

Date

Edward J. Lisecki, MD
The Ortho Clinic
516 Jefferson Terrace Blvd.
Suite 100
New Iberia, LA 70560

Re: Ethics Board Docket No. 2016-644

Dear Dr. Lisecki:

The Louisiana Board of Ethics, at its August 19, 2016 meeting, considered your request for an advisory opinion concerning your potential appointment as a board member to Hospital Service District No. 1 ("District"), a component unit of Iberia Parish d/b/a Iberia Medical Center. You stated that you are currently authorized to perform surgery at Iberia Medical Center and are considering accepting an appointment to serve as a board member of the District. You also stated that, as a physician, you may either contract or be employed by Iberia Medical Center in the future. Finally, you stated that you own a 14.4% interest in New Iberia Surgery Center, an ambulatory surgery center which is jointly owned by Iberia Medical Center and a group of physicians not employed by Iberia Medical Center. You provided further information that two representatives from Iberia Medical Center are members of the Operating Board for New Iberia Surgery Center. Information was obtained that Iberia Parish, the parish in which Iberia Medical Center is located, has a population of 74,103.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you from contracting with Iberia Medical Center to provide services while you serve as a board member of the District. Generally, Section 1113B of the Code prohibits an appointed member of a board or commission from bidding on, entering into, or being in any way interested in a transaction that is under the supervision or jurisdiction of the agency of the appointed board member. However, there is a narrow exception to the Code contained in Section 1123(18)(a) which allows a licensed physician who is a member of a board of commissioners for any hospital service district located within a parish which has a population of 125,000 or less from contracting with the hospital over which the board exercises jurisdiction. The District exercises jurisdiction over Iberia Medical Center and both are located within Iberia Parish, which has a population of less than 125,000. Therefore, Section 1123(18)(a) applies and allows you to contract with Iberia Medical Center while you serve as a member of the District. However, you would be required to recuse yourself from participating in any transaction before the District relating to any contract that you have with Iberia Medical Center.

The Board also concluded, and instructed me to inform you, that La. R.S. 46:1076 provides, in pertinent part, that "members of the medical staffs of hospital service district facilities may serve on the hospital service district commission." Based on the provisions of La. R.S. 46:1076, you would not be prohibited from being employed as a member of the medical staff of Iberia Medical Center while you serve as a board member of the District.

Finally, the Board concluded, and instructed me to inform you, that no apparent violation of the Code of Governmental Ethics is presented by your performing surgery at New Iberia Surgery

Center as long as you do not treat the same individuals who you would treat through your employment with Iberia Medical Center. Section 1111C(1)(a) of the Code prohibits a public servant from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs or operations of the agency of the public servant and in which the public servant has participated. Also, Section 1112A of the Code prohibits you from participating in a transaction in which you have a substantial economic interest, such as referring a patient of the Iberia Medical Center to New Iberia Surgery Center.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Jennifer T. Land
For the Board

DRAFT
THIS IS NOT AN OPINION OF THE
BOARD OF ETHICS