

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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(504) _____

	X	
	:	
In The Matter Of:	:	No. 19-1-700
	:	
BENJAMIN MARION STAGE, M.D.	:	STIPULATION AND AGREEMENT
<i>(Certificate No. MD. 012235),</i>	:	FOR VOLUNTARY SURRENDER
	:	OF MEDICAL LICENSE
	:	_____
<i>Respondent.</i>	:	
	:	
	:	
	X	

This Stipulation and Agreement is made by Benjamin Marion Stage, M.D. ("Dr. Stage"), a physician licensed as of the date hereof to practice medicine in the State of Louisiana, and at all times pertinent engaged in practice in the State of Louisiana, with and in favor of the Louisiana State Board of Medical Examiners (the "Board").

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

(a) On August 15, 2019, Dr. Stage received a letter from the Board indicating that it had received a complaint from the Louisiana Board of Pharmacy indicating his Louisiana CDS had been inactivated due to the voluntary surrender of his DEA and an arrest for allegedly illegally prescribing CDS.

(b) This same letter offered Dr. Stage an opportunity to voluntarily withdraw his Therapeutic Marijuana and Dispensing Registration and if he did not, the Board would proceed with an administrative action.

(c) In response to the request to voluntarily withdraw his Marijuana and Dispensing Registration, Dr. Stage issued a letter to the Board dated August 28, 2019, stating he had closed his medical practice and voluntarily surrendered his medical license, effective August 31, 2019. This letter also indicated his understanding that the voluntary surrender of his license would also cease his permit and authority to prescribe marijuana for therapeutic use.

(d) Investigation of the captioned matter was commenced by the Director of Investigations for the Board, whose review and analysis confirmed to his

satisfaction that just cause exists for commencement of an Investigation, which may lead to the filing of an Administrative Complaint charging Dr. Stage with violations of the Louisiana Medical Practice Act (the "Act"), La. Rev. Stat. §37:1285 A(6), (13) and (30).¹

(e) 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. Stage 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. Stage would be entitled to be represented by legal counsel, to have those charges proved against by evidence, to appear and confront adverse witnesses, to call witnesses and present evidence on his own behalf in defense or in mitigation of the charges made, 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, and to any other right to which he may be afforded by the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et. seq.*, or otherwise.

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 toward final disposition of the investigation now pending in this matter and in lieu of the institution and prosecution of formal administrative proceedings, Dr. Stage hereby waives his right to notice of charges and formal adjudication and confirms his voluntarily surrender to the Board, for cancellation, of his license to practice medicine in the State of Louisiana, as evidenced by Certificate No. MD 012235. By his subscription hereto, Dr. Stage also hereby authorizes the Investigating Officer designated by the Board with respect hereto 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. Stage acknowledges, stipulates and agrees that as a result of the voluntary surrender of his medical license confirmed and affected 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 renewed license to practice medicine in the State of Louisiana.

¹ The Board may take action against the license of a physician as a result of La. Rev. Stat. §37:1285A:(6) 'Prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification thereof or in other than a legal or legitimate manner.' (13) Unprofessional conduct. Including but not limited to . . . 'failure to maintain medical records'; (30) 'Violation of any rules and regulations of the board, or any provisions of this Part.' See also, LAC 46:XLV.7603.A.11, which defines unprofessional conduct as including prescribing controlled substances to one's self or one's immediate family members except in case of emergency.

4. **Termination of Proceedings.** By the voluntary surrender of his medical license, and the attendant dismissal of the investigation occasioned hereby, Dr. Stage, 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 to which otherwise may be afforded to him by any law, to contest his agreement to, or the force and effect of this document in any court or other forum relating to the stipulations, agreements, acknowledgments and other matters referred to herein.

5. **Advice of Counsel.** Dr. Stage 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. Stage 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
Follows*

**STIPULATION
AND AGREEMENT**

STATE OF Louisiana
PARISH/COUNTY OF Orleans

I, BENJAMIN MARION STAGE, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation and Agreement for Voluntary Surrender of Medical License and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 23rd day of December, 2019.

Benjamin Marion Stage
BENJAMIN MARION STAGE, M.D.

WITNESSES:

Deborah M. Kearney
Signature

Shannon Riera
Signature

DEBORAH M. KEARNEY
Printed Name

Shannon Riera
Printed Name

614 Tchoupitoulas St.
Address New Orleans, LA 70130

614 Tchoupitoulas St.
Address New Orleans, LA 70130

Sworn to me and subscribed before me at (City) New Orleans,
(State) Louisiana, this 23rd day of December, 2019,
in the presence of the two stated witnesses.

Kathleen L. DeBruhl
Notary Public (Signature and Seal)

Kathleen L. DeBruhl
Printed Name

KATHLEEN L. DEBRUHL
ATTORNEY AT LAW, NOTARY PUBLIC
State of Louisiana
My Commission is issued for Life

1917
Notary or Bar Number (or Stamp)

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, at New Orleans, Louisiana on this 27th day of Jan, 2020.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: _____


**Roderick V. Clark, MD, MBA
President**