

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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11-I-111

IN THE MATTER OF:

JOSEPH JOHN MOGAN, M.D.
(Certificate No. 022700),
Respondent

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

This *Stipulation and Agreement* is made by Joseph John Mogan, M.D. ("Dr. Mogan"), a physician licensed as of the date hereof to practice medicine in the state of Louisiana, with and in favor of the Louisiana State Board of Medical Examiners (the "Board").

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

- (a) An investigation was conducted on behalf of the Board, through its Investigating Officer upon receipt of information indicating that on February 24, 2014, Dr. Mogan was indicted on federal charges of drug trafficking and prescribing controlled substances without appropriate medical justification or in an illegitimate manner. These charges arose out of his medical practice at the Omni Pain Management Clinic.
- (b) Based on the information gathered thus far in the investigation it appears to the Investigating Officer that sufficient cause exists to charge Dr. Mogan with violations of the Louisiana Medical Practice Act.¹ Should Dr. Mogan pled or be found guilty of these charges, there would be a basis to charge him with additional violations of the Louisiana Medical Practice Act.²
- (c) Should formal charges result from the investigation then, pursuant to the Louisiana Medical Practice Act and the Louisiana Administrative Procedure Act, Dr. Mogan would be entitled, prior to final disciplinary action against his medical license, to have

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;

² (1) Conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States.

(2) Conviction of a crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of medicine;

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. Mogan 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 her investigation and, notwithstanding her 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 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. Mogan, 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. 022700. By his subscription hereto, Dr. Mogan also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or her legal counsel assisting her 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. Mogan 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. Mogan 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. Mogan, moreover, acknowledges, stipulates and agrees that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure 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. *Advice of Counsel.* Dr. Mogan 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. Mogan 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**

I, JOSEPH JOHN MOGAN, M.D., hereby acknowledge, approve, accept, stipulate, agree and consent to entry of the above and foregoing this 26th day of June, 2014.



JOSEPH JOHN MOGAN, M.D.

WITNESSES:



Signature

Ronald Jones

Typed Name

8936 Olive St.

Address



Signature

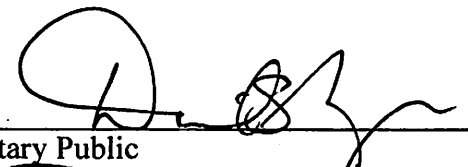
WALTER WILLIAMS

Typed Name

7641 Means

Address

Sworn to and subscribed before me at New Orleans Louisiana, this 26 day of June
2014, 2007, in the presence of the two stated witnesses.



Notary Public

DAVID S. MAYER, Notary # 88413

Printed Name/Notary #

ACCEPTANCE

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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 2nd day of July, 2014, **effective** immediately.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: 

MARK H. DAWSON, M.D.
President