

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter of:
ROSS ALAN GALLO, M.D.
(Certificate No. MD.019325),

Respondent

No. 15-I-318

CONSENT ORDER FOR REINSTATEMENT

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information which indicated that Ross Alan Gallo, M.D. ("Dr. Gallo"), a physician that was and is at all times material to the facts and matters alleged herein, licensed by the Board as a physician and engaged in the practice of medicine in the state of Louisiana, pursuant to the Louisiana Medical Practice Act, (the "Act"), La. Rev. Stat. §§37:1261-92, may have been prescribing controlled substances outside the scope of his practice as a psychiatrist, and in violation of the Board's rules regarding Medications Used in the Treatment of Non-Cancer-Related Chronic or Intractable Pain.¹ Furthermore, during the investigation it was revealed that Dr. Gallo was suffering from a mental/physical condition which impacted his ability to practice safely. Dr. Gallo removed himself from practice and underwent an evaluation at a Board approved facility. Thereafter, Dr. Gallo underwent appropriate treatment and has had a subsequent evaluation that has deemed him capable of returning to practice. During this process, Dr. Gallo allowed his license to practice medicine in this state to lapse.

For his part, Dr. Gallo acknowledges that his treatment of patients with complaints of pain utilizing opiate medications was not within his scope of practice as a Psychiatrist and he has committed to refrain from engaging in such practice in the future. Furthermore Dr Gallo acknowledges that his failure to maintain patient/physician boundaries may have contributed to his prescribing issues, and through further education, he now has greater understanding of the importance of maintaining appropriate boundaries. While denying any violations of the Act, as evidenced by his subscription to this Order, Dr. Gallo, nonetheless, acknowledges that the foregoing information could provide the Investigating Officer for the Board with probable cause to pursue formal administrative proceedings against him for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1285A(6) and (13)², constituting sufficient cause for the revocation, suspension or such other action against his license to practice medicine in the state of Louisiana as the Board may determine appropriate.

¹ Title 46 of the Louisiana Administrative Code, Part XLV §§ 6915- 6923

² Pursuant to La. R.S. §37:1285A, the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of: (6) "Prescribing, dispensing, or administering legally controlled substances or any dependency-induced medication without legitimate medical justification therefore or in other than a legal or legitimate manner: . . . (13) Unprofessional conduct, including but not limited to, conduct manifested as sexual misconduct, disruptive behavior, failing to cooperate with the board, failing to maintain independent medical judgment, improperly delegating or supervising, exercising undue influence, enabling the unauthorized practice of medicine, practicing or enabling practice by an impaired provider, failing to practice within the scope of education, training, and experience, intentionally falsifying or fraudulently altering records, or failing to create or maintain medical records."

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Gallo 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. Gallo, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Dr. Gallo acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which may be afforded to him by any other law to contest or appeal his agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By his subscription hereto, Dr. Gallo also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this 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. Gallo expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285, La. Rev. Stat. §49:955(D), and the Consent Order heretofore entered herein;

IT IS ORDERED that the license of Ross Alan Gallo, M.D. to practice medicine in the state of Louisiana, as evidenced by Certificate No. MD.019325, is hereby **REINSTATED** and shall be on **PROBATION** for one (1) year; *provided, however*, that such licensure and Dr. Gallo's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Personal Appearance before the Board.** Dr. Gallo shall personally appear before the Board or its designee to permit the Board to consider his intentions to be in compliance with the terms, conditions and restrictions contained in this order.
- (2) **Board Approved Practice Setting.** Dr. Gallo shall only engage in the practice of psychiatry in a setting pre-approved in writing by the Board, pursuant to a contract of employment specifying his duties and responsibilities.
- (3) **Notification to Employers.** Dr. Gallo shall provide a copy of this Consent Order to each employer, hospital or other institution for whom he provides services as a physician in this state.
- (4) **Practice Monitoring and Quarterly Reports.** Within sixty (60) days of the effective date of this Order, Dr. Gallo shall enter into an agreement with a Board-approved practice monitor to monitor and review Dr. Gallo's psychiatric practice during the probationary period. The practice monitor shall review no less than ten (10) records a quarter. The practice monitoring shall provide quarterly reports to the Board that will include an opinion as to whether Dr. Gallo is practicing and documenting his patient's evaluation and treatment in accordance with the prevailing standards of a psychiatric practice. Dr. Gallo shall bear all costs associated with the practice monitor program.

(5) Continuing Treatment, Participation in the PHP/Reports to Board. Dr. Gallo shall continue in, abide by and strictly and timely adhere to all recommendations for ongoing treatment and monitoring which have or may be contained in his PHP monitoring agreement, or any subsequent agreement which may be recommended by the PHP, as well as those recommended by his treating physicians and those prescribed by any other health care provider involved in his care to the extent that they continue to follow him. Dr. Gallo shall, in addition, authorize and cause his treating and monitoring physicians and/or the PHP to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports and/or verbal reports, should the Board desire the latter, on his then-current treatment diagnosis, prognosis, treatment, his fitness and ability to practice medicine with reasonable skill and safety to patients, and his compliance with the terms, conditions and restrictions of this Order and his PHP monitoring agreement.

(6) Board Access to Treatment Records and Reports. Dr. Gallo shall and does by his subscription hereto authorize any physician, healthcare professional or any institution at which he undergoes treatment, as well as any physician under whose care he may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with copies of all medical reports relating to Dr. Gallo's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Gallo expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and acknowledges that he shall immediately provide the Board written authorization to obtain such records upon request.

(7) Course on Professional Boundary Violations. If not already completed, Dr. Gallo shall attend and successfully complete a course on professional boundary violations. The course shall be approved in advance by the Board. On or before the expiration of six (6) months from the effective date of this Order Dr. Toce shall cause to be submitted to the Board written certification of satisfaction of the requirements of this provision.

(8) Course on Proper Prescribing and Record Keeping. If not already completed, Dr. Gallo shall attend and successfully complete a course on the proper prescribing of controlled substances and creation and maintenance of medical records. The course shall be approved in advance by the Board. On or before the expiration of six (6) months from the effective date of this Order Dr. Gallo shall cause to be submitted to the Board written certification of satisfaction of the requirements of this provision.

(9) Continuing Medical Education. Dr. Gallo shall obtain not less than fifty (50) credit hours per year during his probationary term through attendance at and participation in continuing medical education programs ("CME") accredited by the American College of Physicians, the American Medical Association, or such other national accrediting association or organization as the Board may approve in writing. On or before the anniversary of the effective date of this Order, Dr. Gallo shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

(10) Absence from State/Practice/Effect on Probation. Should Dr. Gallo at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country or discontinue practicing medicine for a period of

thirty (30) days or more, or should he fail to renew his license to practice medicine in this state, he shall advise the Board in writing. In such instance, the probationary period ordered herein and all terms, conditions and restrictions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Gallo notifies the Board in writing that he has returned to, relocated or taken up residency in, resumed the practice of medicine in this state, or renewed his Louisiana medical license. In such instance, Dr. Gallo shall not receive credit toward completion of the probationary period for the time during which he was absent from the State of Louisiana or while he was not engaged or licensed to practice medicine in this state.

(11) Certification of Compliance with Probationary Terms. At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. Gallo shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Gallo's compliance with the requirements of this provision.

(12) Cooperation with Board's Probation and Compliance Officer. Dr. Gallo shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Order.

(13) Probation Monitoring Fee. For each year of the probationary term Dr. Gallo shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(14) Effective Date. This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

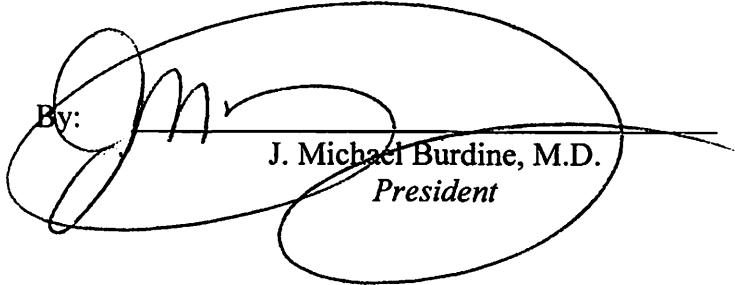
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Gallo shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Gallos's license to practice medicine in the state of Louisiana as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

IT IS FURTHER ORDERED that this Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 5th day of DECEMBER, 2016.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:

A large, stylized handwritten signature in black ink, consisting of a large loop followed by a horizontal stroke and a final flourish.

J. Michael Burdine, M.D.
President

**ACKNOWLEDGMENT
AND CONSENT**


STATE OF LOUISIANA
PARISH OF Orleans

I, **ROSS ALAN GALLO**, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 22nd day of November, 2016.



ROSS ALAN GALLO, M.D.

WITNESSES:

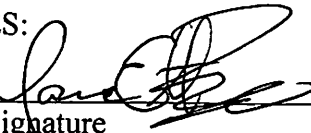


Signature
ERIC ETTINGER

Typed Name
1253 BONNABEL BLVD, #107

Address
METairie, LA 70005

City/State/Zip Code



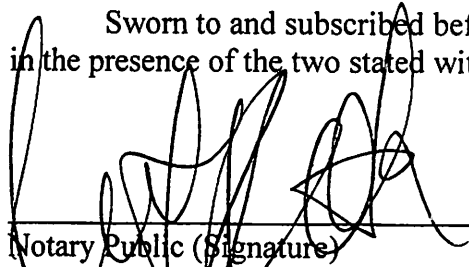
Signature
Jane Ettinger Booth

Typed Name
138 N. Cortez St

Address
New Orleans LA 70119

City/State/Zip Code

Sworn to and subscribed before me this 22nd day of November, 2016
in the presence of the two stated witnesses.



Notary Public (Signature)

Vincent J. Bohm 18565

Printed Name & Notary or Bar Number