

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In the Matter of:

No. 16-I-118

ROBERT DALE BERNAUER, M.D.
(Certificate No. 04478R),
Respondent

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

This *Stipulation and Agreement* is made by Robert Dale Bernauer, M.D. ("Dr. Bernauer"), a physician who at all times material to the facts and matters alleged herein was engaged in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 04478R.

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

(a) In May 2016, the Board received information that Dr. Bernauer may be prescribing in a manner that violates the Board's pain rules and may be receiving financial incentives based upon prescriptions for compounded medications. The Board then initiated a formal investigation to determine if sufficient information and evidence existed to indicate a violation of the Louisiana Medical Practice Act or the Board's Rules.¹

(b) If true, lawful cause would exist for the revocation or suspension of Respondent's license to practice medicine in the State of Louisiana, or for the imposition of such other terms, restrictions or conditions as the Board may determine to be appropriate pursuant to La. Rev. Stat. §§37:1285A(6), (13), (14), (19), (30).²

¹ *Correspondence* La. St. Bd. of Med. Exam. to Dr. Robert Bernauer (May 13, 2016).

² Pursuant to the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285A, the Board may deny or take action against the license of a physician as the result of: (6) "[p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefore on in other than a legal or legitimate manner;" (13) "[u]nprofessional conduct;" (14) "[m]edical incompetency;" (19) "[s]oliciting, accepting, or receiving anything of economic value in return for and based on the referral of patients to another person, firm, or in return for the prescription of medications or medical devices;" (30) "[v]iolation of any rules and regulations of the board, or any provisions of this Part."

(c) 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. Bernauer 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. Bernauer 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 Agreement For Surrender and Non-Renewal of Medical 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. Bernauer, nonetheless, hereby waives his right to notice of charges and formal adjudication and voluntarily agrees to the surrender and non-renewal of his medical license to practice medicine in this state, as evidenced by Certificate No. 04478R, upon its expiration on November 30, 2016. By his subscription hereto, Dr. Bernauer 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 Agreement* Dr. Bernauer acknowledges, stipulates and agrees that that as a result of this voluntary agreement to surrender and non-renewal of his medical license effected hereby he shall not have any right to reinstatement or renewal of his license to practice medicine in the state of Louisiana, nor shall he apply for or otherwise attempt to obtain any original, reinstated or renewed license to practice medicine in this state.

4. *Termination of Proceedings.* By his voluntary agreement to surrender and non-renewal of his medical license, and the attendant dismissal of the investigation occasioned hereby, Dr. Bernauer, 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. Bernauer 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. Bernauer 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.

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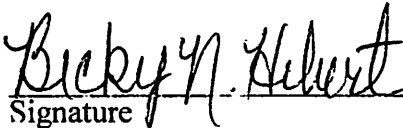
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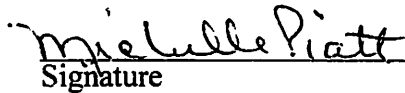
**STIPULATION
AND AGREEMENT**

I, ROBERT DALE BERNAUER, M.D., hereby acknowledge, approve, accept, stipulate,
agree and consent to entry of the above and foregoing this 7 day of November 2016
2016.


ROBERT DALE BERNAUER, M.D.

WITNESSES:


Signature


Signature

Becky N. Hebert
Typed Name

Michelle Piatt
Typed Name

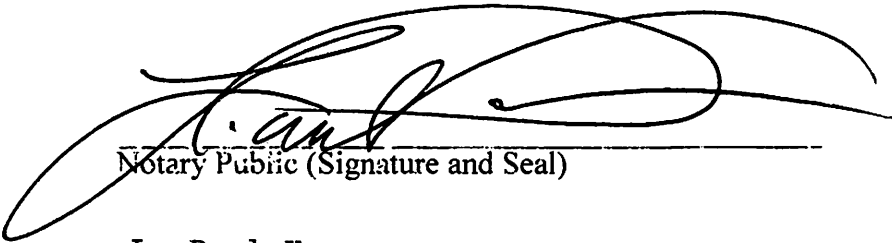
1011 Lakeshore Dr., Ste. 500
Address

1011 Lakeshore Dr., Ste. 500
Address

Lake Charles, LA 70601
City/State/Zip Code

Lake Charles, LA 70601
City/State/Zip Code

Sworn to and subscribed before me at Lake Charles, Louisiana, this 7th day
of November, 2016, in the presence of the two stated witnesses.


Notary Public (Signature and Seal)

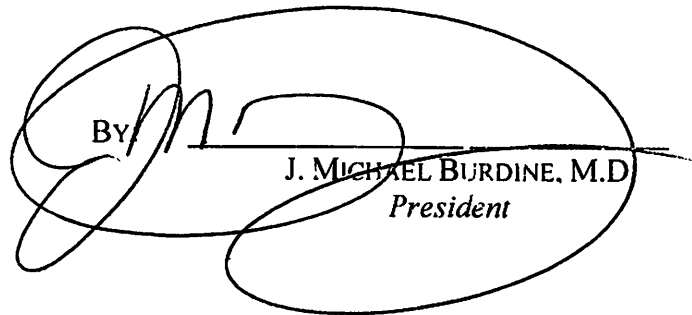
L. Paul Foreman
Printed Name

29655/01366
Notary/Bar No.

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 5th day of DECEMBER, 2016, effective immediately.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY  J. MICHAEL BURDINE, M.D.
President