

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.la.gov



Department of Investigations
Telephone: (504) 568-6820
FAX: (504) 568-5754

09-I-866

IN THE MATTER OF:

BALEN GREGORY KIMBALL, M.D.
(Certificate No. 015410),
Respondent

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

This **STIPULATION AND AGREEMENT** is made and executed by Baylen Gregory Kimball, M.D. ("Dr. Kimball") a physician who at all times pertinent, 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. 015410.

1. Acknowledgment and Stipulations. Dr. Kimball hereby acknowledges, stipulates and agrees that:

(a) An investigation of the practice of Baylen Gregory Kimball, M.D. ("Dr. Kimball")¹ was undertaken by the Board, through the Director of Investigations ("DOI"), following the receipt of several complaints concerning improper or excessive prescribing of controlled substances and information concerning the overdose deaths of two of his patients. The Board's review of pharmacy reports and medical records disclosed that Dr. Kimball's prescribing practices and method of record-keeping was inconsistent with the Louisiana Medical Practice Act and the Board's "Pain Management Rules".

(b) The Board's Director of Investigations ("DOI") met with Dr. Kimball in July 2013 at which time Dr. Kimball was made aware of the alleged violations of the Medical Practice Act and the Pain Management Rules. Dr. Kimball maintained that his record keeping was in compliance with the Board's Pain Rules, and stated that it was his intent to retire from the practice of medicine. Accordingly, he began closing his pain management practice by weaning

¹ Dr. Kimball, currently 62 years of age, received his medical degree from LSU School of Medicine, New Orleans, Louisiana in 1979 and completed a residency in Anesthesiology at Charity Hospital, New Orleans in 1983. He became licensed by the Louisiana State Board of Medical Examiners in 1980. Dr. Kimball has engaged in the practice of pain management since 2006 in Lafayette, Louisiana.

some of the patients from their medications and referring other patients for ongoing treatment. His last day of practice will be October 31, 2013. Dr. Kimball also agreed to not renew his DEA registration when it expired at the end of 2013.

(c) Without admitting the accuracy of the information described hereinabove or any violation of the Act, as evidenced by his subscription hereto, Dr. Kimball, 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)¹, 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.

(d) 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. Kimball 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. Kimball 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. Reimbursement of Expenses. In addition to the Surrender of his Medical License, Dr. Kimball agrees to reimburse the Board for its administrative expenses involved with the investigation of his medical practice, including the preparation of the Draft Complaint, in the amount of five thousand dollars (\$5,000.00). Dr. Kimball will pay this amount to the Board within ninety (90) days of the Board's acceptance of this agreement.

3. 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 light of Dr. Kimball's desire to retire from the practice of medicine, in lieu of the prosecution of formal administrative proceedings, Dr. Kimball hereby voluntarily surrenders to the Board his license to practice medicine in the state of Louisiana, as evidenced by Certificate No. MD.015410. By his subscription hereto, Dr. Kimball 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.

¹ (6) Prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner;

(13) Unprofessional conduct;

(30) Violation of any rules and regulations of the board, or any provisions of this Part.

4. ***Effect of Voluntary Surrender of License.*** Although Dr. Kimball intends to retire from the practice of medicine and acknowledges that the surrender of his medical license and the Board's acceptance of this agreement will terminate his ability to practice medicine in Louisiana as of the effective date of this agreement; Dr. Kimball enters this agreement on the condition that the surrender of his medical license does not result in the permanent cancellation of his medical license. Dr. Kimball further stipulates and agrees that in the event he should apply for reinstatement or renewal of his medical license, any such application shall be subject to all rules and regulations of the Board and 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. Kimball acknowledges, stipulates and agrees that no request for reinstatement shall be considered by the Board until and unless the passage of three (3) years from the effective date of this Order and Dr. Kimball has: (1) demonstrated clinical competency through assessment at a program or facility approved by the Board and successfully completed any recommended remediation or training; (2) completed a comprehensive medical/psychiatric evaluation and be deemed competent to resume the practice of medicine and (3) scheduled and met with the Investigating Officer to discuss his then-current status and plans.

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

6. ***Advice of Counsel.*** Dr. Kimball 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.

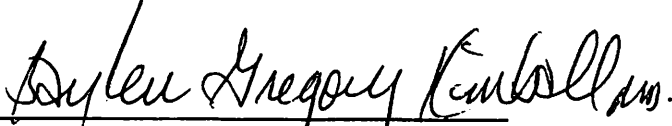
7. ***Public Record.*** Dr. Kimball acknowledges, stipulates and agrees that this Stipulation and Agreement for Voluntary Surrender of Medical License shall be and shall be deemed to be a Public Record.

**STIPULATION
AND AGREEMENT**

STATE OF LOUISIANA

PARISH OF LAFAYETTE

I, BAYLEN GREGORY KIMBALL, M.D., hereby acknowledge, approve, accept, stipulate,
agree and consent to entry of the above and foregoing, this 11th day of October, 2013..


BAYLEN GRGEORY KIMBALL, M.D.

WITNESSES:


Signature

Christy Cornuz
Printed Name

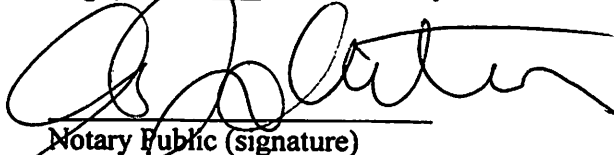
200 Corporate Blvd, Lf, LA 70008
Address


Signature

Benjamin Cairnes
Printed Name

200 Corporate Blvd, Lafayette, LA 70508
Address

Sworn to and subscribed before me at Lafayette, Louisiana, this 11th day of
October, 2013, in the presence of the two stated witnesses.


Notary Public (signature)

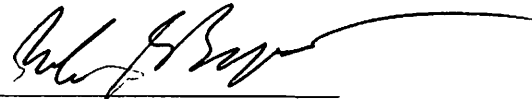
Christopher C. Johnston
Printed Name/Notary # (14403)

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 9th day of December 2013.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By:



MELVIN G. BOURGEOIS, M.D.

President