

# Louisiana State Board of Medical Examiners

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## BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NUMBER: 10-A-020

IN THE MATTER OF:

**MARK ALLEN SANDS, M. D.**  
**(Certificate No. 07835R)**

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### OPINION AND ORDER

On June 1, 2010, the Board received a complaint from a couple complaining about the treatment their daughter was receiving from Mark Allen Sands, M. D. On June 2, 2010, a letter was sent, by certified mail, to Dr. Sands, at the address furnished by him to the Board, requesting that he send a detailed written explanation relative to the complaint within fifteen working days. The return receipt shows that the letter was received at Dr. Sands' office, his official address, on June 4, 2010. No response was received from Dr. Sands.

On July 1, 2010, another letter was sent to Dr. Sands, by certified mail, enclosing all of the material sent him in the June 2, 2010, letter, and requesting a reply within ten working days. The return receipt shows that the letter was received in Dr. Sands' office on July 2, 2010. Once again there was no response. Thereafter, on July 21, 2010, and July 29, 2010, a Board investigator called at Dr. Sands' office and left messages for Dr. Sands to respond to the Board's inquiries. No response was received.

On August 10, 2010, a subpoena was issued by the Board, requiring Dr. Sands to appear at the Board office on September 1, 2010, at 1:00 p. m. The return receipt shows that the subpoena was received in Dr. Sands' office on August 12, 2010. Dr. Sands did not appear at the appointed time.

On August 10, 2010, a subpoena was issued by the Board, requiring Dr. Sands to appear at the Board office on September 1, 2010, at 1:00 p. m. The return receipt shows that the subpoena was received in Dr. Sands' office on August 12, 2010. Dr. Sands did not appear at the appointed time.

On September 9, 2009, a letter was directed to Dr. Sands by the Board's Director of Investigations, via certified mail, advising him that an Administrative Complaint had been prepared, and enclosing a copy thereof. Dr. Sands was offered an opportunity to come in at a time convenient to him, to discuss the matter before the Administrative Complaint was filed with the Board. No signature appears on the green card which is in the record, but the letter itself was not returned. In any event, Dr. Sands did not respond.

Thereafter, the Administrative Complaint was filed with the Board, and accepted. Notice thereof, with a copy of the Administrative Complaint was sent to Dr. Sands, via certified mail, on December 9, 2010, together with notice of a pre-hearing conference to be held on January 6, 2011. The return receipt shows that the Administrative Complaint, and the above notices, were received in Dr. Sands' office on December 10, 2010. In addition, the same material was delivered to Dr. Sands' office by a Board Investigator. He was told that Dr. Sands was out of town, so he left the material with the receptionist.

Dr. Sands did not appear for the pre-hearing conference, at which time the matter was set for hearing on February 15, 2011. A copy of the order setting the matter for hearing was sent to Dr. Sands by certified mail on January 7, 2011, and the return receipt shows that it was delivered to Dr. Sands' office on January 10, 2011. The hearing was conducted as scheduled on February 15, 2011, before a panel of the Board consisting of Drs. Montgomery, Robert Dawson, LeBlanc, Burdine, Amusa, and Mark Dawson, President. Dr. Sands failed to appear.

As a result of the above conduct, Dr. Sands is charged in the Administrative Complaint with the following violations of the Medical Practice Act, R. S. 37:1261 et seq.:

First, he is charged with unprofessional conduct in violation of R. S. 37:1285A(13), for failure to respond to the various letters and notices served on him in connection with this matter.

Second, he is charged with violation of R. S. 37:1285A(30) and R. S. 37:1278.1, which proscribe failure to respond to a subpoena issued by the Board.

The Board bears the responsibility of investigating complaints made against its licensees. Every effort is made to give the licensee an opportunity to respond to charges made against him before formal proceedings are initiated. In this case, in addition to fulfilling its duty to notify by mail, at the official address furnished the Board by the licensee, we have, on three separate occasions, sent Board personnel to the Respondent's office, in an effort to get his attention. All of these efforts have been in vain. Clearly, Dr. Sands is guilty of the charges against him.

We impose the following sanctions:

First, the license of Mark Allen Sands, M. D., to practice medicine in the State of Louisiana, as evidenced by Certificate No. 07835R, is immediately **SUSPENDED**.

Second, Dr. Sands shall pay a fine of \$5000.00, and all costs of this investigation, and subsequent proceedings.

Third, Dr. Sands shall not be eligible for reinstatement until he has made a personal appearance before the Board, and provided evidence that he has fully complied with all requests, orders, and subpoenas issued herein, and shall have paid the fine and costs assessed herein.

Fourth, after consideration of the information presented, the Board reserves the right to impose additional terms and conditions.

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

New Orleans, Louisiana, this 14 day of March, 2011.

**LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**

BY: Mark H Dawson MD  
MARK H. DAWSON, PRESIDENT

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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	:	No. 10-A-020
<b>In The Matter Of</b>	:	
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	:	
<b>MARK ALLAN SANDS, M.D.</b>	:	
(Certificate No. 07835R),	:	<b>ORDER FOR</b>
	:	<b>REINSTATEMENT OF MEDICAL</b>
	:	<b>LICENSE ON PROBATION</b>
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This matter is now before the Louisiana State Board of Medical Examiners (the "Board") at the request of Mark Allan Sands, M.D. ("Dr. "Sands"), for the reinstatement of his license to practice medicine in this state. Heretofore, pursuant to Decision rendered in March 2011 the physician's license was indefinitely suspended. The Decision was in disposition of the physician's failure to respond to the Board's requests and subpoenas for records and information relative to a complaint filed with the Board and his failure to appear at the Board's office as directed. Pursuant to the Decision, reinstatement of the physician's license was made contingent upon his providing satisfactory responses to information requested, payment of a fine and the costs of the proceeding and a personal appearance before the Board. Following his compliance with these terms, the Decision reserved the right to impose such additional terms and conditions as the Board deemed appropriate.<sup>1</sup>

In connection with his request Dr. Sands appeared before the Board during its April 2011 meeting. Having provided the information the Board requested, he provided an explanation for his conduct, discussed his desire to resume practice, and submitted to questions with respect to his compliance with the Decision. Following a review of the history of this matter and consideration of the information presented the Board determined it appropriate to permit Dr. Sands to resume the practice of medicine on probation under specified terms and conditions. Accordingly, pursuant to the authority of La. Rev. Stat. §37:1285 and the Decision previously entered in this matter,

**IT IS ORDERED** that the license of Mark Allan Sands, M.D., to engage in the practice of medicine, as evidenced by Certificate Number 07835R is, effective as of the date hereof,

<sup>1</sup>Decision, In The Matter of Mark Allen Sands., M.D., Cert. No. 07835RR, No. 10-A-020, La. St. Bd. Med. Exam., (Mar. 14, 2011).

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reinstated on probation for two (2) years; *provided, however*, that such reinstatement and Dr. Sands' continuing exercise of the rights and privileges thereunder, shall be conditioned upon his acceptance of and strict compliance with each of the following terms and conditions:

**(1) Continuing Medical Education.** Dr. Sands shall obtain not less than fifty (50) credit hours per year for each of the probationary term through attendance at and participation in continuing medical education programs ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association. On or before the anniversary date of the effective date of this Order, for each of the next two (2) years, Dr. Sands 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.

**(2) Treatment of Self/Family Prohibited.** Dr. Sands shall not undertake to treat, dispense, prescribe or administer any medication nor render any medical care to himself or his immediate family. Dr. Sands shall arrange for other physicians to attend to these health care needs.

**(3) Notification.** Dr. Sands shall provide a complete copy of this 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.

**(4) Probation Monitoring Fee.** For each year of the probationary term Dr. Sands 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. The subsequent annual payment shall be due on or before the anniversary date of the initial fee payment.

**(5) Cooperation with Board's Probation and Compliance Officer.** Dr. Sands 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, conditions and restrictions of this Order.

**(6) Absence from State/Practice/Effect on Probation** Should Dr. Sands 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. Sands notifies the Board in writing that he has returned to, relocated or taken up residency in, resumed the practice of medicine in the state of

Louisiana or renewed his Louisiana license. In such instance, Dr. Sands 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 in or licensed to practice medicine in this state.

**(7) Certification of Compliance with Probationary Terms/Personal Appearance before the Board.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. Sands shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order and he shall contact the Board and arrange for a personal appearance before the Board at its meeting preceding the expiration of his probationary term.

**(8) Sanction.** Dr. Sands acknowledges that his receipt of written notification that the Board has received a reliable report that indicates 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 his with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to his by law, constitute his irrevocable consent to the immediate suspension of his license to practice medicine in this state by the Board pending the final resolution of an administrative hearing and decision by the Board with respect to the information made the basis of such report.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms or conditions set forth by this Order by Dr. Sands shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the such further action against his 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 in New Orleans, Louisiana, and effective on this 2 day of May, 2011.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By: Mark H. Dawson MD  
MARK H. DAWSON, M.D.  
President

# Louisiana State Board of Medical Examiners

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: **No. 10-A-020**  
:  
**In The Matter Of** :  
: **ORDER TERMINATING**  
**MARK ALLEN SANDS, M.D.** : **PROBATION AND REINSTATING**  
*(Certificate No. 07835R),* : **MEDICAL LICENSE**  
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This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Mark Allen Sands, M.D. ("Dr. Sands"), for the termination of the probationary terms and conditions imposed on his medical license. Heretofore, pursuant to Decision rendered in March 2011 the physician's license was indefinitely suspended for failing to respond to the Board's requests and subpoenas for records and information. Following his compliance with such requests, and satisfaction of specified terms, in May 2011 Dr. Sands' license was reinstated on probation subject to his compliance with enumerated terms and conditions for a period of two years.<sup>1</sup>

Having completed his term of probation, during its April 29, 2013 meeting the Board reviewed the history of this matter, its own records on the subject, and information concerning Dr. Sands' compliance with its Order. Based on its review of all of the information received and considered, the Board concluded that Dr. Sands had satisfied the terms of his probation and that the public interest would be properly served and protected by the rescission of his probationary status and the unrestricted reinstatement of his license. Accordingly, in considering of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285(D) and the Decision and Order previously entered herein:

**IT IS ORDERED** that the terms and conditions imposed upon the license of Mark Allen Sands, M.D. by the Board's Order entered on May 11, 2011, are hereby terminated and vacated and the license of Dr. Sands to engage in the practice of medicine in the state of Louisiana, as evidenced by *Certificate No. 07835R* is hereby, as of the effective date of this Order, *fully reinstated*.

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

Signed and effective on this 6<sup>th</sup> day of May, 2013.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

BY: \_\_\_\_\_

  
MELVIN G. BOURGEOIS, M.D.  
President

<sup>1</sup>Decision, In The Matter of Mark Allen Sands, M.D., Cert. No. 07835R, No. 10-A-020, La. St. Bd. Med. Exam. (Mar. 14, 2011); Order for Reinstatement of Medical License on Probation (May 2, 2011).