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

In the Matter of the Accusation Against, **LARRY HOMER SMITH, M.D.** 6422 Memphis St. New Orleans LA 70124-3151 Physician's and Surgeon's Certificate No. C 36737 Respondent.	Case No. 800-2020-066218 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

1. On September 28, 2020, an employee of the Medical Board of California (Board) sent by certified mail a copy of Accusation No. 800-2020-066218, 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 Larry Homer Smith, M.D. (Respondent) at his address of record with the Board, which was and is, 6422 Memphis Street, New Orleans, LA 70124-3151. (Accusation package, proof of service, Exhibit Package, Exhibit 1[1].)

2. There was no response to the Accusation. On November 4, 2020, an employee of the Attorney General's Office sent a Courtesy Notice of Default, by certified mail, addressed to Respondent at the address of record above. The Courtesy Notice of Default advised Respondent

[1] The evidence in support of this Default Decision and Order is submitted herewith as the "Exhibit Package."

of the service Accusation, and provided him with an opportunity to file a Notice of Defense and request relief from default. The United States Post Office tracking system shows that the package was delivered to the address on November 7, 2020. (Exhibit Package, Exhibit 2, Courtesy Notice of Default, proof of service, USPS tracking.)

3. Respondent has not responded to service of the Accusation or the Notice of Default. He has not filed a Notice of Defense. As a result, Respondent has waived his right to a hearing on the merits to contest the allegations contained in the Accusation.

FINDINGS OF FACT

4. William Prasifka is the Board's Executive Director. The charges and allegations in the Accusation were at all times brought and maintained solely in the official capacity of the Board's Executive Director.

5. On August 26, 1975, Physician's and Surgeon's Certificate No. C36737 was issued by the Board to Larry Homer Smith, M.D. The certificate is delinquent, having expired on July 31, 2020, and is suspended by virtue of an Order issued on August 12, 2020, pursuant to Business and Professions Code section 2310(a). (Exhibit Package, Exhibit 3, license certification.)

6. On September 28, 2020, Respondent was duly served with an Accusation, alleging causes for discipline against Respondent. A Courtesy Notice of Default was thereafter served on Respondent. Respondent failed to file a Notice of Defense.

7. The allegations of the Accusation are true as follows:

On February 17, 2020, the Louisiana State Board of Medical Examiners issued an Interim Consent Order regarding Respondent's license to practice medicine in the State of Louisiana. Under the terms of the Interim Consent Order, Respondent's Louisiana license is indefinitely suspended.[2] The Interim Consent Order was issued based on information that Respondent suffers from a medical condition that affects his ability to safely practice medicine. Respondent's Louisiana license will only be reinstated following a re-evaluation and a satisfactory report concerning Respondent's medical condition, a meeting with Louisiana board personnel and the

[2] Respondent's Louisiana license remains in suspended status. (Exhibit Package, Exhibit 4, Louisiana State Board of Medical Examiners License Verification.)

conclusion of the pending investigation and a final decision by the Louisiana board on any charges that may be filed. A copy of the Interim Consent Order issued by the Louisiana State Board of Medical Examiners is attached as Exhibit A to the Accusation, Exhibit Package. Exhibit 1.

DETERMINATION OF ISSUES

8. The Board has jurisdiction to adjudicate this case by default, and pursuant to Government Code section 11520, finds that Respondent is in default. The Board will take action without further proceedings or hearing and, based on Respondent's admissions by way of default and the evidence before the Board, contained in the Exhibit Package, finds that the allegations in the Accusation are true and correct.

9. Respondent's conduct and the action of the Louisiana State Board of Medical Examiners constitute cause for discipline within the meaning of Business and Professions Code sections 2305 and 141(a).

DISCIPLINARY ORDER

Physician's and Surgeon's certificate No. C36737 issued to Larry Homer Smith, 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 Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven (7) days of the service of this Decision.

This Decision shall become effective at 5:00 p.m. on DEC 3 1 2020.

It is so ORDERED DEC 0 3 2020

WILLIAM PRASIFKA
EXECUTIVE DIRECTOR
FOR THE MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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

In the Matter of the Accusation Against: **Larry Homer Smith, M.D.** 6422 Memphis St. New Orleans, LA 70124-3151 Physician's and Surgeon's Certificate No. C 36737, Respondent.	Case No. 800-2020-066218 **A C C U S A T I O N**

PARTIES

1. William Prasifka (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On August 26, 1975, the Medical Board issued Physician's and Surgeon's Certificate Number C 36737 to Larry Homer Smith, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on July 31, 2020, and has not been renewed. The certificate is suspended by virtue of an Order issued on August 12, 2020 pursuant to Business and Professions Code section 2310(a).

///

JURISDICTION

3. This Accusation is brought before the Medical Board of California under the authority of the following sections of the California Business and Professions Code (Code) and/or other relevant statutory enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

> "(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein."
>
> "(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

4. On February 17, 2020, the Louisiana State Board of Medical Examiners issued an Interim Consent Order regarding Respondent's license to practice medicine in the State of Louisiana. The Interim Consent Order was issued based on information that Respondent suffers

from a medical condition that affects his ability to safely practice medicine. Respondent's Louisiana license will only be reinstated following a re-evaluation and a satisfactory report concerning Respondent's medical condition, a meeting with Louisiana board personnel and the conclusion of the pending investigation and a final decision by the Louisiana board on any charges that may be filed. A copy of the Interim Consent Order issued by the Louisiana State Board of Medical Examiners is attached as Exhibit A.

5. Respondent's medical condition and the action of the Louisiana State Board of Medical Examiners, set forth above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 36737, issued to Larry Homer Smith, M.D.;

2. Revoking, suspending or denying approval of Larry Homer Smith, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Larry Homer Smith, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: SEP 28 2020

WILLIAM PRASIEKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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LOUISIANA STATE BOARD OF MEDICAL EXAMINERS
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FAX: (504) 568-8893
Writer's Direct Dial:
(504) _____

IN THE MATTER OF:

LAURENCE H. SMITH, M.D.
(Certificate No. 09567R)
Respondent

No. 19-I-847

INTERIM CONSENT ORDER

This matter is before the Louisiana State Board of Medical Examiners (the "Board") in connection with an ongoing and pending investigation conducted by the Investigating Officer of the Board regarding Laurence H. Smith, M.D. ("Dr. Smith"), a physician who at all pertinent times has been licensed and engaged in the practice of cardiothoracic surgery in and around New Orleans, Louisiana.

The Board received apparently reliable information that indicates that Dr. Smith suffers from a medical condition, which affects his ability to practice with skill and safety.

Predicated upon the information outlined above, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Dr. Smith, charging him with violation of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. §§ 37:1285(A)(25).[1]

As evidenced by his subscription hereto, Dr. Smith acknowledges the right to have written notification of any charges that may be asserted, as well as the right to have evidence of such charges asserted during an administrative hearing at which time he will be entitled to be represented by legal counsel, to call witnesses and to present evidence in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951, *et seq.* Irrespective of such rights, Dr. Smith, nonetheless, hereby consents to the indefinite suspension of his license to practice medicine in this state, with reinstatement thereof subject to the terms and conditions of this Order. By his subscription hereto, Dr. Smith authorizes the Investigating Officer designated by

[1] La. Rev. Stat. §37:1285(A) provides that the Board may take action against the licensee or applicant who has been found guilty of conduct which has endangered or is likely to endanger the health, welfare, or safety of the public, to include: (25) 'Inability to practice medicine with reasonable competence, skill, or safety to patients because of mental or physical illness or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol.'

the Board with respect hereto to present this Interim Consent Order to the Board for its consideration and to fully discuss with and disclose to the Board the nature and extent of such charges and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Smith expressly acknowledges that disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to prosecute administrative charges which may be filed in this matter following completion of the current investigation or to the Board's capacity to adjudicate such charges.

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);

IT IS ORDERED that the license of Laurence H. Smith, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No.09567, be and the same is hereby, effective as of the date hereof, **INDEFINITELY SUSPENDED.**

IT IS FURTHER ORDERED that Laurence H. Smith, M.D. shall not practice medicine in any form in the State of Louisiana until and unless the Board issues and serves a written decision reinstating his license to practice following: (1) a re-evaluation and a satisfactory report concerning his medical condition; (2) a meeting at the Board office with the Director of Investigations or designee; and (3) the conclusion of the pending investigation by administrative hearing and final decision of the Board on any charges that may be filed in these proceedings including, but not limited to, those identified in this Order; or alternatively, by the Board's acceptance of a Consent Order or other disposition of the pending investigation.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Smith shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Smith'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.

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

New Orleans, Louisiana, this 17th day of February, 2020.

CERTIFIED TRUE COPY
Docket Clerk
Louisiana State Board of Medical Examiners
Date 7-20-20

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

BY: _____

RODERICK V. CLARK, M.D.
President

ACKNOWLEDGMENT AND CONSENT

STATE OF LOUISIANA
PARISH OF Jefferson

I, LAURENCE H. SMITH, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 13 day of Jan, 20 20

LAURENCE H. SMITH, M.D.

WITNESSES:

Signature

Printed Name

[redacted]
Address

[redacted]
City, State, Zip Code

Signature

Denise Robinson
Printed Name

[redacted]
Address

[redacted]
City, State, Zip Code

Sworn to and subscribed before me at Metairie, Louisiana, this 13 day of Jan, 2020, in the presence of the two stated witnesses.

Notary Public (Signature)

Printed Name/Notary #

Kathleen R Oldendorf
Notary Public #83772
Commission Expires at Death
Parish of Orleans, LA