

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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## BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

Department of Investigations  
Telephone: (504) 568-6820  
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**No. 20-I-544**

### IN THE MATTER OF:

### CONSENT ORDER

**ROBERT ANCIRA, M.D.**  
*(Credential No. MD.012137),*  
*Respondent*

Robert Ancira, M.D. ("Dr. Ancira"), is a physician who is licensed to practice medicine in the State of Louisiana, pursuant to the Louisiana Medical Practice Act ("the Act"), La. R.S. 37:1261-92, as evidenced by credential No. MD.012137. At all times material hereto, Dr. Ancira has been engaged in the practice of psychiatry in and around New Orleans, Louisiana.

Dr. Ancira has previously been the subject of public disciplinary action by the Louisiana State Board of Medical Examiners (the "Board"). By Consent Order effective October 10, 2016, Dr. Ancira was officially reprimanded, ordered to complete a pre-approved course of study on medical ethics and professionalism, and ordered to pay a fine to the Board, based on information indicating that Dr. Ancira was prescribing controlled substances without medical justification and in a manner that was not consistent with the Board's rules for treatment of non-cancer-related chronic or intractable pain and obesity.<sup>1</sup>

The present investigation was opened upon the Board's receipt of a complaint from the mother of one of Dr. Ancira's patients, alleging that Dr. Ancira was inappropriately prescribing Klonopin, a benzodiazepine, to the patient for treatment of anxiety, despite being aware that the patient was or had been addicted to controlled substances, including opiates.

Investigation of the captioned matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., Director of Investigations for the Board. During the investigation, Dr. Ancira was notified of the allegations of the complaint and provided a response and medical records for the relevant patient. The medical records were reviewed by a specialist consultant for the purpose of rendering an opinion regarding quality of care. The expert opined that prescribers need to be "cautious" when treating anxiety and co-morbid opiate use disorder with benzodiazepine, and that it would have

<sup>1</sup> Consent Order, *In the Matter of Robert Ancira, M.D.*, No. 2015-I-867, L.A. STATE BD. OF MED. EXAM'RS (Oct. 10, 2016).

been “medically justifiable for Dr. Ancira to not prescribe benzodiazepine or Ambien” to the patient. The expert further opined that “[c]aution also needs to be taken in this patient population when utilizing several-month prescriptions and co-prescribing with other potentially addictive drugs.”

Dr. Ancira cooperated with the Board’s investigation and met with the Director of Investigations for the Board to discuss the above allegations.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists to file formal charges against Dr. Ancira for violations of the Louisiana Medical Practice Act (the “Act”), pursuant to La. R.S. 37:1285(A)(6),<sup>2</sup> (13),<sup>3</sup> and (14).<sup>4</sup>

As evidenced by his subscription hereto, Dr. Ancira acknowledges that the information developed by the Board’s investigation would constitute probable cause for the institution of administrative proceedings against his medical license and that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate.

Recognizing his right to have notice and administrative adjudication of any charges that may be filed in this matter, at which time Dr. Ancira 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. R.S. 49:951 *et seq.*, Dr. Ancira, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision and pursuant to La. R.S. 49:955(D), consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. Ancira also waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951 *et seq.*, or which otherwise may be afforded to him by law to contest his agreement to or the force and effect of the Board’s investigation or this document in any court or other forum or body relating to the matters referred to herein. By his subscription hereto, Dr. Ancira also hereby authorizes the Investigating Officer designated by the Board with respect hereto 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. R.S. 49:960. Further, Dr. Ancira expressly

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<sup>2</sup> Pursuant to the Act, La. R.S. 37:1285(A), the Board may take action against the license of a physician as the result of: “(6) Prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner.”

<sup>3</sup> Pursuant to the Act, La. R.S. 37:1285(A), the Board may take action against the license of a physician as the result of: “(13) Unprofessional conduct, including but not limited to: . . . failing to create or maintain medical records.” *See also* La. Admin. Code tit. 46, pt. XLV, § 7603(A)(10) (“*Failing to Create or Maintain Medical Records*--a physician shall create and maintain adequate and legible patient records.”) (emphasis in original).

<sup>4</sup> Pursuant to the Act, La. R.S. 37:1285(A), the Board may take action against the license of a physician as the result of: “(14) Medical incompetency, including but not limited to, incompetency manifested by continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state.”

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 filing and adjudication of an Administrative Complaint against him, or to the Board's capacity to adjudicate any charges that may be filed in this matter should the Board decline to approve this 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 ensure the health, safety and welfare of the citizens of this state, pursuant to La. R.S. 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. R.S. 37:1285 and La. R.S. 49:955(D);

**IT IS ORDERED** that Dr. Ancira's license to practice medicine in the State of Louisiana as evidenced by credential No. MD. 012137 is hereby placed ***ON PROBATION*** for a period of one (1) year (the "probationary period") from the effective date of this order, conditioned upon and subject to Dr. Ancira's acceptance of and strict compliance with the following terms, conditions, and restrictions:

- (1) **Practice Monitoring.** Within thirty (30) days of the effective date of this Order, Dr. Ancira shall enter into a contract or arrangement with a Practice Monitor, who has been pre-approved in writing by the Board or its designee, to review Dr. Ancira's medical practice during the probationary period. The Practice Monitor shall work in conjunction with the Board or its designee to develop parameters for monitoring Dr. Ancira's practice, including a review of Dr. Ancira's patient records and charts. The Practice Monitor shall review no less than twelve (12) medical records quarterly and provide quarterly written reports to the Board or its designee attesting to whether Dr. Ancira's medical practice falls within established standards of care. Any and all fees, costs or expenses incurred by Dr. Ancira in connection with this monitoring requirement shall be borne by Dr. Ancira.
- (2) **Continuing Medical Education.** Within one hundred and eighty (180) days of the effective date of this Order, Dr. Ancira shall provide confirmation that he has registered for, attended, and successfully completed: (1) a continuing medical education course on medical ethics/ professionalism; (2) a continuing medical education course on medical record keeping; and (3) a continuing medical education course on proper prescribing. Each course shall be acceptable to and approved by the Board or its designee in writing prior to registering for and completing such course.
- (3) **Payment of Fine.** Within one hundred and eighty (180) days of the effective date of this Order, Dr. Ancira will pay to the Board a fine in the amount of Two Thousand and no/100 Dollars (\$2,000.00).
- (4) **Notification of Order and Authorization.** Dr. Ancira shall provide a copy of this Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state, and upon request of the Board's probation officer, Dr. Ancira shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review

records or other employment records pertaining to Dr. Ancira from any hospital, institution or other health care entity where Dr. Ancira has or has had privileges.


- (5) Cooperation with Board's Probation and Compliance Officer.** Dr. Ancira 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 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 and conditions of this Order, specifically including without limitation providing cooperation and assistance to the Board or its designee in obtaining any records under Sections 1 and 4 of this Consent Order.
- (6) Absence from the State/Practice/Effect on Probation.** Should Dr. Ancira at any time be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a physician, for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probation ordered herein and all terms, conditions and restrictions thereof shall be deemed interrupted and extended and shall not commence again until Dr. Ancira notifies the Board in writing that he has resumed the practice of medicine in Louisiana.
- (7) Probation Monitoring Fee.** For each year of the probation, Dr. Ancira shall pay the Board an annual 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.
- (8) Effect of Violation/Sanction.** By his subscription hereto, Dr. Ancira acknowledges that his receipt of written notification that the Board has received reliable information indicating his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951, *et seq.*, or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate suspension of his license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceeding by issuance of a final decision following administrative adjudication of such charges.
- (9) Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Ancira 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. Ancira compliance with the requirements of this provision.
- (10) Effective Date.** This Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

**IT IS FURTHER ORDERED** that any violation of or failure of strict compliance with any of the terms set forth by this Order by Dr. Ancira shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Ancira'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. R.S. 37:1285.

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

New Orleans, Louisiana, this 24<sup>th</sup> day of January, 2022.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

By:   
LESTER W. JOHNSON, M.D.  
President

*(Acknowledgment and Consent on Following Page)*

ACKNOWLEDGMENT  
AND CONSENT

STATE OF LOUISIANA

PARISH OF Orleans

I, ROBERT ANCIRA, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept, and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 12<sup>th</sup> day of January, 2022

ROBERT ANCIRA, M.D.

WITNESSES:

Melissa Perche  
Signature

melissa Perche  
Typed Name

3431 Prytanis St.  
Street Address

New Orleans, LA 70115  
City/State/Zip Code

[Signature]  
Signature

ROBERT ANCIRA  
Typed Name

1835 AMELIA ST  
Street Address

NO LA 70105  
City/State/Zip Code

Sworn to and subscribed before me this  
12<sup>th</sup> day of January, 2022, in the  
presence of the two stated witnesses.

[Signature]  
Notary Public (Signature)

Name: \_\_\_\_\_

Notary/Bar No.: \_\_\_\_\_

Commission expires: \_\_\_\_\_

