

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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: **No. 12-I-248**
In The Matter Of :
: **STIPULATION AND**
WILLIAM FRANKLIN YOST, M.D. : **AGREEMENT FOR**
(Certificate No. MD.11730R), : **VOLUNTARY SURRENDER**
: **OF MEDICAL LICENSE**
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This *Stipulation and Agreement* is made by William Franklin Yost, M.D. ("Dr. Yost"), a physician who at all times material to the facts and matters alleged herein is 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. MD.11730R.

1. *Acknowledgment and Stipulations.* Dr. Yost 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 Dr. Yost had engaged in a pattern of practice that violated the Board's Pain Management Rules.¹
- (b) As part of the investigation, Dr. Yost met with the Board's Director of Investigations. Dr. Yost represented to the Director of Investigations that he was going to terminate his practice in pain management and requested time to transfer his patients to other providers. Thereafter, it was discovered that Dr. Yost did not transfer his patients to other providers, but rather moved his office to the state of Mississippi and continued the same questionable practice.

¹ Controlled Substances Used in the Treatment of Noncancer-related Chronic or Intractable Pain, 46 La. Adm. Code §§ 45:6915-6923 (June 1997), amended (April 2000).

- (c) Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter determined that reasonable cause existed such that a formal Administrative Complaint could be filed against Dr. Yost, charging him with a violation of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. §37:1285A(6), (13) and (30).²
- (d) Without admitting the accuracy of the information described hereinabove or any violation of the Act, as evidenced by his subscription hereto, Dr. Yost, nonetheless, acknowledges that the reported information could provide the Investigating Officer with probable cause to pursue formal administrative proceedings against him for violation of the Act, La. Rev. Stat. §§37:1285(A)(6), (13), and (30), 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. Yost 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. Yost 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, and in lieu of the prosecution of formal administrative proceedings, Dr. Yost hereby voluntarily surrenders to the Board for cancellation his license to practice medicine in the state of Louisiana, as evidenced by Certificate No. MD.11730R. By his subscription hereto, Dr. Yost 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. Yost 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

² The Board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued under this Part for the following causes: (6) [p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefore or in other that legal or legitimate manner; ...(13) [u]nprofessional conduct ... (30) [v]iolation of any rules and regulations of the board, or any provisions of this Part.

as if the Board had entered an order of revocation upon the conclusion of formal administrative proceedings. Additionally, Dr. Yost acknowledges, stipulates and agrees that as a result of the voluntarily surrender of Dr. Yost/s medical license effected hereby that reinstatement of his license to practice medicine in the state of Louisiana shall be at the sole discretion of the Board and upon whatever probationary terms, conditions and restrictions that it may then determine to be appropriate. In addition, Dr. Yost acknowledges, stipulates and agrees that no request for reinstatement shall considered by the Board until and unless the passage of five (5) years from the effective date of this Order and Dr. Yost has: (1) demonstrated clinical competency through assessment at a program or facility approved by the Board and successfully completed any recommended remediation or training; and (2) scheduled and met with the Investigating Officer to discuss his then-current status and plans.

4. *Termination of Proceedings.* By the voluntary surrender of his medical license, and the attendant dismissal of the investigation occasioned hereby, Dr. Yost, 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. Yost 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. Yost 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

STIPULATION
AND AGREEMENT

I, William Franklin Yost, M.D., hereby acknowledge, approve, accept, stipulate, agree and consent to entry of the above and foregoing this 19 day of NOV., 2012.

William Franklin Yost
William Franklin Yost, M.D.

WITNESSES:

Jean Hummel
Signature

Jean Hummel
Typed Name

724 E. BOSTON
Address

COVINGTON LA 70433
City/State/Zip Code

Judy Sauer
Signature

Judy Sauer
Typed Name

724 E. BOSTON
Address

COVINGTON LA 70433
City/State/Zip Code

Sworn to and subscribed before me at COVINGTON, Louisiana, this 19 day of NOV., 2012, in the presence of the two stated witnesses.

Paul A. Lea, Jr.
Notary Public (signature and seal)

PAUL A. LEA, JR. 18637
Printed Name/Notary #

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 3rd day of December, 2012, effective immediately.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY:



Melvin G. Bourgeois, M.D.,
President