



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

February 14, 1992

Antonio A. Romero, M.D.
Romero Medical Corporation
9321 Florence Avenue
Downey, CA 90240

Dear Doctor Romero:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on February 12, 1992, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 741 123 622
RETURN RECEIPT REQUESTED

cc: Thomas A. Ciccolini, Esq.

CERTIFIED MAIL NO. P 741 123 623
RETURN RECEIPT REQUESTED

Mailed 2/14/92



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; and an excerpt of Minutes of the State Medical Board, meeting in regular session on February 12, 1992, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Antonio A. Romero, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)



Henry G. Cramblett, M.D.
Secretary

2/14/92

Date



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ANTONIO A. ROMERO, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 12th day of February, 1992.

Upon the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, Medical Board, in this matter designated pursuant to R. C. 4731.23, true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board for the above date.

It is hereby ORDERED that the certificate of Antonio A. Romero, M.D., to practice medicine and surgery in the State of Ohio, shall be permanently REVOKED. This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.


Henry G. Cramblett, M.D.
Secretary

(SEAL)

2/14/92

Date

REPORT AND RECOMMENDATION
IN THE MATTER OF ANTONIO A. ROMERO, M.D.

The Matter of Antonio A. Romero, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on December 12, 1991.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

A. By letter of September 11, 1991 (State's Exhibit #1), the State Medical Board notified Antonio A. Romero, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio for one or more of the following reasons:

1. The Board alleged that, on or about January 14, 1987, Dr. Romero was convicted in the 14th Judicial District Court, Calcasieu Parish, Louisiana, of 60 counts of Medicaid fraud. The Third Circuit Court of Appeals affirmed 29 counts and reversed and remanded 31 counts. The Louisiana Supreme Court, on or about April 6, 1990, affirmed 11 counts of Medicaid fraud and dismissed the remaining 18 counts. Such acts, conduct, and/or omissions were alleged to constitute "soliciting patients or publishing a false, fraudulent, deceptive, or misleading statement", as those clauses are used in Section 4731.22(B)(5), Ohio Revised Code; "the obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice", as that clause is used in Section 4731.22(B)(8), Ohio Revised Code; and/or "a plea of guilty to, or a judicial finding of guilt of, a felony", as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.
2. Further, on or about May 6, 1991, based on Dr. Romero's 11-count conviction of Medicaid fraud, the Louisiana State Board of Medical Examiners issued a Decision revoking and cancelling his license to practice medicine in that state. Such acts, conduct, and/or omissions were alleged to constitute "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an

STATE MEDICAL BOARD

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action that would also have been a violation of this chapter, except for nonpayment of fees", as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(5), (B)(8), and (B)(9), Ohio Revised Code.

3. On or about May 18, 1988, Dr. Romero was excluded from participation in the Medicare program on the basis of the felony convictions. Such acts, conduct, and/or omissions were alleged to constitute "termination or suspension from medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that would also constitute a violation of division (B)(2), (3), (6), (8), or (19) of this section", as that clause is used in Section 4731.22(B)(25), Ohio Revised Code, to wit: Section 4731.22(B)(8), Ohio Revised Code.

Dr. Romero was advised of his right to request a hearing in this Matter.

- B. By letter received by the State Medical Board on October 4, 1991 (State's Exhibit #3), Dr. Romero requested a hearing.

II. Appearances

- A. On behalf of the State of Ohio: Lee I. Fisher, Attorney General, by Susan C. Walker, Assistant Attorney General
- B. Although Thomas A. Ciccolini, Esq., filed notice of his representation of Dr. Romero (State's Exhibit #9), neither Mr. Ciccolini nor Dr. Romero appeared at hearing.

III. Testimony Heard

No witnesses were presented.

IV. Exhibits Examined

In addition to State's Exhibit #1, noted above, the following exhibits were identified by the State and admitted into evidence in this Matter:

- A. State's Exhibit #2: Copies of certified mail receipt and return card indicating service of State's Exhibit #1.

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- B. State's Exhibit #3: September 28, 1991, letter to the State Medical Board from Dr. Romero, requesting a hearing and explaining his position with regard to the Medicaid fraud convictions and the action by the Louisiana Board of Medical Examiners.
- C. State's Exhibit #4: October 11, 1991, letter to Dr. Romero from the State Medical Board advising that a hearing initially set for October 18, 1991, was postponed pursuant to Section 119.09, Ohio Revised Code.
- D. State's Exhibit #5: October 16, 1991, letter to Dr. Romero from the State Medical Board scheduling the hearing for December 12, 1991.
- E. State's Exhibit #6: November 11, 1991, letter to the State Medical Board from Dr. Romero requesting a continuance.
- F. State's Exhibit #7: November 18, 1991, Entry denying Dr. Romero's request for a continuance of the hearing.
- G. State's Exhibit #8: November 23, 1991, letter from Dr. Romero, again requesting a continuance.
- H. State's Exhibit #9: December 6, 1991, notice of the appearance of Thomas A. Ciccolini, Esq., as counsel for Dr. Romero and request for continuance and for consolidation of the hearings of Antonio A. Romero, M.D., and Jesusa N. Romero, M.D.
- I. State's Exhibit #10: Indictment filed on January 14, 1987, in the Criminal District Court for the Parish of Calcasieu, Louisiana, in Case No. 1452-87, State of Louisiana v. Romero, charging Antonio A. Romero with 78 counts of Medicaid fraud and Jesusa N. Romero with 36 counts of Medicaid fraud.
- J. State's Exhibit #11: Journal Entries with regard to proceedings on November 20, 1987, and January 25, 1988, in the Criminal District Court for the Parish of Calcasieu, Louisiana, in Case No. 1452-87, State of Louisiana v. Romero. The November 20, 1987, Entry includes the jury verdict of Dr. Romero's guilt on 62 counts of Medicaid fraud; the January 25, 1988, Entry includes a judgment of acquittal on two of those counts and sentencing on 60 counts of Medicaid fraud with regard to Dr. Antonio Romero.
- K. State's Exhibit #12: November 9, 1988, decision of the Third Circuit Court of Appeal of Louisiana in Case No. CR88-332, State v. Romero.

- L. State's Exhibit #13: April 6, 1990, decision of the Supreme Court of Louisiana in Case Nos. 89-K-0037 and 89-K-0038, State v. Romero.
- M. State's Exhibit #14: May 6, 1991, Decision of the Louisiana State Board of Medical Examiners with regard to Dr. Antonio A. Romero.
- N. State's Exhibit #15: May 18, 1988, letter to Dr. Romero from the Office of Inspector General, Department of Health and Human Services, notifying him of his exclusion from participation in the Medicare program for a period of 10 years.
- O. State's Exhibit #16: December 11, 1991, letter to the State Medical Board from Thomas A. Ciccolini, Esq., confirming the withdrawal of a motion filed on behalf of Dr. Romero.

FINDINGS OF FACT

By indictment filed in the Criminal District Court for the Parish of Calcasieu, Louisiana, on January 14, 1987, Antonio A. Romero, M.D., was charged with 78 counts of Medicaid fraud. He was tried on 67 counts, 11 counts having been dismissed before trial. On November 20, 1987, the jury returned a verdict of guilty on 62 of the 67 counts. On January 25, 1988, following a post-verdict judgment of acquittal on two additional counts, Dr. Romero was sentenced on 60 felony counts of Medicaid fraud. Subsequently, the Third Circuit Court of Appeal of Louisiana affirmed the convictions and sentences of Dr. Romero on 29 counts, reversing and remanding for new trial the other 31 counts. On or about April 6, 1990, the Supreme Court of Louisiana dismissed 49 of the 60 counts on which Dr. Romero had been found guilty, but affirmed Dr. Romero's felony convictions and sentences on 11 counts of Medicaid fraud. The dismissals were based upon problems with certain medical records upon which the jury had relied. The 11 convictions that were affirmed were not based on such records.

The decisions of the Louisiana courts indicated that testimony and evidence presented by the State, including testimony of Dr. Romero's former office employees, was sufficient to support a finding of guilty beyond a reasonable doubt on counts involving Dr. Romero's knowingly submitting false claims for Medicaid reimbursement by: billing for comprehensive office visits when lesser services were rendered, billing for follow-up visits for patients released from the hospital who did not actually receive the follow-up services, billing for emergency room visits which he did not make, and billing telephone calls regarding his own patients as consultations.

STATE BAR OF LOUISIANA
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These facts are established by State's Exhibits #10 through #13.

2. On or about May 18, 1988, Dr. Romero was excluded from participation in the Medicare program for a period of 10 years, based upon his convictions of Medicaid fraud.

These facts are established by State's Exhibit #15.

3. On or about May 6, 1991, the Louisiana State Board of Medical Examiners issued a Decision revoking and cancelling Dr. Romero's license to practice medicine in that state, based upon his convictions of 11 counts of Medicaid fraud.

These facts are established by State's Exhibit #14.

4. In his September 28, 1991, letter to the State Medical Board of Ohio, Dr. Romero indicated that Medicaid billing errors had been made due to confusion on the part of himself and his office clerks about complicated Medicaid billing procedures. He also indicated that he considered himself a victim of political maneuvering.

These facts are established by State's Exhibit #3.

CONCLUSIONS

1. As set forth in Finding of Fact #1, above, the 11 felony convictions of Antonio A. Romero, M.D., were based upon his submitting false claims for Medicaid reimbursement. Such acts, conduct, and/or omissions constitute:
 - a. "Publishing a false, fraudulent, deceptive, or misleading statement", as that clause is used in Section 4731.22(B)(5), Ohio Revised Code;
 - b. "The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice", as that clause is used in Section 4731.22(B)(8), Ohio Revised Code; and/or
 - c. "A plea of guilty to, or a judicial finding of guilt of, a felony", as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.
2. Further, Dr. Romero's 10-year exclusion from participation in the Medicare program based upon such felony convictions, as set forth in Finding of Fact #2, above, constitutes "termination or suspension from medicare or medicaid programs by the department of health and human services or other responsible agency for any act

STATE OF OHIO

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or acts that would also constitute a violation of division (B)(2), (3), (6), (8), or (19) of this section", as that clause is used in Section 4731.22(B)(25), Ohio Revised Code, to wit: Section 4731.22(B)(8), Ohio Revised Code.

3. The revocation of Dr. Romero's Louisiana medical license, as set forth in Finding of Fact #3, above, constitutes "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees", as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(5), (B)(8), and (B)(9), Ohio Revised Code.

PROPOSED ORDER

It is hereby ORDERED that the certificate of Antonio A. Romero, M.D., to practice medicine and surgery in the State of Ohio, shall be permanently REVOKED. This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.



Wanita J. Sage
Attorney Hearing Examiner

STATE MEDICAL BOARD

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STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

EXCERPT FROM THE MINUTES OF FEBRUARY 12, 1992

REPORTS AND RECOMMENDATIONS

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Dr. Gretter asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Richard A. Yocum, M.D.; Douglas R. Nemeč, M.D.; Jayantilal J. Bathani, M.D.; George D. J. Griffin, III, M.D.; Burton Kenneth Ake, M.D.; Antonio A. Romero, M.D.; and Jesusa N. Romero, M.D. A roll call was taken:

| | | |
|------------|---------------|-----------|
| ROLL CALL: | Dr. Cramblett | - abstain |
| | Mr. Albert | - aye |
| | Dr. Stephens | - aye |
| | Mr. Jost | - abstain |
| | Dr. Garg | - aye |
| | Dr. Kaplansky | - aye |
| | Dr. Heidt | - aye |
| | Dr. Hom | - aye |
| | Ms. Rolfes | - aye |
| | Dr. Gretter | - aye |

.....

All Assistant Attorneys General and all Enforcement Coordinators left the meeting at this time.

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REPORT AND RECOMMENDATION IN THE MATTER OF ANTONIO A. ROMERO, M.D.

.....

DR. KAPLANSKY MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ANTONIO A. ROMERO, M.D. DR. HEIDT SECONDED THE MOTION.

.....

A roll call vote was taken on Dr. Kaplansky's motion:



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EXCERPT FROM THE MINUTES OF FEBRUARY 12, 1992
IN THE MATTER OF ANTONIO A. ROMERO, M.D.

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ROLL CALL VOTE:

| | |
|---------------|-----------|
| Dr. Cramblett | - abstain |
| Mr. Albert | - aye |
| Dr. Stephens | - aye |
| Mr. Jost | - abstain |
| Dr. Garg | - nay |
| Dr. Kaplansky | - aye |
| Dr. Heidt | - aye |
| Dr. Hom | - aye |
| Ms. Rolfes | - aye |

The motion carried.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

September 11, 1991

Antonio A. Romero, M.D.
12615 Beach Street
Cerritos, CA 90701

Dear Doctor Romero:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about January 14, 1987 you were convicted in the 14th Judicial District Court, Calcasieu Parish, Louisiana, of sixty (60) counts of Medicaid Fraud. The Third Circuit Court of Appeals affirmed twenty-nine (29) counts and reversed and remanded thirty-one (31) counts. The Louisiana Supreme Court, on or about April 6, 1990, affirmed eleven (11) counts of Medicaid Fraud and dismissed the remaining eighteen (18) counts.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "soliciting patients or publishing a false, fraudulent, deceptive, or misleading statement," as those clauses are used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "the obtaining of, or attempting to obtain money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "a plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Mailed 9/12/91

September 11, 1991

- (2) On or about May 6, 1991 the Louisiana State Board of Medical Examiners issued a Decision revoking and cancelling your license to practice medicine in that State based on your eleven (11) count conviction of Medicaid fraud. A copy of the Decision is attached hereto and fully incorporated herein.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively constitute "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(5), (B)(8) and (B)(9), Ohio Revised Code.

- (3) On or about May 18, 1988 you were excluded from participation in the Medicare program on the basis of the aforementioned felony convictions.

Your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "termination or suspension from medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that would also constitute a violation of division (B)(2), (3), (6), (8), or (19) of this section," as that clause is used in Section 4731.22(B)(25), Ohio Revised Code, to wit: Section 4731.22(B)(8), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

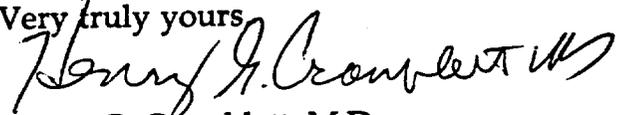
In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Antonio A. Romero, M.D.
Page 3

September 11, 1991

Copies of the applicable sections are enclosed for your information.

Very truly yours,


Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P 055 328 912
RETURN RECEIPT REQUESTED

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



830 Union Street, Suite 100
Telephone: (504) 524-5763
FAX (504) 568-8893
New Orleans, LA 70112-1499

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STATE MEDICAL BOARD

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| | | |
|------------------------------|---|--------------|
| In The Matter Of | : | No. 91-A-003 |
| ANTONIO ANGELES ROMERO, M.D. | : | DECISION |
| Certificate No. 05138R | : | _____ |
| Respondent. | : | |

-----X

An administrative hearing was convened before the Louisiana State Board of Medical Examiners (the Board) on Thursday, April 11, 1991, to adjudicate alleged violations of the Louisiana Medical Practice Act by Antonio Angeles Romero, M.D. (the Respondent). Present representing the Board was a quorum of its membership including Drs. Richard M. Nunnally, Gerald R. LaNasa, Keith C. Ferdinand, Bernard L. Kaplan, and Elmo J. Laborde with Dr. Laborde presiding. Also present were Mr. Thomas Lorenzi, Attorney at Law, representing Respondent who did not personally appear; Mr. James J. Thornton, Independent Counsel for the Board; and Messrs. Philip O. Bergeron and L. Thomas Styron, Attorneys for the Board. Dr. F.P. Bordelon did not take part in the hearing, nor did Dr. Ike Muslow, the Investigating Officer.

After consideration of the evidence introduced which consisted of records pertinent to the criminal action brought by the State of Louisiana against Respondent styled: State of Louisiana vs. Antonio A. Romero and Jesusa N. Romero, 533 So.2d 1264 (Ct. of App. 3d Cir. 1988) and affirmed by the Supreme Court of Louisiana in cause nos. 89-K-0037 and 89-K-038; and arguments by counsels for Respondent and the Board, the Board renders the following findings of fact and conclusions of law.

Findings of Fact

1. At all times pertinent to the allegations against Respondent, Respondent was a medical doctor licensed by the Board to practice medicine in the State of Louisiana as evidenced by Certificate No. 05138R, which has not been renewed since December 31, 1988, and is, therefore, not current.

2. At all pertinent times, Respondent practiced medicine in Calcasieu Parish, Louisiana.

3. After an investigation by the Medicaid Fraud Control Unit, Criminal Division, Department of Justice, State of Louisiana, on January 14, 1987, the Grand Jury of Calcasieu Parish indicted Respondent on seventy-eight (78) counts of Medicaid Fraud as defined by Louisiana Revised Statutes, Title 14, Section 70.1. The case was styled: State vs. Antonio A. Romero and Jesusa N. Romero, Docket No. 1452-87.

4. The case was tried to a jury which, on November 20, 1987, returned a verdict of guilty on sixty-seven (67) charges and a verdict of not guilty on five counts. On January 25, 1988, the Court entered a Judgment of Acquittal on two counts to which Respondent had been found guilty by the Jury.

5. On January 25, 1988, the Court also sentenced Respondent on sixty (60) counts of Medicaid Fraud to five years in the custody of the Department of Corrections on each count, the sentences to run concurrently. The sentences were suspended and Respondent was placed on three years supervised probation which included the following conditions:

- a. Forty (40) eight-hour day of court-approved community service activities;
- b. Payment of one-half of the cost of prosecution, totalling \$39,802.78, or \$19,901.39;
- c. Payment of a supervision fee of \$25.00 per month to the Division of Probation and Parole; and
- d. As to Count No. 1, payment of a \$5,000 fine, through the Division of Probation and Parole; and
- e. Payment of court costs.

6. Respondent appealed his convictions and sentences to the Third Circuit Court of Appeals which affirmed the convictions and sentences on twenty-eight (28) counts but reversed and remanded the convictions and sentences on the remaining thirty-two (32) counts because of an improper admission of certain medical records. The State elected not to retry Respondent on these counts.

7. On appeal to the Supreme Court of Louisiana, the Supreme Court dismissed Respondent's convictions on several additional counts (again because of improper admissions of certain medical records) but affirmed the convictions and sentences on the remaining eleven (11) counts. The convictions and sentences on eleven counts of Medicaid fraud are final.

8. As to each count on which a guilty verdict was returned and affirmed on appeal, the jury and appeal courts found that Respondent had presented for payment false claims for services rendered with intent to defraud the state. The penalty for Medicaid fraud is imprisonment with or without hard labor for not more than five years or a fine of not more than \$10,000, or both. Respondent has, therefore, been convicted of eleven felony (11) counts. Revised Statutes, Title 14, Section 70.1; Art. 933(3) of the Louisiana Code of Criminal Procedure.

Conclusions of Law

1. Respondent is guilty of the violations of the Louisiana Medical Practice Act as set out in paragraph 16 of the Administrative Complaint in that he was convicted of eleven criminal charges, constituting felonies under the laws of the State of Louisiana, and, more particularly, of submitting false claims for services with the intent to defraud the State of Louisiana. Louisiana Revised Statutes, Title 37, Section 1285(A)(1) and 1285(A)(11).

2. Respondent is guilty of the violations of the Louisiana Medical Practice Act as set out in paragraph 18 of the Administrative Complaint in that he submitted false claims to a governmental authority for the purpose of obtaining anything of economic value. Louisiana Revised Statutes; Title 37, Section 1285 (A)(11).

Decision

Considering the foregoing: IT IS ORDERED that the license of Antonio Angeles Romero, M.D., to practice medicine in the State of Louisiana, as evidenced by Certificate No. 05138R, is revoked and cancelled.

Keith C. Ferdinand, M.D. respectfully dissents from this decision.

Lafayette, Louisiana
5/6/91, 1991

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By Elmo J. Laborde, M.D.
Elmo J. Laborde, M.D.
President

CERTIFIED TRUE COPY

Delmar Rorison
Mrs. Delmar Rorison, Executive Director
Louisiana State Board of Medical Examiners

Date 5/16/91