

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Department of Investigations
Telephone: (504) 568-6820
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12-I-501

IN THE MATTER OF:

MARK RUDOLPH FANTAUZZI, DO
(Certificate No. DO.000113),
Respondent

**STIPULATION AND
AGREEMENT FOR
VOLUNTARY SURRENDER OF
MEDICAL LICENSE**

This *Stipulation and Agreement* is made by Mark Rudolph Fantauzzi, DO, ("Dr. Fantauzzi"), a physician who at all times material to the facts and matters alleged herein was licensed by the Louisiana State Board of Medical Examiners (the "Board") to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. DO.000113.

1. ***Acknowledgment and Stipulations.*** Dr. Fantauzzi hereby acknowledges, stipulates and agrees that:
 - (a) The above-entitled proceeding was docketed for investigation by the Board following the receipt of apparently reliable information which indicated that on October 11, 2011, while under investigation by the United States Drug Enforcement Administration, Dr. Fantauzzi voluntarily surrendered his license to practice osteopathic medicine and surgery in the state of Ohio. The Ohio Medical Board ratified the surrender and permanently revoked Dr. Fantauzzi's license effective November 9, 2011.
 - (b) Such information further indicates that Dr. Fantauzzi has voluntarily surrendered his osteopathic medicine and/or medical licenses, or had such licenses placed on indefinite suspension or revoked, by the licensing authorities of the following states on the dates indicated: Virginia (June 30, 2012); Kentucky (April 27, 2012); Georgia (May 3, 2012); North Carolina (May 4, 2012); and Missouri (May 30, 2012).
 - (c) Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists to charge Dr. Fantauzzi with violation of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. §37:1285A(29).¹

¹ Pursuant to La. Rev. Stat. §37:1285A(29), the Board may revoke, suspend or take other action against the license of a physician as a result of "[T]he refusal of a licensing authority of another state to issue or renew a license,

- (d) Without admitting the accuracy of the information described hereinabove or any violation of the Act, as evidenced by his subscription hereto Dr. Fantauzzi, nonetheless, acknowledges that the reported information could provide the Investigating Officer with probable cause to pursue formal administrative proceedings against right to seek the renewal or reinstatement of his license ("license") for violation of the Act, La. Rev. Stat. §§37:1285(A)(29) and, further, that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension, revocation or imposition of such other terms, conditions or restrictions on his license to practice medicine in the state of Louisiana as the Board might deem appropriate.
- (e) By law, pursuant to the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1261, et seq., and the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, et seq., Dr. Fantauzzi would be entitled, prior to final disciplinary action against his medical license, to have notice of the allegations and charges asserted against him and to administrative adjudication of such charges, pursuant to La. Rev. Stat. §§49:951 et seq. At such hearing, Dr. Fantauzzi would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf 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.*

2. ***Voluntary Surrender of License.*** Notwithstanding his right to notice of formal charges, administrative hearing and a decision thereon, as provided by La. Rev. Stat. §§49:951 *et seq.*, 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. Fantauzzi, nonetheless, hereby waives his right to notice of charges and formal adjudication and voluntarily surrenders to the Board for cancellation of his license to practice medicine in this state, as evidenced by Certificate No. DO.000113. By his subscription hereto, Dr. Fantauzzi also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Stipulation to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960.

3. ***Effect of Voluntary Surrender of License.*** Dr. Fantauzzi acknowledges, stipulates and agrees that the voluntary surrender of his medical license effected hereby in the presence of an administrative investigation shall have and shall be deemed by the Board to have, the same effect as if the Board had entered an order of suspension upon the conclusion of formal administrative proceedings.

permit, or certificate to practice medicine in that state or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate.'

4. ***Termination of Proceedings.*** By the voluntary surrender of his medical license, and the attendant dismissal of the investigation occasioned hereby, Dr. Fantauzzi, moreover, acknowledges, stipulates and agrees that he hereby 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.

5. ***Advice of Counsel.*** Dr. Fantauzzi acknowledges that he has had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation and that all of the terms, conditions, restrictions and limitations contained herein have been explained to him and/or that he fully understands them.

6. ***Public Record.*** Dr. Fantauzzi acknowledges, stipulates, and agrees that this Stipulation and Agreement for Voluntary Surrender of Medical License shall be and shall be deemed to be a public record.

*Stipulation and Agreement
Follow on Next Page*

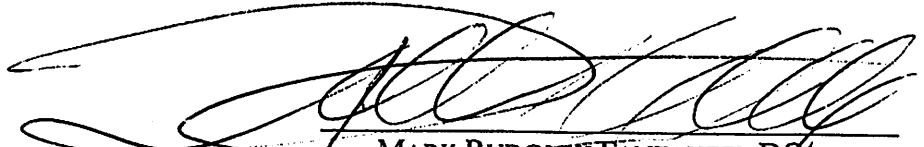
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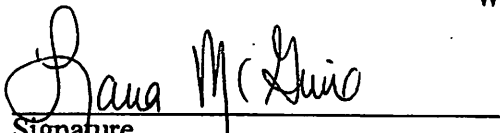
STIPULATION
AND AGREEMENT

See Stipulation

I, MARK RUDOLPH FANTAUZZI, DO, hereby acknowledge, approve, accept, stipulate, agree
and consent to entry of the above and foregoing this 08 day of 08, 2012.


MARK RUDOLPH FANTAUZZI, DO

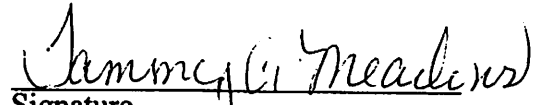
WITNESSES


Signature

Laura McGuire
Typed Name

110 Island Rd. P.O. Box 610
Address

Circleville OH 43113
City/State/Zip Code

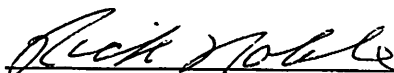

Signature

Tammy A. Meadows
Typed Name

110 Island Rd P.O. Box 610
Address

Circleville, OH 43113
City/State/Zip Code

Sworn to and subscribed before me at Circleville ^{Pittaway} ~~county~~, ^{Ohio} ~~Louisiana~~, this 8th day
of August, 2012, in the presence of the two stated witnesses.



Notary Public
(Signature and Seal)

RICKY D. NOBLE
Notary Public, State of Ohio
My Commission Does Not Expire
R.C. Sec. 147.03

Rick Noble

Printed Name/Notary #

RICKY D. NOBLE
Notary Public, State of Ohio
My Commission Does Not Expire
R.C. Sec. 147.03


* See prior notes: N&S

ACCEPTANCE

CONSIDERING THE ABOVE AND FOREGOING, the Stipulation and Agreement for Voluntary Surrender of Medical License is hereby **APPROVED AND ACCEPTED** by the Louisiana State Board of Medical Examiners, this 17th day of September, 2012, effective immediately.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY:


MELVIN G. BOURGEOIS, M.D.
PRESIDENT