

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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**IN THE MATTER OF:
SIDNEY JOSEPH DUPUY III, M.D.
(CERTIFICATE NO. 008711)**

**DECISION
99-A-021**

This matter comes before the Louisiana State Board of Medical Examiners ("Board") pursuant to an Administrative Complaint charging Respondent, Sidney Joseph Dupuy III, M.D., with a number of violations of the Medical Practice Act.

The matter was heard before a panel of the Board representing a quorum of its membership consisting of Drs. Mary Lou Applewhite, Trenton L. James II, F.P. Bordelon, Jr., and Ike Muslow.¹ Also present were Judge Frederick S. Ellis, Independent Counselor for the Board, George M. Papale and Roselyn B. Koretzky, Attorneys at Law, representing the Complainant. Respondent was present unrepresented by counsel.

FINDINGS OF FACT

All of the charges arise out of certain allegedly false and fraudulent claims submitted for various Medicare and Medicaid patients. As a result, Dr. Dupuy was charged with two counts of mail fraud for submission of false Medicare and Medicaid claims, both counts constituting felonies.

On December 15, 1998, Dr. Dupuy entered a plea of guilty to both counts of the indictment, and under the terms of his plea agreement, was sentenced to a term of four years probation, with one of those years to be served under house arrest. In addition, he was to pay criminal restitution of \$210,000.00 and consented to a civil judgment against him for an additional \$290,000.00.

As a result of the above, Dr. Dupuy is charged in the Administrative Complaint with the following:

¹ Elmo J. Laborde, M.D., Member, recused himself from participation, and, therefore, took no part in the hearing or its decision.

(Dupuy, March 2000)

- 1) Violation of R.S. 37:1285 A (1), for entering a plea of guilty to a felony;
- 2) Violation of R.S. 37:1285 A (2), for entering a plea of guilty to a crime arising out of the practice of medicine;
- 3) Violation of R.S. 37:1285 A (10), for efforts to deceive or defraud the public;
- 4) Violation of R.S. 37:1285 A (11), for making false claims to a governmental authority for the purpose of obtaining anything of economic value;
- 5) Violation of R.S. 37:1285 A (13), for unprofessional conduct;
- 6) Violation of R.S. 37:1285A (15), for immoral conduct in exercising the privileges provided for by license under this act;
- 7) Violation of R.S. 37:1285A(16), for gross, willful, and continued overcharging for professional services; and
- 8) Violation of any rules or regulations of the Board, or any provisions of the Medical Practice Act.

Dr. Dupuy appeared at the hearing, and admitted to the truth of the circumstances hereinabove detailed. He accepted full responsibility for the billing practices of his office. He explained that the charges against him for billing for services not performed arose from the failure of his billing clerk to use a proper billing code modifier to show that some services were performed by physicians covering for Respondent. Dr. Dupuy apologized to the Board for his conduct. He pointed out that, as soon as he learned of the investigation of his billing practices, he stopped billing anything for Medicare and Medicaid patients, although, for a year, he continued to perform the services. Under the plea agreement, he is to receive a set-off for any amounts not billed during that year. He further stated that, under the plea agreement, he is excluded from the Medicare and Medicaid programs for a period of ten years.

CONCLUSIONS OF LAW

While we appreciate Respondent's acceptance of responsibility for his transgressions, and his sincere apology for his behavior, we believe the charges against him to be of an extremely serious nature. The evidence is clear, and we find him guilty of all the charges against him. The sanctions hereafter imposed are more lenient than usual because of the severity of the financial penalties imposed by the government.

Decision

IT IS THEREFORE ORDERED that the following sanctions be imposed:

FIRST: The license of Sidney J. Dupuy, III, M.D., to practice medicine in the State of Louisiana, Certificate No. 0088711, is hereby revoked and cancelled, effective immediately, but said revocation is hereby stayed.

SECOND: The license of Sidney J. Dupuy, III, M.D., to practice medicine in the

State of Louisiana, Certificate No. 008711, is hereby suspended for a period of one year, effective on the date this ruling becomes final, but nine months of that period is hereby stayed, subject to the following terms and conditions:

THIRD: The license of Sidney J. Dupuy, III, M.D., to practice medicine in the State of Louisiana, Certificate No. 008711, is hereby placed on probation for a period of four years, subject to the general terms and conditions of probation heretofore adopted by the Board, and subject to the following special conditions:

FOURTH: Respondent shall pay all costs of this proceeding.

FIFTH: As part of the costs of this proceeding, Respondent shall pay a probation supervision fee of \$300.00 per year, during the term of this probation.

NEW ORLEANS, LOUISIANA, this 21st day of March, 2000.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**



**Mary Lou Applewhite, M.D.
President**