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| | : | No. 94-I-052 |
| In The Matter Of | : | |
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| EDWARD W. A. OCHSNER, JR., M.D. | : | STIPULATION AND |
| (Certificate No. 006002), | : | AGREEMENT FOR |
| | : | VOLUNTARY SURRENDER |
| | : | OF MEDICAL LICENSE |
| ----- | X | _____ |

THIS STIPULATION AND AGREEMENT is made and executed by Edward William A. Ochsner, Jr., M.D. ("Dr. Ochsner"), a physician licensed as of the date hereof to practice medicine in the state of Louisiana,¹ with and in favor of the Louisiana State Board of Medical Examiners (the "Board").

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

(a) An investigation was conducted on behalf of the Louisiana State Board of Medical Examiners, through its Investigating Officer, John B. Bobear, M.D., indicating to the satisfaction of Dr. Bobear that sufficient cause exists for further inquiry and investigation into the prescribing practices of Dr. Ochsner, particularly with respect to his prescriptions for narcotic analgesics, analgesics, benzodiazepines and medication employed in the treatment of obesity, all of which are controlled dangerous substances, conceivably resulting in charges against the license of Dr. Ochsner under the Louisiana Medical Practice Act.²

¹Dr. Ochsner has advised the Investigating Officer that he had plan to retire from the practice of medicine in November, 1994 upon his 70th birthday.

²La. Rev. Stat. §§ 37:1285A(6), (14) and (12) provide , respectively, that the Board may take action against the license of a physician as the result of "[p]rescribing, dispensing, or administering habit-forming or other legally controlled substances in other than a legal or legitimate manner;" "[c]ontinuing and recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state;" and "[p]rofessional and medical incompetency."

(b) Pursuant to the Louisiana Medical Practice Act and the Louisiana Administrative Procedure Act, Dr. Ochsner 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. §§49:955-958. At such hearing, Dr. Ochsner would be entitled to be represented by legal counsel, to call witnesses and 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. §§49:955-965.

2. *Voluntary Surrender of License.* Without admitting the accuracy of the information received by the Investigating Officer in his investigation and, notwithstanding his right to notice of formal charges, administrative hearing and a decision thereon, as provided by La. Rev. Stat. §49:955, in recognition of the stipulations set forth herein above toward final disposition of the investigation now pending in this matter and in lieu of the institution and prosecution of formal administrative proceedings, Dr. Ochsner, nonetheless, hereby waives his right to notice of charges and formal adjudication and hereby voluntarily surrenders to the Board, for cancellation, his license to practice medicine in the state of Louisiana, as evidenced by Certificate No. 006002. By his subscription hereto, Dr. Ochsner also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or his legal counsel assisting him in that capacity, to present this Stipulation and Agreement for Voluntary Surrender of Medical License 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. Ochsner 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 revocation upon the conclusion of formal administrative proceedings. Dr. Ochsner further acknowledges, stipulates and agrees that as a result of the voluntary surrender of his medical license effected hereby he shall not have any right or entitlement to reinstatement or renewal of his license to practice medicine in the state of Louisiana nor shall he hereafter be entitled to apply for or otherwise attempt to obtain any original, reinstated or renewal license to practice medicine in the state of Louisiana.

4. *Termination of Proceedings.* By the voluntary surrender of his medical license, and the attendant dismissal of the investigation occasioned hereby, Dr. Ochsner, moreover, acknowledges, stipulates and agrees that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Practice Act or to 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 relating to the matters referred to herein.

5. *Public Record.* Dr. Ochsner 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.

In the Matter of
Edward Wm. A. Ochsner, Jr., M.D.
Stipulation and Agreement for Voluntary
Surrender of Medical Licensure

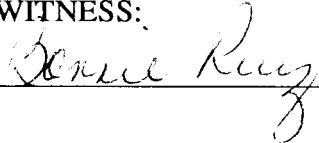
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STIPULATION, ACKNOWLEDGMENT AND AGREEMENT

I, EDWARD WILLIAM A. OCHSNER, JR., M.D., hereby acknowledge, approve, accept, stipulate, agree and consent to entry of the above and foregoing this 6 day of September, 1994.


EDWARD WILLIAM A. OCHSNER, JR., M.D.

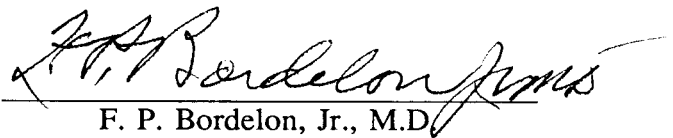
WITNESS:



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 21st day of September, 1994.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: 
F. P. Bordelon, Jr., M.D.
President

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