint itself seem credible, but Dr. Hunter, in his letter responding to the complaint, does not deny the conduct so much as he justifies it a part of his technique. Other conduct of a sexual nature forms part of his record while being evaluated in 2009. We agree that a current evaluation is an essential part of the Board's investigation under the circumstances of this case.

SANCTIONS

In view of the foregoing findings, the following sanctions are imposed:

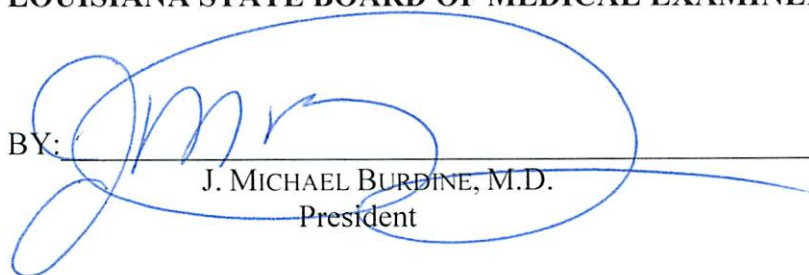
1. The license of Gregg Spaulding Hunter, M. D. to practice medicine in the State of Louisiana, as evidenced by Certificate No. 14239R, which is currently suspended, shall remain **SUSPENDED** until such time as he has complied with the Board's order for an evaluation. At that time the Board shall take such further action as it deems appropriate.
2. Respondent shall pay all costs of this proceeding.

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 Gregg Spaulding Hunter, M.D. shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Hunter'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.

NEW ORLEANS, LA, this 18th day of August 2014.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

BY:



J. MICHAEL BURDINE, M.D.
President