

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	Case No. 16-98-91824
Against:)	
)	
RICHARD RAY CICINELLI, M.D.)	
828 Royal Street, #333)	DEFAULT DECISION
New Orleans, LA 70116)	
)	
Physician and Surgeon's)	
Certificate No. A 25427,)	
)	
Respondent.)	
<hr/>		

On or about December 17, 1998, an employee of the Medical Board of California (hereinafter "Board") sent by certified mail a copy of Accusation No. 16-98-91824, Statement to Respondent, Notice of Defense in blank, copies of the relevant sections of the California Administrative Procedure Act as required by sections 11503 and 11505 of the Government Code, and a request for discovery, to Richard Ray Cicinelli, M.D. (hereinafter "respondent") at his address of record. On or about December 24, 1998, the return receipt was signed by Mary Ramos. (Attached as Exhibit 1 and incorporated by reference as if fully set forth is a copy of the declaration of service by certified mail and the green receipt card.)

Respondent failed to file a Notice of Defense within fifteen (15) days after service of the accusation as allowed by section 11506 of the Government Code. As a result, respondent has therefore waived his right to a hearing on the merits to contest the allegations contained in the accusation. The Division of

Medical Quality now proceeds to take action based upon the accusation, declaration, and documentary evidence on file in accordance with Government Code sections 11505(a) and 11520.

FINDINGS OF FACT

I

Ronald Joseph is the Executive Director of the Medical Board of California and brought the charges and allegations in the accusation solely in his official capacity.

II

On or about July 12, 1973, Physician and Surgeon's Certificate No. A 25427 was issued by the Board to respondent. At all times relevant to the charges contained in the accusation, this license has been in full force and effect. Said certificate is delinquent with an expiration date of August 31, 1998.

III

On December 17, 1998, an accusation was filed by the Board alleging causes for discipline against respondent. Attached as Exhibit 2 and incorporated by reference is a true and correct copy of the accusation. The accusation was duly served on respondent. Respondent failed to file a Notice of Defense.

IV

The allegations of the accusation are true as follows: On or about March 14, 1998, the State of Louisiana, Louisiana Board of Medical Examiners, imposed discipline upon respondent's license to practice medicine in that state by entering into a consent order whereby effective September 22, 1998, respondent surrendered his license to practice medicine. Attached as Exhibit 3 and

incorporated by reference as if fully set forth is a true and correct copy of Consent Order no. 97-I-055 of the Louisiana State Board of Medical Examiners.

DETERMINATION OF ISSUES

I

Pursuant to the foregoing Findings of Fact, respondent's conduct is subject to discipline within the meaning section 141(a).

DISCIPLINARY ORDER

Physician and Surgeon's Certificate No. A 25427 issued to Richard Ray Cicinelli, M.D. is hereby revoked.

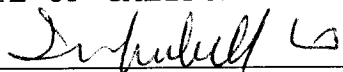
Respondent shall not be deprived of making a request for relief from default as set forth in Government Code section 11520(c) for good cause shown. However, such showing must be made in writing by way of a motion to vacate the default decision and directed to the Division of Medical Quality, Medical Board of California at 1430 Howe Avenue, Sacramento, CA 95825 within seven (7) days of the service of this decision.

This decision shall become effective 5:00pm on October 18,1999.

DATED: September 17,1999

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Ira Lubell, M.D.
President
Division of Medical Quality

Exhibit 1

DECLARATION OF SERVICE BY UNITED STATES CERTIFIED MAIL

In the Matter of the Accusation Against:

RICHARD R. CICINELLI, M.D.

No. 16-98-91824

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1430 Howe Avenue, Sacramento, California 95825. I served a true copy of the attached:

STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7; NOTICE OF DEFENSE FORM (2 COPIES); NOTIFICATION REGARDING STATE BUDGET ACT SECTION 16.01; A MANUAL OF DISCIPLINARY GUIDELINES AND MODEL DISCIPLINARY ORDERS

by U.S. Certified mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERTIFICATION #

Richard R. Cicinelli, M.D.
828 Royal Street, #333
New Orleans, LA 70116

Z 580 140 435

Gail M. Heppell
Deputy Attorney General
Department of Justice
1300 I Street, Ste. 125
Sacramento, CA 94244-2550

Each said envelope was then, on **December 17, 1998**, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, with the postage thereon fully prepaid.

Executed on **December 17, 1998**, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Declarant

Z 580 140 435

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to <i>Richard R. Cicinelli, MD</i>	
Street & Number <i>828 ROYAL STREET #333</i>	
Post Office, State, & ZIP Code <i>NEW ORLEANS, LA 70116</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800 April 1995

① 16-9B-91B24

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

*Richard R. Cicinelli, M.D.
828 ROYAL STREET #333
NEW ORLEANS, LA 70116*

4a. Article Number

Z 580 140 435

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

7. Date of Delivery

12/24/98

5. Received By: (Print Name)

Mary Ramos.

6. Signature: (Addressee or Agent)

X Mary Ramos

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

Exhibit 2

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 1300 I Street, Suite 125
P. O. Box 944255
4 Sacramento, California 94244-2550
Telephone: (916) 324-5336
5 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *December 17, 19 98*
BY *[Signature]* ANALYST

7 **BEFORE THE**
8 **DIVISION OF MEDICAL QUALITY**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation) Case No. 16-98-91824
12 Against:)
13)
14 **RICHARD RAY CICINELLI, M.D.,**)
15 828 Royal Street, #333) **ACCUSATION**
16 New Orleans, LA 70116)
17 Physician and Surgeon's)
18 Certificate No. A 25427)
19 Respondent.)

20 The Complainant alleges:

21 **PARTIES**

22 A. Complainant, Ronald Joseph, is the Executive
23 Director of the Medical Board of California (hereinafter the
24 "Board") and brings this accusation solely in his official
25 capacity.

26 2. On or about July 12, 1973, Physician and Surgeon's
27 Certificate No. A 25427 was issued by the Board to Richard Ray

1 Cicinelli, M.D. (hereinafter "respondent"), and at all times
2 relevant to the charges brought herein, this license has been in
3 full force and effect. Said certificate is delinquent with an
4 expiration date of August 31, 1998.

5 **JURISDICTION**

6 3. This accusation is brought before the Division of
7 Medical Quality of the Medical Board of California, Department of
8 Consumer Affairs (hereinafter the "Division"), under the
9 authority of the following sections of the California Business
10 and Professions Code (hereinafter the "Code"):

11 A. Section 2227 of the Code provides:

12 "(a) A licensee whose matter has been heard by an
13 administrative law judge of the Medical Quality Hearing
14 Panel as designated in Section 11371 of the Government Code,
15 or whose default has been entered, and who is found guilty
16 may, in accordance with the provisions of this chapter:

17 "(1) Have his or her license revoked upon order of the
18 division.

19 "(2) Have his or her right to practice suspended for a
20 period not to exceed one year upon order of the division.

21 "(3) Be placed on probation and be required to pay the
22 costs of probation monitoring upon order of the division.

23 "(4) Be publicly reprimanded by the division.

24 "(5) Have any other action taken in relation to
25 discipline as the division or an administrative law judge
26 may deem proper.

27 ///

1 "(b) Any matter heard pursuant to subdivision (a),
2 except for warning letters, medical review or advisory
3 conferences, or other matters made confidential or
4 privileged by existing law, is deemed public, and shall be
5 made available to the public by the board."

6 B. Section 118(b) of the Code provides, in part, that
7 the expiration of a license shall not deprive the Board of
8 jurisdiction to proceed with a disciplinary action during
9 the time within which the license may be renewed, restored,
10 or reinstated.

11 C. Section 2428 of the Code provides, in part, that a
12 license which has expired may be renewed any time within
13 five years after expiration.

14 D. Section 125.3 of the Code provides, in part, that
15 the Board may request the administrative law judge to direct
16 any licentiate found to have committed a violation or
17 violations of the licensing act, to pay the Board a sum not
18 to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 E. Section 141 of the Code provides:

21 "(a) For any licensee holding a license issued by a
22 board under the jurisdiction of the department, a
23 disciplinary action taken by another state, by any agency of
24 the federal government, or by another country for any act
25 substantially related to the practice regulated by the
26 California license, may be a ground for disciplinary action
27 by the respective state licensing board. A certified copy

1 of the record of the disciplinary action taken against the
2 licensee by another state, an agency of the federal
3 government, or another country shall be conclusive evidence
4 of the events related therein.

5 "(b) Nothing in this section shall preclude a board
6 from applying a specific statutory provision in the
7 licensing act administered by that board that provides for
8 discipline based upon a disciplinary action taken against
9 the licensee by another state, an agency of the federal
10 government, or another country."

11 F. Section 16.01 of the Budget Act of the State of
12 California provides, in pertinent part, that: (a) no funds
13 appropriated by this act may be expended to pay any Medi-Cal
14 claim for any service performed by a physician while that
15 physician's license is under suspension or revocation due to
16 a disciplinary action of the Medical Board of California;
17 and, (b) no funds appropriated by this act may be expended
18 to pay any Medi-Cal claim for any surgical service or other
19 invasive procedure performed on any Medi-Cal beneficiary by
20 a physician if that physician has been placed on probation
21 due to a disciplinary action of the Medical Board of
22 California related to the performance of that specific
23 service or procedure on any patient, except in any case
24 where the board makes a determination during its
25 disciplinary process that there exist compelling
26 circumstances that warrant continued Medi-Cal reimbursement
27 during the probationary period.

1 FIRST CAUSE FOR DISCIPLINE

2 (Discipline, Restriction, or Limitation Imposed By Another State)

3 4. Respondent Richard Ray Cicinelli, M.D., is subject
4 to disciplinary action under section 141 of the Business and
5 Professions Code in that on or about March 14, 1998, the State of
6 Louisiana, Louisiana State Board of Medical Examiners, imposed
7 discipline upon respondent's license to practice medicine in that
8 state by entering into a consent order whereby effective
9 September 22, 1998, respondent surrendered his license to
10 practice medicine.

11 A. The Louisiana Board found that on May 20, 1998,
12 respondent entered a plea of guilty to two counts set forth
13 in a federal indictment. These counts set forth that on or
14 about September 22, 1995, respondent did knowingly and
15 intentionally dispense controlled substances, Dexedrine and
16 Percodan (Schedule II controlled substances) outside the
17 usual course of medical practice; and on January 26, 1996,
18 respondent did knowingly and intentionally dispense
19 controlled substances, Dexedrine and Percodan (Schedule II
20 controlled substances) outside the usual course of medical
21 practice.

22 Attached as Exhibit A and incorporated herein by
23 reference is a true and correct copy of the Consent Order from
24 the State of Louisiana.

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PRAYER

WHEREFORE, the complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Division issue a decision:


1. Revoking or suspending Physician and Surgeon's Certificate Number A 25427, heretofore issued to respondent Richard Ray Cicinelli, M.D.;

2. Revoking, suspending or denying approval of the respondent's authority to supervise physician's assistants, pursuant to Business and Professions Code section 3527;

3. Ordering respondent to pay the Division the actual and reasonable costs of the investigation and enforcement of this case and to pay the costs of probation monitoring upon order of the Division; and

4. Taking such other and further action as the Division deems necessary and proper.

DATED: December 17, 1998 .


Douglas LAUE Deputy Director for
RONALD JOSEPH
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

03573160-SA1998AD1652 (cld/98)
c:\dat\wp\medboard\accuse\cicinelli.acc

Exhibit A

**BEFORE THE
LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**

* * * * *

In the Matter of

RICHARD R. CICINELLI, M.D.
(Certificate No. 08204R),

Respondent

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CONSENT ORDER

97-I-055

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information indicating that Ray Richard Cicinelli, M.D.¹ ("Dr. Cicinelli") or ("Respondent"), was engaged in unlawful dispensing practices and had entered a guilty plea in federal court in connection therewith. On May 20, 1998, Dr. Cicinelli entered a plea of guilty to two of the counts set forth in the indictment, specifically Counts 5 and 6. These Counts specifically set forth: that on or about September 22, 1995, Dr. Cicinelli did knowingly and intentionally dispense controlled substances, Dexedrine and Percodan (Schedule II controlled substances) outside the usual course of medical practice; and on January 26, 1996, Dr. Cicinelli did knowingly and intentionally dispense controlled substances, Dexedrine and Percodan (Schedule II controlled substances) outside the usual course of medical practice. Investigation of the captioned matter was assigned to John B. Bobear, M.D., the Medical Consultant/Director of Investigations for the Board. Dr. Bobear's review and analysis of the matter confirms to his

¹ Dr. Cicinelli, currently 52 years of age, received his medical degree from the University of California School of Medicine in 1972. Dr. Cicinelli did his post-graduate training in pediatrics at Children's Hospital Medical Center, Oakland, California from 1972 to 1973, and in psychiatry at the University of California, San Francisco, California from 1973 to 1976. He became licensed by the Louisiana State Board of Medical Examiners in 1989.

satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Cicinelli charging him with violation of the Louisiana Medical Practice Act (the "Act") pursuant to La. Rev. Stat. §37:1285A(1), (2), (6), and (30)².

As evidenced by his subscription hereto, Dr. Cicinelli acknowledges the substantial accuracy of the foregoing factual information and further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, or such other action against the physician's license to practice medicine in the State of Louisiana as the Board might deem appropriate, pursuant to La. Rev. Stat. §37:1285A(1), (2), (6), and (30).

Notwithstanding his right to notice of formal charges, administrative hearing and a decision thereon, as provided by La. Rev. Stat. §49:955, in recognition of the stipulations set forth hereinabove, toward final disposition of the investigation now pending in this matter and in lieu of the institution and prosecution of formal administrative proceedings, Dr. Cicinelli, nonetheless, hereby waives his right to notice of charges and formal adjudication and hereby voluntarily surrenders to the Board his license to practice medicine (currently lapsed/inactive) in the state of Louisiana, as evidenced by Certificate No. 08204R. By his subscription hereto, Dr. Cicinelli also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or his

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- ² The Board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued under this Part for the following causes:
- (1) Conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States.
 - (2) Conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge arising out of or in connection with the practice of medicine, osteopathy, or midwifery.
 - (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.
 - (30) Violation of any rules and regulations of the board, or any provisions of this Part.

legal counsel assisting him in that capacity, to present this Consent Order/Stipulation and Agreement/Voluntary Surrender of Medical Licensure (currently lapsed/inactive) ("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 charges, and waives any objection to such disclosures, under La. Rev. Stat. §49:960. Dr. Cicinelli expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to file and prosecute a formal Administrative Complaint against Dr. Cicinelli, or the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

Dr. Cicinelli acknowledges, stipulates and agrees that this Consent Order shall be and shall be deemed to be a public record.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety, and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, will be effectively served by this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

NOW, THEREFORE, Dr. Cicinelli hereby covenants, stipulates and agrees with the Board as follows:

A. **Surrender of Medical Licensure (Currently Lapsed/Inactive).** Richard R. Cicinelli, M.D., hereby surrenders to the Louisiana State Board of Medical Examiners his license to practice medicine (currently lapsed/inactive) in the state of Louisiana, as evidenced by certificate

no. 08204R effective as of the date hereof.

B. **Effect of Surrender.** Dr. Cicinelli covenants, stipulates and agrees that:

(1) Public Record. This Consent Order shall be deemed and treated as a public record in all respects.

(2) Incarceration. In connection with his felony guilty pleas referenced hereinabove, Dr. Cicinelli has been sentenced to federal prison for a two year term commencing September 9, 1998. Between now and then, during his prison term, and upon release therefrom, Dr. Cicinelli will report in writing to the Board offices of his whereabouts or circumstances within two (2) days of any change of whereabouts or circumstances. Upon his release from federal prison, Dr. Cicinelli may request an application for reinstatement of his medical licensure in accordance with applicable law and regulation.

(3) Surrender of Medical Licensure/Reinstatement (Currently Lapsed/Inactive). Dr. Cicinelli shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves on him a written decision reinstating his license to practice medicine, following an administrative hearing on the charges asserted in any Administrative Complaint which may be filed in these proceedings. He specifically agrees and consents that by executing this Consent Order he acknowledges the right of the Board to assert by Administrative Complaint any and all alleged violations of the Medical Practice Act connected with the nucleus of operative facts not specifically addressed in this Consent Order. He further agrees to undergo any evaluations, medical, psychiatric or otherwise, that the Board or its investigators may request and hereby authorizes the release of any related records and/or reports to the Board or its investigators.

(4) Strict Compliance. It is further ordered that any violation or failure of strict compliance with any of the restrictions set forth by this Consent Order by Dr. Cicinelli shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the denial, revocation and/or cancellation of Dr. Cicinelli's license to practice medicine in the state of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

New Orleans, Louisiana this 22 day of September 1998.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: Mary Lou Applewhite, M.D.
Mary Lou Applewhite, M.D.
Its: President

ACKNOWLEDGMENT AND CONSENT

I, RICHARD R. CICINELLI, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 22nd day of September, 1998.

Richard R. Cicinelli
Richard R. Cicinelli, M.D.

[Signature]
Witness

APPROVED AS TO FORM.
[Signature]
Counsel for Dr. Cicinelli

CERTIFIED TRUE COPY
[Signature]
Mrs. Delmar Rorison, Executive Director
Louisiana State Board of Medical Examiners
Date 11/5/98

Exhibit 3

**BEFORE THE
LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**

* * * * *

In the Matter of

RICHARD R. CICINELLI, M.D.
(Certificate No. 08204R),

Respondent

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CONSENT ORDER

97-I-055

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information indicating that Ray Richard Cicinelli, M.D.¹ ("Dr. Cicinelli") or ("Respondent"), was engaged in unlawful dispensing practices and had entered a guilty plea in federal court in connection therewith. On May 20, 1998, Dr. Cicinelli entered a plea of guilty to two of the counts set forth in the indictment, specifically Counts 5 and 6. These Counts specifically set forth: that on or about September 22, 1995, Dr. Cicinelli did knowingly and intentionally dispense controlled substances, Dexedrine and Percodan (Schedule II controlled substances) outside the usual course of medical practice; and on January 26, 1996, Dr. Cicinelli did knowingly and intentionally dispense controlled substances, Dexedrine and Percodan (Schedule II controlled substances) outside the usual course of medical practice. Investigation of the captioned matter was assigned to John B. Bobear, M.D., the Medical Consultant/Director of Investigations for the Board. Dr. Bobear's review and analysis of the matter confirms to his

¹ Dr. Cicinelli, currently 52 years of age, received his medical degree from the University of California School of Medicine in 1972. Dr. Cicinelli did his post-graduate training in pediatrics at Children's Hospital Medical Center, Oakland, California from 1972 to 1973, and in psychiatry at the University of California, San Francisco, California from 1973 to 1976. He became licensed by the Louisiana State Board of Medical Examiners in 1989.

satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Cicinelli charging him with violation of the Louisiana Medical Practice Act (the "Act") pursuant to La. Rev. Stat. §37:1285A(1), (2), (6), and (30)².

As evidenced by his subscription hereto, Dr. Cicinelli acknowledges the substantial accuracy of the foregoing factual information and further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, or such other action against the physician's license to practice medicine in the State of Louisiana as the Board might deem appropriate, pursuant to La. Rev. Stat. §37:1285A(1), (2), (6), and (30).

Notwithstanding his right to notice of formal charges, administrative hearing and a decision thereon, as provided by La. Rev. Stat. §49:955, in recognition of the stipulations set forth hereinabove, toward final disposition of the investigation now pending in this matter and in lieu of the institution and prosecution of formal administrative proceedings, Dr. Cicinelli, nonetheless, hereby waives his right to notice of charges and formal adjudication and hereby voluntarily surrenders to the Board his license to practice medicine (currently lapsed/inactive) in the state of Louisiana, as evidenced by Certificate No. 08204R. By his subscription hereto, Dr. Cicinelli also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or his

² The Board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued under this Part for the following causes:

- (1) Conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States.
- (2) Conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge arising out of or in connection with the practice of medicine, osteopathy, or midwifery.
- (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.
- (30) Violation of any rules and regulations of the board, or any provisions of this Part.

legal counsel assisting him in that capacity, to present this Consent Order/Stipulation and Agreement/Voluntary Surrender of Medical Licensure (currently lapsed/inactive) ("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 charges, and waives any objection to such disclosures, under La. Rev. Stat. §49:960. Dr. Cicinelli expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to file and prosecute a formal Administrative Complaint against Dr. Cicinelli, or the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

Dr. Cicinelli acknowledges, stipulates and agrees that this Consent Order shall be and shall be deemed to be a public record.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety, and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, will be effectively served by this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

NOW, THEREFORE, Dr. Cicinelli hereby covenants, stipulates and agrees with the Board as follows:

A. **Surrender of Medical Licensure (Currently Lapsed/Inactive).** Richard R. Cicinelli, M.D., hereby surrenders to the Louisiana State Board of Medical Examiners his license to practice medicine (currently lapsed/inactive) in the state of Louisiana, as evidenced by certificate

no. 08204R effective as of the date hereof.

B. **Effect of Surrender.** Dr. Cicinelli covenants, stipulates and agrees that:

(1) Public Record. This Consent Order shall be deemed and treated as a public record in all respects.

(2) Incarceration. In connection with his felony guilty pleas referenced hereinabove, Dr. Cicinelli has been sentenced to federal prison for a two year term commencing September 9, 1998. Between now and then, during his prison term, and upon release therefrom, Dr. Cicinelli will report in writing to the Board offices of his whereabouts or circumstances within two (2) days of any change of whereabouts or circumstances. Upon his release from federal prison, Dr. Cicinelli may request an application for reinstatement of his medical licensure in accordance with applicable law and regulation.

(3) Surrender of Medical Licensure/Reinstatement (Currently Lapsed/Inactive). Dr. Cicinelli shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves on him a written decision reinstating his license to practice medicine, following an administrative hearing on the charges asserted in any Administrative Complaint which may be filed in these proceedings. He specifically agrees and consents that by executing this Consent Order he acknowledges the right of the Board to assert by Administrative Complaint any and all alleged violations of the Medical Practice Act connected with the nucleus of operative facts not specifically addressed in this Consent Order. He further agrees to undergo any evaluations, medical, psychiatric or otherwise, that the Board or its investigators may request and hereby authorizes the release of any related records and/or reports to the Board or its investigators.

(4) Strict Compliance. It is further ordered that any violation or failure of strict compliance with any of the restrictions set forth by this Consent Order by Dr. Cicinelli shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the denial, revocation and/or cancellation of Dr. Cicinelli's license to practice medicine in the state of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

New Orleans, Louisiana this 22 day of September 1998.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: Mary Lou Applewhite, M.D.
Mary Lou Applewhite, M.D.
Its: President

ACKNOWLEDGMENT AND CONSENT

I, RICHARD R. CICINELLI, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 22nd day of September, 1998.

Richard R. Cicinelli
Richard R. Cicinelli, M.D.

[Signature]
Witness

APPROVED AS TO FORM.
[Signature]
Counsel for Dr. Cicinelli

CERTIFIED TRUE COPY
[Signature]
Mrs. Delmar Rorison, Executive Director
Louisiana State Board of Medical Examiners
Date 11/5/98