

---

# BORG INSTITUTE

ENDOCRINOLOGY: ADULT, PEDIATRIC & REPRODUCTIVE

Walter Borg, M.D., Medical Director

501 W. St. Mary Blvd, Suite 120,

Lafayette, LA 70506

Phone: (337) 519 419; Fax: (337) 367 8836; [www.borginstitute.com](http://www.borginstitute.com);

---



October 19, 2008

*Via Certified Mail & Fax: (225) 763-8780*

Ms. Deborah S. Grier  
Executive Secretary  
Louisiana Board of Ethics  
P.O. Box 4668  
Baton Rouge, LA 70821

Re: **Louisiana Board of Ethics Docket No. BD 2008-918**  
Complaint against Cecilia A. Mouton, M.D. / Louisiana State Board of Medical Examiners

Dear Ms. Grier.

This letter is a follow up on the previous correspondence to Louisiana State Attorney General (enclosed). We have been informed by the Attorney General Office that our concerns regarding conduct of Officers of the Louisiana State Board of Medical Examiners (LSBME) fall within the purview of your Agency. Enclosed please find the evidentiary material that we hope will help you to investigate the matter. Several years ago we became concerned about a misconduct of the LSBME Officers. Now, we are even more worried that instead of addressing our concerns in the public interest, LSBME is trying to cover-up the obvious transgressions of their employees.

State Medical Boards have been initially set up to protect the public from unqualified medical practitioners. Unfortunately, due to the lack of any external oversight and accountability, many of those agencies became state sanctioned sanctuaries for incompetence and malfeasance. The Medical Boards are not only failing its mission to protect the public - they actually put the public in grave jeopardy. Thousands of patients are being denied an access to quality medical care. This happens due to ill-conceived effort of the Boards to correct their past errors of excessive leniency. At the same time, however, numerous incompetent practitioners are allowed to harm the public. This absurd situation takes place since rampant corruption flourishes under the current system - that lacks any checks and balances.

The malfunctioning system of physicians' discipline has to be changed. Otherwise the public will continue to suffer due to outrageous acts of the same champion who has been initially appointed to protect it. We and other concerned citizens with whom we are in contact - will gladly meet with your staff members to present the evidentiary material and the list of witnesses to corroborate our concerns. Please be assured of our desire to assist you in any way possible in ethical reform of our state that has been spearheaded by Governor Bobby Jindal.

Sincerely,

*Walter Borg, M.D.*

**Walter P. Borg, M.D.**

*Delegate, Lafayette Parish Medical Society, Louisiana State Medical Society  
Councilor, Council on Socioeconomics, Louisiana State Medical Society  
Member, Reproductive Medicine, Socioeconomics and Members Advocacy Committees AACE*

*Monica A. Borg, M.D.*

**Monica A. Borg, M.D.**

WB: tl

Enclosures (all enclosures via mail)



WALTER BORG, M.D.  
MEMBER, REPRODUCTIVE MEDICINE COMMITTEE, AMERICAN ASSOCIATION OF CLINICAL ENDOCRINOLOGISTS  
MEMBER, SOCIOECONOMIC COMMITTEE, AMERICAN ASSOCIATION OF CLINICAL ENDOCRINOLOGISTS  
COUNCILOR, COUNCIL ON SOCIOECONOMICS, LOUISIANA STATE MEDICAL SOCIETY  
[WWW.AACE.COM](http://WWW.AACE.COM) ; [WWW.LSMS.ORG](http://WWW.LSMS.ORG)



\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1545
RECIPIENT ADDRESS	12257638780
DESTINATION ID	
ST. TIME	10/19 22:40
TIME USE	03'33
PAGES SENT	12
RESULT	OK

LA BOARD OF ETHICS



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**  
P. O. BOX 4368  
BATON ROUGE, LA 70821  
(225) 763-8777  
FAX: (225) 763-8780  
1-800-842-6630  
www.ethics.state.la.us

10/13/2008

Ms. Monica A. Borg  
1031 Coolidge Blvd #51580  
Lafayette, LA 70505

**CONFIDENTIAL**

Disclosure of any  
information contained  
herein or in connection  
herewith is a criminal  
misdemeanor pursuant to  
LSA-R.S. 42:1141 F(12)-(13)

**Re: Louisiana Board of Ethics Docket No. BD 2008-918  
Complaint against LA State Board of Medical Examiners/Cecilia Mouton, MD**

Dear Ms. Borg:

This is to acknowledge receipt of your correspondence or complaint as referenced above. It will be placed on the Board's agenda for consideration at its October 27, 2008 meeting.

Your inclusion of the above docket number in communications with this office will be appreciated.

**LOUISIANA BOARD OF ETHICS**

---

Deborah S. Grier  
Executive Secretary

DSG:bma





JAMES D. "BUDDY" CALDWELL  
ATTORNEY GENERAL

**State of Louisiana**  
DEPARTMENT OF JUSTICE  
P. O. BOX 94005  
BATON ROUGE  
70804-9005  
August 21, 2008

**Louisiana Board of Ethics**  
P O Box 4368  
Baton Rouge, Louisiana 70821

**Re: Consumer Complaint filed by Monica A. Borg**

Dear Sir/Madam:

Attached, please find an inquiry recently received by the Office of the Attorney General. Because it appears to fall within the purview of your agency, it is forwarded for disposition as you deem appropriate. The consumer has been notified of this referral.

Thank you for your cooperation in this matter.

Very truly yours,

**JAMES D. "BUDDY" CALDWELL**  
Attorney General

By: Trinicia Bryant  
Trinicia Bryant *for*  
Isabel Wingerter, Deputy Director  
Public Protection

Enclosure  
C: Monica A. Borg  
1031 Coolidge Blvd. #51580  
Lafayette, Louisiana 70505

September 26, 2008

*Via Fax and Certified Mail #: 7006 0100 0005 9617 0448*

Robert Marier, MD, MHA, FACP  
Executive Director  
Louisiana State Board of Medical Examiners  
630 Camp St; New Orleans, LA 70130

Re: **Unprofessional conduct and poor judgment of Cecilia A. Mouton, M.D.**  
License number: MD 018270

Dear Dr. Marier,

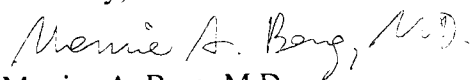
As you are aware, Dr. Cecilia A. Mouton has been and is employed as an Investigator for the Louisiana State Board of Medical Examiners. Based upon information obtained from reliable sources including Mr. Matthew Brown, Esq. of Law Office of Sullivan, Stolier and Resor (SSR), Dr. Mouton started to see socially, and subsequently entered into a romantic relationship with **Mr. Jack Stolier, Esq.** – senior partner at SSR. Representation of physicians before LSBME constituted a large part of SSR activities. It has to be noted that Dr. Mouton began her affair with Mr. Stolier while both she and Mr. Stolier were married and had children with other individuals.

***Dr. Mouton continued her work as LSBME Investigator, while seeing socially and even having an adulterous affair with the senior lawyer from the law firm that represented physicians as adversarial parties to LSBME. Dr. Mouton's conduct is reflective of a very poor judgment. It is also unprofessional and unethical.***

LSBME may refuse to issue, or revoke any license or impose probationary or other restrictions on any license or permit issued for “unprofessional conduct” (LA Medical Practice Act, La. Rev. Sta. §1285.A.13)

Therefore, I respectfully request that LSBME should consider Dr. Cecilia Mouton to be in violation of the Louisiana Medical Practice Act provision on “unprofessional conduct” (LA Medical Practice Act, La. Rev. Sta. 36 §1285.A.13) and apply appropriate sanctions. Such sanction by LSBME will be in keeping with Governor Jindal’s attempt at ethics reform in our state.

Sincerely,



Monica A. Borg, M.D.  
1031 Coolidge Blvd, # 51580  
Lafayette, LA 70505

CC: Honorable Governor Bobby Jindal  
Rita Arceneaux, Executive Assistant, LSBME  
James T. Daly, Screening Counsel, Louisiana Attorney Disciplinary Board  
→ **Honorable James D. Caldwell, Louisiana Attorney General**  
J. James Rohack, MD, President, American Medical Association  
Jeffrey P. Harris, MD, FACP, President, American College of Physicians

June 20, 2008

Via Certified Mail 7006 0100 005 9617 0400  
Return Receipt Requested

**Honorable James D. Caldwell**  
State of Louisiana Attorney General  
300 Capitol Drive  
Baton Rouge, LA 70802  
Fax: 225-326-6793; 225-326-6197; 225-342-8703

Re: Follow-up regarding case of:

*Cecilia A. Mouton, M.D., and Alfred Gaudet, R.Ph.*  
*Louisiana State Board of Medical Examiners (LSBME) Investigators*

Dear Mr. Caldwell,

This letter is a follow up on my previous correspondence to office dated July 09, 2006 and August 29. It was brought to my attention that Dr. Marier of Louisiana State of Medical Examiner has been contacting various entities to which I have filed similar complaints about the above referenced matter. I am deeply saddened by the fact that in his correspondence Dr. Marier has clearly mischaracterized and/or omitted important facts related to my legitimate grievances. Specifically:

Dr. Marier claimed that I have "no first hand knowledge" about the events which transpired in late 2002 and ultimately lead to signing of the Consent Order in October 2003. Therefore – according to him - I am unable to assess them correctly. Interestingly, as per LSME Newsletter (enclosed) Dr. Marier has joined the Board on June 1, 2006 that is four (4) years after the concerning me events took place. Therefore Dr. Marier himself also has no first hand knowledge regarding those events and has to rely on the documents and testimonies of third parties. It is my worry that some of the facts of this complex case might have been misrepresented to Dr. Marier by such third parties. I am a retired physician-scientist and a former Yale University researcher, therefore I am deeply distraught to find my self in the undesired by me conflict with Dr. Marier who is an alumnus of this illustrious medical school.

Dr. Marier asserted that none of contacted by me entities "took any actions" regarding my grievances. This is untrue:

- **American College of Physicians.** In fact, I have contacted your Office based upon the specific recommendation of the American College of Physicians (ACP). As can be seen from the enclosed letter signed by Dr. John Tooker of ACP my complaint was carefully reviewed and action were taken within the unfortunately limited investigative capabilities of this organization. In fact, ACP went beyond their call of duty and contacted the Federation of State Medical Boards as to the appropriate review authority for complaints regarding the State Medical Boards. Moreover, Dr. Tooker clearly stated that: *"should a state review of these circumstances find that an ACP member has violated the tenets of medical ethics and professionalism. Please forward the official report to us and we will reconsider this matter in light of those finding"*.
- **Association of American Physicians and Surgeons (AAPS)** has filed the Amicus Brief on behalf of my husband with Louisiana Supreme Court (enclosed). Please note the following excerpt from this document: *"AAPS has a strong interest in promoting the integrity and accountability of medical board disciplinary proceedings. The membership of AAPS has a substantial and legitimate interest in the outcome of this case. All practicing physicians, including thousands of members of AAPS and many in Louisiana, are subject to such disciplinary proceedings. The ruling below, which appears to flatly prohibit the deposition of investigators, makes it impossible to uncover wrongdoing and even discrimination. Nothing supports such a sweeping ruling, least of all confidentiality statutes designed to protect the physician rather than wrongdoing."*
- **Other entities.** I was contacted by the representatives of other entities with the explanation that investigation of LSBME actions is simply not within their jurisdiction. Those agencies included but were not limited to US Department of Health and Human Services and Field Representative of Congressman Bobby Jindal. Therefore my complaints were not just dismissed as non-meritorious as Dr. Marier appears to purport.

Apparently my complaints have been characterized by Dr. Marier as "ill-informed", "defamatory" and "unfounded". I respectfully disagree with such characterization for the following reasons. First, my complaints were made in good faith, without malice, and in the reasonable belief that such action was warranted to protect the public. Hundreds of patients Louisiana were denied an access to highly qualified physician from year 2003 to 2006 due to very flawed investigative techniques of LSBME. Since my husband practice was located in the area underserved by endocrinology his inability to care those patients was especially detrimental to them. As evidenced by enclosed LSBME Order for Reinstatement of Unrestricted License dated 11/30/06 my husband's license and prescribing privileges have been finally restored on that day. Incredulously, it

took three (3) years for LSBME to determine that the physician known to his peers as an abstinent - was not a drug abuser (!). All to detriment to many patients who were unable to see him secondary to manage care panels delisting triggered by his unreasonable monitoring contract. Please note that in their letter dated *June 22, 2004* (enclosed) two appointed by the LSBME experts Dr. Gad and Mr. Kimball, LCSW pleaded with the Medical Boards to immediately terminate unnecessary monitoring. As they stated: "*Dr. Borg's time and energy would be better served focusing on the care of his patients and management of his practice*". Those pleas were ignored by LSBME.

It is my understanding that anyone has the right to complain to any regulatory entity. I also trust that my right to free speech is protected by the Constitution. I did not speculate frivolously about personal character of any Board Member, nor did I question their past performance with the Board. I was simply concerned about the well documented actions of those agents in the context of the specific case. Those well evidenced facts were clearly described in my previous letters. Astonishingly, Dr. Marier provided highly flawed explanations in response to my allegations. Moreover while discussing them he omitted important mitigating factors and exculpatory evidences on behalf of my husband. At the same time he disregarded or tried to minimize the gravity of the significant evidences of the misconduct of LSBME employees. Please note the following:

- **Improperly sending Dr. Borg into Palmetto Addiction Recovery Center (PARC) for evaluation by a its director who was a relapsing alcoholic.**
  - ***Doctor Borg admission was not voluntary.*** In its explanation Dr. Marier omitted a crucial fact that Dr. Borg has filed a malpractice lawsuit against all staff members of this Addiction Recovery center (enclosure: MRP submission). The lawsuit which is currently under way - was filed since the independent from Palmetto specialists expressed opinion hat the actions taken with respect to Dr. Borg were not appropriate. In a contrast to Dr. Marier's claim Dr. Walter Borg *did not voluntarily* present himself to Palmetto. He presented to Palmetto because the Louisiana State Board of Medical Examiners gave him very little choice. He did not personally desire treatment, but was concerned that the Board would take his license away if he did not comply. There was no medical evidence of substance abuse. Under such circumstances, the recommendations of Palmetto were simply too harsh. Dr. Borg should have been referred to a specialist for monitoring, and that specialist, upon monitoring Dr. Borg, could have determined that there was no basis for a finding of chemical dependency. One year of drug testing and professional follow up would not have been needed. Palmetto's treatment and recommendation requiring continuing monitoring, urine testing and counseling was inappropriate, was not consented to, and caused Dr. Borg inconvenience, embarrassment, humiliation, financial loss and damage to his professional reputation, which should not have occurred.
  - ***Doctor Borg's attorneys complained immediately about the Palmetto's evaluation.*** In a contrast to Dr. Marier assertions serious concerns about Palmetto's evaluation of Dr. Borg were raised by his attorneys shortly after his discharge from PARC. This is evidenced by the enclosed letter dated **February 11, 2003** to LSBME attorney Mr. McKinney (CC: Dr. Mouton, LSBME Investigator). This letter was signed by both of Dr. Borg's attorneys. The attorneys obviously did not criticized Palmetto's conclusion that Dr. Borg was not a drug addict. They were however, gravely concerned about very unreasonable monitoring recommendations. Moreover, Dr. Borg's counsels clearly pointed out that PARC had a clear conflict of interest, which might compromised PARC's ability to provide the unbiased assessment of Dr. Borg. The letter contained also a carefully crafted proposal for amicable for both parties conclusion of this matter. Dr. Borg was eager to put all this unpleasant experience behind him and concentrate on his practice, rather than continue to incur legal costs related to the protracted legal dispute with LSBME. He understood Board's concerns and wanted to address them as soon as possible in the public's interest, and without jeopardizing continuity of care for his patients. For the unknown reasons this letter and the proposed immediate solution were totally ignored by LSBME. In fact. there was no further communication on the part of the LSBME until June of 2003, and no monitoring efforts whatsoever took place until late October 2003. What was the cause for a ten (10) moth delay - if the LSBME was truly concerned about the possibility of physician's impairment in this case? In summary, evidence shows that Dr. Borg and his counsels did not agreed with the Palmetto's recommendation he was forced to accept them or face costly and protracted legal dispute with LSBME.
  
- **Disregards of Board's own guideline during Investigation.**
  - ***FSMB Guidelines.*** Dr. Marier does not dispute nor under the circumstances of the case - he can dispute the fact the Dr. Mouton did not follow the guidelines of "Report of the Ad Hoc Committee on Physician Impairment of the Federation of State Medical Boards (FSMB)". Instead, Dr. Marier tries to minimize gravity and significance of those guidelines calling them a "mere recommendation". He omitted however to



mention, the FSMB has explicitly established those guidelines with the goal – and I quote verbatim to “Develop elements of a model impaired physician program (IPP) to be recommended to state medical boards along with guidelines to promote **uniformity** in rules/regulations regarding impaired physicians.” (see enclosure - emphasis added). It is logical the FSMB would emphasize **uniformity** in rules/regulation and not as Dr. Marier suggested *flexibility* in the approach to this important issue. The flexible interpretation of the guidelines can result in the improper practices. I argue that this precisely happened in my husband case.

- **LSBME Guidelines.** My most serious concern related to Dr. Marier’s explanation is related to the fact that despite the FSMB explicit call for uniformity - LSBME does not appear to have any uniform codified and/or written guidelines addressing physician impairment or drug diversion. Dr. Marier did not quote any Louisiana Revised Statute, or even any internal LSBME document which would deal in details with those important issues. Instead, he casually noted that “*the Board commonly asks the affected physician to meet with the Board’s Investigating Officer and to submit to an evaluation for possible substance abuse*” (emphasis added). If this is indeed a case the misconduct of the LSBME employees is even grater. Prescription medications abuse and their diversion is a serious problem by Dr. Marier’s own admission. In addition to swift identification of dangerous to the public impaired physicians the Board has also a duty to promptly clear the wrongly accused physician so that the patient’s access to valuable community resource is not interrupted without valid reason. It is therefore unthinkable that the state agency charged with those tasks would not develop and apply stringent procedures in dealing with those issues but continue to relay on “*common and customary practices*”.
- **Using false pharmacy reports during investigation.**
  - **Dr. Borg’s own Documentation was destroyed.** Dr. Marier neglected to mention a pivotal fact necessary to understand the context of this issue. In October 2002, just a month before meeting with the LSBME Investigators Dr. Borg’s New Iberia’s office and all his documentation was destroyed by hurricane Lilli. He had to hastily relocate what was left from his practice to city of Lafayette due to the lack of the suitable replacement facility in New Iberia. There was no way to cross reference the erroneous records presented to him by the Investigator with his own documentation at that time. The false data created an impression that indeed someone has been stealing or ordering medication behind his back. This absurd notion was dismissed by subsequent independent investigation, but as Dr. Marier himself noted my husband has wrongly believed for the long time that such unbeknownst to him nefarious acts were happening. Such wrong conclusions were inevitable since the data showed to him were false and he could not recognize many of his prescriptions.
  - **Reckless negligence of LSBME data gathering.** As a former Yale Research scientist and author of numerous publications based upon data analysis I am appalled by the cavalier attitude of Dr. Marier toward the accuracy of such critical evidentiary data such as pharmacy reports. I am in disbelief that Yale University trained physician would make a casual statement that “*the level of the detail was not relevant*”. The established scientists has been dismissed from the prestigious posts due to lack of attention to details. The patients died since their physicians did not paid attention to the dosage.
  - **Dr. Borg was licensed by DEA and LA department of health to prescribe and dispense Controlled Substance.** His practice at that time was a combination of Primary Care and reproductive endocrinology and he prescribed all his medication legitimately within a scope of his practice. The term “large amounts” repeated as a mantra by LSBME is very vague and non-scientific. All one need to do is to calculate the total amounts of drugs actually prescribed by him and analyze it in the contexts of how many patients he has been treating and what was actual dosage per patient. Such calculations show that he followed conservative treatment practices consistent with contemporary medical literature. There was not a single case of overdose among Dr. Borg patients. Nobody has died or suffered bodily damage due to his treatment.
  - **There was a barrage of defamatory information about my husband supplied by local competitor.** Dr. Marier neglected to note that one important factor which clearly influenced Board’s Decision, was a memo generated by Mr. Gaudet on 11/04/02 (enclosed) describing various maliciously derogatory information related to my husband practice supplied by the local compounding pharmacy. My husband office was situated next to Delaune’s Pharmacy and soon he has discovered that those pharmacists are engaged in the very dubious compounding practices including peddling Bioidentical Hormones and disease management program. The conflict developed and escalated. Please note that even after my husband moved away from this neiberghud he continued to be very active and vocal about the dubious effectiveness of so called Bioidentical Hormones. He has been subsequently appointed as a member of Reproductive Medicine Committee of American Association of Clinical Endocrinologists. In this capacity he just has published a very well received by his peers papers criticizing the concept of compounding (enclosed). It is not surprising

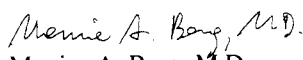
that the local compounding pharmacy considered such a physician to be a dangerous interloper and make any attempts to portray him in the worst possible context. It is almost amazing that soon after he left the city of New Iberia this "rogue" physician became a delegate for Lafayette Parish medical society and was appointed to serve on two prestigious committees of the major subspecialty society. While he was receiving these recognitions, his patients were still denied access to his services due the negligence of LSBME.

- **Dr. Borg had impression that he had additional dispensing certificate required by LSBME.** See enclosure for explanation.
- **Dr. Borg has never treated himself.** There was no need for it. He suffered from no chronic pain, had a primary care physician and as demonstrated beyond any doubt he was never addicted. Those explanations were brought and explained to the Boards attention – see enclosure. For reason unknown Board continued to disregard those clear facts.
- **Dr. Borg indeed treated me.** This is was situation outcome of which I would never predict. I do not understand why hundreds of patients and their physician were penalized for long three long years since the wife of this physician considered him to be the best specialist to care for her. Sadly AMA code of ethics is still a " Terra Incognita" even for graduates of prestigious program. Dr. Borg was not an AMA member and he was not aware of the AMA principle E-8.19 related to treatment of family members. Instead he relied on ACP code of ethics and sincerely believed that his actions were ethically justified at that time. There is no dispute that when the LSBME Investigator pointed out those issues to him he immediately embraced the AMA code and transferred my care to other physician. I complied with my husband's wishes and did not pressure him to violate his new ethical rules he adopted. Nor I have any intension to do so in the future. Still, I do not understand why no body from LSBME talked to me during investigation, to establish the background of my treatment. I am also gravely concern about other very pertinent fact which Dr. Marier has somehow omitted. The Board Investigator until today was unable to return my full and intact medical file which was submitted to the Board on their request just before Hurricane Lilli. I find this very worrisome.
- **Improper Communication by Dr. Kim Leblanc.** (enclosure)
  - Despite Dr. Mariers attempts to minimize the blistering character of this letter, its tone is clearly intimidating. The threats about starting "injunctive proceedings" to virtually violate my basic rights guaranteed under U.S Constitution have no legal grounds. Instead of addressing the merits of my allegations in this letter Dr. Leblanc attempts to deny me my First Amendment Rights, and Equal Protection and Due Process of the Law. This is clear attempt of the state official to use the legal system to abridge the civil liberties of a single individual. Even if an allegation of the individual are ultimately dismissed no one can prevent any one from complaining in a good faith to the regulatory entities established for the sole purpose of such individual's protection.

Dr. Marier represented that the Consent Order was never appealed. This is inaccurate statement and based upon technicality. Consent order was not technically appealed in the court of law. However, as you are well aware in the view of the new evidentiary material which was unknown to Dr. Borg and his lawyers at the time of the have appealed several timed to LSBME asking for the modification and ultimately nullification of this Consent Order in the interest of justice based upon Article 1949 (Vice of Consent) of the Louisiana Civil Code. All those Petitions were denied by the previous LSBME Executive Director Dr. John Bobear.

I am sad to say but the above explanations by Dr. Marier do not pass the muster of objective validity. They are rather a misconstrued attempt to cover up clear problems within his agency which should be identified and rectified in the public interest. As history shows - such cover up attempts usually backfire. In summary my complaints are not rooted in my dismay about the lawful Consent Order, nor I am engaged in any vicious and unfounded attacks on the Boards and its employees. I am a humble member of the public who is merely asking for the unbiased explanations of very disturbing facts reflecting very poorly on the performance of specific employees of very important and venerable state agency, whose main purpose is to serve and protect.

Sincerely,

  
Monica A. Borg, M.D.  
604 Jacqueline Dr.  
New Iberia, LA 70563  
Email: mlyale@aol.com



## Louisiana State Board of Medical Examiners

Mailing Address: P.O. Box 30250, New Orleans, LA 70190-0250

Physical Address: 630 Camp Street, New Orleans, LA 70130

Phone: (504) 568-6820

Fax: (504) 568-5754

Web site: <http://www.lsbme.louisiana.gov>

Robert L. Marier, M.D., MHA, Executive Director

Extension: 244

Email: [rmarier@lsbme.louisiana.gov](mailto:rmarier@lsbme.louisiana.gov)

October 20, 2006

Board of Directors and General Counsel  
American Association of Physicians and Surgeons  
1601 N. Tucson Boulevard, Suite 9  
Tucson, AZ 85716-3450

**Re: Monica Borg, M.D.**

Dear Sir/Madam:

Over the past several months, Monica Borg, M.D. has made numerous complaints to various state and federal agencies, state government officials, members of Congress, professional organizations, and countless other persons and entities including yourself about the Louisiana State Board of Medical Examiners ("Board"), its Director of Investigations, Dr. Cecilia Mouton, and related matters.

Mrs. Borg's complaints stem from the Board's investigation of her husband, Walter Borg, M.D. that culminated in a public Consent Order that was approved by Dr. Borg's attorney, signed by Dr. Borg, and accepted personally by Dr. Borg at a meeting of the Board.

With the exception of the publicly available Consent Order, the subject matter of the Board's investigation of Dr. Borg has been deemed confidential and not subject to disclosure by the Board. However, Mrs. Borg has posted certain documents pertaining to the investigation on a publicly accessible website and for this reason we are able to refer to them publicly.

Mrs. Borg's complaints are malicious, defamatory, and completely unfounded. The basis for this statement may be found in a letter that I have written to the Attorney General of the State of Louisiana in response to her complaint to him. The letter is based on the documents that Mrs. Borg has made public and is attached, without exhibits, for your reference.

I would welcome an opportunity to discuss this with you and/or provide you with the attachments and/or additional documentation. Please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Marier".

Robert L. Marier, M.D.  
Executive Director

Enclosure

## LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130  
 General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250  
[www.lsbme.org](http://www.lsbme.org)

Telephone: (504) 568-6820  
 FAX: (504) 568-8693  
 Writer's Direct Dial:



Ext. \_\_\_\_\_

Hon. Charles C. Foti, Jr.  
 Attorney General of the State of Louisiana  
 1885 North 3<sup>rd</sup> Street  
 Baton Rouge, LA 70802

**Re: Complaint by Monica Borg regarding Cecilia Mouton, M.D.  
 and Alfred Gaudet, R. Ph.**

Dear Attorney General Foti:

I received a copy of Monica Borg's July 9, 2006 letter to you that complains about the conduct of Cecilia Mouton, M.D. and Alfred Gaudet, R.Ph. in connection with their roles in an investigation by the Louisiana State Board of Medical Examiners ("LSMBE") of Mrs. Borg's husband, Walter Borg, M.D. upon receipt of information documenting potentially improper prescribing of narcotics and other controlled substances to himself and to Mrs. Borg. This investigation culminated in a Consent Order signed by Dr. Borg, with the advice of counsel. (See Tab 1). Her complaint to you is the latest in a series of an ill-informed and defamatory and unfounded attacks on Dr. Mouton and Mr. Gaudet that include, most egregiously, the establishment of a website, [ceciliamouton.com](http://ceciliamouton.com), the purpose of which appears to be to blame Dr. Mouton for an agreement that her husband and his attorneys reached with the Board.<sup>1</sup>

### The LSBME's Investigation of Dr. Borg

The Board began an investigation of Dr. Borg in late 2002 after learning about prescribing practices of Dr. Borg that suggested possible violations of the Louisiana Medical Practice Act. Pharmacy records obtained in the investigation revealed that Dr. Borg had repeatedly prescribed controlled dangerous substances to himself and had prescribed controlled dangerous substances to Mrs. Borg. (See Tab 2).<sup>2</sup> Records obtained from ARCOS<sup>3</sup> confirmed

<sup>1</sup>Mrs. Borg has written letters complaining about Dr. Mouton to a host of persons and agencies, including Senator Joseph Lieberman, former Senator Newt Gingrich, the United States Department of Justice, the federal Office of Inspector General, the American College of Physicians, and others. To my knowledge, none of these persons or entities has taken any action in response to her complaints.

<sup>2</sup>While the consent order is a publicly available document, the facts of the underlying investigation are not subject to disclosure according to Louisiana law. We have therefore been unable to respond fully to Mrs. Borg's unfounded attacks. However, now that Mrs. Borg has posted a number of documents relating to the Board's investigation on her website, we are able to refer to them publicly. Each exhibit to this response was posted on Mrs. Borg's website.

Page 2 of 5

that Dr. Borg had ordered large quantities of narcotics for his office, despite the fact Dr. Borg did not have a permit to dispense controlled dangerous substances from his office as required by Louisiana law. (See Tab 2). The ARCOS report confirmed that Dr. Borg obtained narcotic pain medications, such as Vicodin, Lorcet, Lortab which are unfortunately subject to considerable abuse. Mrs. Borg faults Mr. Gaudet for misstating the dosage and amount of some of the prescriptions, but does not, and cannot, challenge the basic and undeniable fact that large amounts of controlled dangerous substances were obtained by a physician (Dr. Borg) who could not lawfully dispense them and, further, that Dr. Borg prescribed large amounts of such medications to himself and his wife. (See Tab 3).

When faced with facts such as these, which suggest the possibility of over- and/or self-medication, the Board commonly asks the affected physician to meet with the Board's Investigating Officer and to submit to an evaluation for possible substance abuse. In Dr. Borg's case, Dr. Mouton met with Dr. Borg in November 2002. Mrs. Borg was not present. Following this meeting, which was memorialized in Dr. Mouton's November 18, 2002 letter to Dr. Borg, Dr. Borg agreed to undergo an evaluation and to refrain from treating his wife. (See Tab 4). Dr. Borg was provided a list of acceptable facilities experienced at conducting evaluations of physicians in such circumstances and he chose the Palmetto Addiction Recovery Center.

The results of Dr. Borg's psychological testing performed by Dr. Tony R. Young are posted on the Borgs' website. (Tab 5) Dr. Young concluded that Dr. Borg did not show signs of addiction, although he did note the following:

Mr. Borg answered the MMPI<sup>4</sup> item in a very defensive manner. This data should be interpreted with extreme caution due to deception seen in the profile. The L (lie) scale is exceptionally high.

Also the K (defensiveness) scale is also high and indicative of an individual who is not open to considering personal faults or admitting to common flaws that most people would admit to having.

In his letter dated January 31, 2003 (Tab 6), Dr. Douglas Cook noted the following:

Walter admits he has been prescribing narcotics for his wife. He admitted to me that she has placed him under pressure to provide these medications to her due to substance dependence. . . .

[Dr. Borg] also believes that samples and controlled substances have disappeared from his office related to the substance problems of one or both of these individuals.

---

<sup>3</sup> ARCOS is a federally sponsored, automated, comprehensive drug reporting system which monitors the flow of DEA controlled substances.

<sup>4</sup> The Minnesota Multiphasic Personality Inventory is one of the most widely used tests for evaluating adult pathopsychology.

Page 3 of 5

Upon receipt of the Palmetto report and after considerable negotiations between counsel for the Board's Investigating Officer and Dr. Borg's counsel, Dr. Borg signed a Consent Order on October 1, 2003 that was approved and accepted by the Board on October 20, 2003. (See Tab 1). **Mrs. Borg was not a party to the negotiations between Dr. Borg's counsel and counsel for the Investigating Officer. This Consent Order states as follows:**

Investigation revealed, that over an approximately two year period, Dr. Borg wrote prescriptions for controlled substances for his wife, for himself, and for "office use" and had ordered controlled substances to be delivered to his clinic for dispensing to patients. After a meeting with the Investigating Officer, Dr. Borg was encouraged to undergo an assessment to determine whether Dr. Borg had a substance abuse problem. Dr. Borg was also asked to produce documentation regarding his purchase and dispensation of controlled substances.

Dr. Borg underwent a five day evaluation at the Palmetto Addiction Recovery Center in January 2003. The written assessment produced at the conclusion of the evaluation stated that Dr. Borg had no problem with dependency, but recommended that the Board require Dr. Borg to enter into a twelve (12) month diagnostic monitoring contract.

Dr. Borg produced some documentation to the Investigating Officer regarding his purchase and dispensation of controlled substances, but asserted that many of his records had been destroyed in Hurricane Lili. Dr. Borg has never had a dispensing permit.

The Consent Order states, "As evidenced by his subscription hereto, Dr. Borg acknowledges the substantial accuracy of the foregoing information" and that Dr. Borg "hereby waives his right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter." The Consent Order further states,

**By his subscription hereto, Dr. Borg also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§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 this document in any court or other forum relating to the matters referred to herein.**

Dr. Borg signed the Consent Order under oath, with witnesses, and the document was notarized by his attorney. He appeared before the Board and confirmed his understanding of and agreement to the accuracy of the Order and the terms and conditions imposed by it. Dr. Borg never appealed the Consent Order to the district court and had no real basis to do so since it was signed by him and negotiated and approved by his counsel.

#### **Responses to Mrs. Borg's Allegations**

In response to Mrs. Borg's allegations, I offer the following:

Page 4 of 5

**A. Improperly sending Dr. Borg into an "alcohol/drug rehab problem" for evaluation by a relapsing alcoholic.**

As shown above, Dr. Borg voluntarily submitted to an evaluation at the Palmetto Recovery Center after he was confronted with irrefutable evidence showing that he ordered large quantities of controlled substances for delivery to his office and prescribed controlled dangerous substances to himself and his wife. If Dr. Borg and his counsel were unhappy with Palmetto's evaluation, they could have gone elsewhere. They chose not to do so. Despite Mrs. Borg's intimations, there is no evidence that Dr. Douglas Cook was impaired at the time of Dr. Borg's evaluation. Had Dr. Borg suspected Dr. Cook was impaired at the time, presumably he would have brought it to someone's attention. He did not. Furthermore, Dr. Cook was only one member of a multi-disciplinary team that evaluated Dr. Borg and agreed on the recommendations.

**B. Disregarding Board's guidelines during investigation.**

Mrs. Borg complains that Dr. Mouton did not follow the Board's own guidelines during its investigation of her husband. This statement is false and defamatory. Mrs. Borg has not shown any violation of a guideline that has been adopted by the Louisiana State Board of Medical Examiners. Instead, she relies on a "Report of the Ad Hoc Committee on Physician Impairment" of the Federation of State Boards of Examiners that on its face states it is a mere "recommendation" to state medical boards. Further, the Report clearly states that most physicians will enter the IPP (an "impaired physician program") voluntarily or by a Board mandate." (Tab 7). In Dr. Borg's case, he went to Palmetto voluntarily based on clear and undisputed documentary evidence showing that large amounts of narcotics and other controlled substances were obtained by Dr. Borg, with no clear documentation of their ultimate destination. Dr. Borg and his counsel negotiated a Consent Order to conclude the Board's investigation; the Consent Order was never appealed.

**C. Using false pharmacy reports during investigation.**

Mrs. Borg does not dispute that her husband prescribed large amounts of narcotics and other controlled substances to himself and to her. Nor does she dispute that he ordered large amounts of such medications for his office, despite the fact he did not have a permit to dispense them and had no records showing to whom or why they were dispensed. Instead, she focuses on alleged discrepancies between her attorney's and Mr. Gaudet's summaries of the prescription records. Significantly, the attorneys have only suggested that Mr. Gaudet made an error in transcribing the dosage or duration of certain medications or that he mistakenly concluded that certain medications were filled when they were not. That level of detail was not relevant to the Board's concern about Dr. Borg's prescribing and dispensing violations; instead, the Board's investigator and Mr. Gaudet were concerned with Dr. Borg's undeniable pattern of ordering large quantities of controlled dangerous substances for apparent dispensing (or use) at his office and his pattern of prescribing narcotics and other controlled dangerous substances to himself and a family member. These facts are crystal clear in Mr. Gaudet's summary and formed the basis

Page 5 of 5

for the Board's investigation of Dr. Borg that was concluded with the Consent Order negotiated by him and his counsel.

**D. Improper Communication by Dr. Kim Edward LeBlanc**

Mrs. Borg complains that the President of the Board, Dr. Kim LeBlanc, improperly threatened her in an effort to end her complaints. As you can see from Dr. LeBlanc's letter, attached as Tab 8, he merely advised Mrs. Borg that the Board's investigation of her husband was confidential and that her attacks on Dr. Mouton were improper and unfounded. Because of the false and defamatory nature of her attacks on Dr. Mouton and the Board, Dr. LeBlanc properly provided fair warning that the Board may pursue legal recourse if similar attacks continued.

In summary, Mrs. Borg's complaint is apparently rooted in her dismay about the Consent Order that her husband and his counsel negotiated with the Board after he was found to be unlawfully dispensing controlled substances from his office and was prescribing narcotics to himself and to her. Mrs. Borg has no first hand knowledge of the Board's investigation or the negotiations between her husband's counsel and the Board that led to the Consent Order. This lack of knowledge does not excuse her vicious and unfounded attacks on the Board and its employees.

If I can provide further information in response to Mrs. Borg's allegations, I would be happy to do so.

Sincerely,



Robert L. Marier, M.D.  
Executive Director





**LIST OF INDIVIDUALS WHO HAVE KNOWLEDGE  
ABOUT CONDUCT OF DR. CECILIA MOUTON**

- **George Farber, M.D.** Dermatologist, Kenner;
  - Phone: (504) 471 3135
- **John Pieksen, Esq.** Attorney, New Orleans;
  - Phone: (504) 581 9322
- **Jonathan Stein, M.D.** Cardiologist, New Iberia;
  - Phone: (337) 367 1936
- **Marcus Pittman, PCP**, candidate for LSMB, Kenner;
  - Phone: (985) 892 3661
- **Monica A. Borg, M.D.** retired physician, Lafayette;
  - Phone: (337) 519 4119
- **Vahe Sarkissian, M.D.** Neurosurgery Resident, New Orleans;
  - Phone: (415) 308 8342
- **Walter P. Borg, M.D.** Endocrinologist, Lafayette;
  - Phone: (337) 577 0033



**Complaint regarding Conduct of  
Cecilia A. Mouton, M.D.  
*Louisiana State Board of Medical Examiners***

**EXHIBITS**

**Complaint concerning Conduct of Cecilia A. Mouton, M.D.**  
***Louisiana State Board of Medical Examiners***

**LIST OF EXHIBITS enclosed as PDF documents on CD-ROM**

**This file is also available at:**

**[www.ceciliamouton.com](http://www.ceciliamouton.com)**

- **Exhibit 1:** Dr. Mouton's Letter dated 11/18/02.
- **Exhibit 2:** Dr. Mouton's Letter dated 01/22/03.
- **Exhibit 3:** Pharmacy Investigative reports and related documents.
- **Exhibit 4:** Reference letters for Drs. Walter and Monica Borg by Yale University Senior Faculty Members.
- **Exhibit 5:** Letter from Dr. Borg's attorney - A. Rosenberg, Esq. to Dr. Mouton 01/08/03
- **Exhibit 6:** Dr. Walter Borg's Consent Order 10/20/03.
- **Exhibit 7:** Dr. Cook's Assessment Letter 01/31/03 and related documents.
- **Exhibit 8:** Dr. Gad and Mr. Kimbal, LCSW Letter dated 06/22/04 requesting termination of monitoring contract.
- **Exhibit 9:** Insurance Delisting Chronology and related documents.
- **Exhibit 10:** Petitions to LSBME dated: 03/04/05, 05/02/05, 07/06/05, 07/18/05.
- **Exhibit 11:** Guidelines of the Federation of State Medical Boards.
- **Exhibit 12:** Dr. Cook's Consent Orders with LSBME 12/07/04 and 04/12/05.
- **Exhibit 13:** Malpractice claim against Dr. Cook filed on behalf of Dr. Borg 07/12/04.
- **Exhibit 14:** Judgment of the Fifth District Court dated 07/27/04.
- **Exhibit 15:** Memorandum in Support of Motion to Compel Deposition of Dr. Mouton
- **Exhibit 16:** Documents related to release of Monica Borg's medical records from LSBME.
- **Exhibit 17:** Miscellaneous Documents.



**LSBME:  
UNUSUAL DISCIPLINARY ACTIONS**

**LSBME Disciplinary Statistic**

The LSBME own statistical data available to the public on the Web at:

[http://www.lsbme.louisiana.gov/discip\\_action\\_stats.htm](http://www.lsbme.louisiana.gov/discip_action_stats.htm)

revealed the following trends:

- Amounts of complaints handled increased from 1484 in the year 1996 to 1770 in 2006 (increased 1.2)
- Serious disciplinary actions increased from 43 in the year 1996 to 155 in 2006 (increased 3.6 times)
- Amount of Consent Orders ("guilty pleas") etc. increased from 120 in the year 1996 to 312 in 2006 (increased 2.6 times)

**Conclusions:**

- The amount of complaints lodged with LSBME *has not* increased much during last 10 years;
- During the same time,
  - amount of serious disciplinary actions has **increased almost four (4) times**,
  - amount of intermediate sanctions **increased almost three (3) times**.

Review of LSBME Newsletter 2000-2006 revealed at least 58 (fifty eight) cases of physician discipline that appeared to be unusual. There was a clear discrepancy between the alleged violations and disciplinary measures applied by LSBME. Certain physicians (e.g. Dr. Cook or Dr. Colaluca) were treated very leniently; others (e.g. Dr. Burch, Dr. Martin, Dr. Zuckerman, and Dr. Shuth) were treated very harshly.

The LSBME disciplinary records pertaining to those cases (including Consent Orders, Post-Hearing Orders, etc.) have been obtained from the LSBME. Such documents are public records. Review of those public documents confirmed the initial impression about the hap-hazardous nature of LSBME discipline. The names of the physicians who has been subjected to this unusual (too lenient or too harsh) discipline by the LSBME are listed below:

1. Dr. Douglas W. Cook, Rayville
2. Dr. John R. Colaluca, Rayville
3. Dr. Steven J. Zuckerman, Baton Rouge
4. Dr. Sammy M. Okole, Jefferson
5. Dr. Patricia M. Burch, Lafayette
6. Dr. Walter Borg, Lafayette
7. Dr. Louis F. Martin, New Orleans
8. Dr. Claudia R. Schuth, New Orleans
9. Dr. Pedro N. Romaguera, Kenner
10. Dr. Victor Brown, New Orleans
11. Dr. George Allan Farber, Kenner
12. Dr. James Arthur Freeman, Baton Rouge
13. Dr. Fernando Jesus Martinez, Jr., Metairie
14. Dr. Wanda Tipton-Holt, New Orleans
15. Dr. James R. Alexander, Shreveport
16. Dr. James Richard Bass, Lafayette
17. Dr. Jacqueline Cleggett-Lucas, NOLA
18. Dr. Mark M. Cotter, Baton Rouge
19. Dr. Lynn E. Foret, Lake Charles
20. Dr. Leslie E. Lawrence, New Orleans
21. Dr. Louis Frank Martin, New Orleans
22. Dr. Dr. Darryl T. Mueller, New Orleans
23. Dr. Elizabeth M. Oliveira, New Orleans
24. Dr. Mark A. Portacci, Angola
25. Dr. Richard E. Sabatier, Slidell
26. Dr. Morris Alan Sandler, New Orleans
27. Dr. Raymond S. Alexander, Baton Rouge
28. Dr. Sharon R. Bass, Morgan City
29. Dr. Leon Frances Beridon, Simmesport
30. Dr. Mike Edwin Bozeman, Jr, Pinneville
31. Dr. Jason M. DeRouen, Baton Rouge
32. Dr. Stephen Neal Fisher, Pennsylvania
33. Dr. Douglas Eugene Hall, Morgan City
34. Dr. William Ben Hart, Covington
35. Dr. Russell Levy, Metairie
36. Dr. Lawrence J. McManus, Slidell
37. Dr. Bruce Donald Moses, Pineville
38. Dr. Richard Clement, Lake Charles
39. Dr. Charles P. Lahaye, Ville Platte
40. Dr. Roy Gabriel LaSalle, New Iberia
41. Dr. Herbert A. McPherson, New Iberia
42. Dr. Wallace Rubin, Metairie
43. Dr. Charles B. Woodward, Laker Charles
44. Dr. Calvin E. Williams, Jr, New Orleans
45. Dr. Wade Hampton Allain, Shreveport
46. Dr. John S. Merriman, Shreveport
47. Dr. Walter O. Sanders, Jr, St. Tammany
48. Dr. Heber Edward Dunaway, Jr, Metairie
49. Dr. Ernest Gresham Jr, New Orleans
50. Dr. Sheila Jayne Kalka, Baton Rouge
51. Dr. Joseph George Pastorek II, New Orleans
52. Dr. David Michael Sherman, Missouri
53. Dr. Abdel Raham Mohamed Ali Almasri, Denham Spring
54. Dr. Leonard Ray Collier, Winnfield
55. Dr. George Pierre Desormeaux, Abbeville
56. Dr. Charles Raymond Genovese, Jr, Bogalusa
57. Dr. Wlaler Olivier Sanders, Slidell
58. Dr. David Charles Vajnar, St. Bernard