

**STATE OF VERMONT  
DEPARTMENT OF HEALTH  
BOARD OF MEDICAL PRACTICE**

In re: Sergio Horta Luna, M.D.	)	
a/k/a Sergio Horta- Samaniego	)	MPC 75-0506
a/k/a Sergio Horta Samaniego	)	
a/k/a Sergio Horta	)	

**NOTICE OF ENTRY OF ORDER**

**Approving physician's request for relief of conditions**

Please take notice that an Order was issued and entered by the Vermont Board of Medical Practice on May 5, 2010, approving Respondent's request for relief of conditions on his physician license by a Stipulation and Consent Order effective October 3, 2007. The relief from conditions is effective May 5, 2010.

Dated: May 5, 2010

William E. Wargo  
Director  
Board of Medical Practice

# STATE OF VERMONT BOARD OF MEDICAL PRACTICE

In re: Sergio Horta Luna, M.D. )  
a/k/a Sergio Horta-Samaniego )  
a/k/a Sergio Horta Samaniego )  
a/k/a Sergio Horta )

Original Docket No. MPC 75-0506

## STATE'S RESPONSE TO RESPONDENT'S PETITION FOR RELIEF FROM CONDITIONS OF LICENSURE

The State of Vermont, by and through Attorney General William H Sorrell and undersigned Assistant Attorney General, Terry Lovelace, files this response to the petition of Sergio Horta Luna, M.D., Respondent/Petitioner, for relief from the current conditions upon his Vermont medical license.

1. Sergio H. Luna, M.D., Respondent/Petitioner (hereafter "Petitioner"), holds Vermont Medical License Number 042-0009729, issued by the Vermont Board of Medical Practice on August 5, 1998. His Vermont Medical License has lapsed but remains conditional. Petitioner, a board certified psychiatrist, practices and resides in Corpus Christi, Texas. Petitioner also holds or has held medical licensure in Texas, New York, the District of Columbia, Maine, and Virginia.

2. The Vermont Board of Medical Practice opened this matter for investigation on May 22, 2006 following receipt of a complaint from a St. Albans-area, school nurse regarding Petitioner's care of, and prescribing for an eight year-old patient. The allegations supporting the complaint were (a) failure to communicate, and; (b) incidents related to prescribing.

3. On October 3, 2007, Petitioner entered a Stipulation and Consent Order with the Vermont Board of Medical Practice (hereafter "Board") whereby his Vermont license to practice medicine was designated as "conditioned" for a term of 36 months, subject to release from

conditions by written approval of the Board.

4. On March 17, 2010, Petitioner submitted to the Board his written petition for relief from the conditions of licensure. In support of his petition for relief Petitioner asserts as follows:

a) That *"the initial complaint against me arose out of my failing to take the time to listen to my patient's school nurse and not communicating adequately with the rest of the healthcare practitioners involved in my patient's care."*

b) That *"I believe my improvement in this area of practice is not only because the disciplinary action necessitated it, but also because I am convinced that it is the right and ethical thing to do."*

c) That *"... I have become much more diligent in my record keeping, in an effort to comply to the best of my ability with the Board disposition as well as improve the overall quality of my patient care in his important area."*

d) That *"... I have complied with the Vermont Board's disposition not only because it is required, but also because I have come to understand that the purpose of this difficult process is to improve my practice of psychiatry and to benefit my patients and the profession as a whole."*

e) That *"I would be immensely appreciative of the Board's consideration of my petition [for relief from conditions] and would be more than willing to cooperate in any way to assist in that process."*

5. On April 9, 2010, the Central Investigative Committee, to which this matter is assigned for monitoring, concurred with Petitioner's petition for relief from conditions. The Committee recommends that the Board terminate all conditions on Petitioner's licensure. The State concurs with that recommendation.

**The State of Vermont** for the reasons set forth above, moves that the Vermont Board of Medical Practice approve Petitioner's petition for relief and enter an order terminating all conditions placed upon his Vermont licensure.

Dated at Montpelier, Vermont, this 5 day of May, 2010.

STATE OF VERMONT  
WILLIAM H. SORRELL  
ATTORNEY GENERAL

by: [Signature]  
TERRY LOVELACE  
Assistant Attorney General

**FOREGOING, AS TO SERGIO H. LUNA, M.D.  
APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE**

With PAC  
with  
my address  
Justice Reps  
Margaret Funk Martin  
John W. Wright  
[Signature]  
Patricia A. [Signature] M.D.

DATED: May 5, 2010  
ENTERED AND EFFECTIVE: May 5, 2010

JSA/STIP/REV VII: SERGIO H. LUNA, M.D. 08/07; Not Approved by BMP Until Executed and Entered Above

Office of the  
ATTORNEY  
GENERAL  
Montpelier,  
Vermont 05609