

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
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BEFORE THE
LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

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Writers Direct Dial

(504) _____

IN THE MATTER OF:

No. 2021-I-122 c/w
2020-I-558

KEITH CHI CHUNG, M.D.
(Credential No. MD.022117),
Respondent

STIPULATION AND AGREEMENT FOR
VOLUNTARY SURRENDER OF MEDICAL
LICENSE

This *Stipulation and Agreement* is made by Keith Chi Chung, M.D. ("Dr. Chung"), a physician who was licensed and engaged in the practice of general surgery in and around Lake Charles, Louisiana, with the Louisiana State Board of Medical Examiners (the "Board").

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

- (a) An investigation was initiated by the Board after receipt of a report from the Patient's Compensation Fund ("PCF") indicating that, within the past calendar year, it had settled five medical malpractice cases filed against Dr. Chung relating to his surgical practice. The PCF's report further indicated that seven other medical malpractice cases against Dr. Chung were pending.¹
- (b) Additionally, the Board had previously received a complaint concerning one of Dr. Chung's surgical patients who had experienced severe post-surgical complications.²
- (c) Based on reports provided to the Board through the National Practitioner Data Bank, in the past two years, six malpractice settlements were paid in cases against Dr. Chung by the PCF and through private insurance, collectively totaling over \$9.2 million.
- (d) Investigation of the captioned matters was assigned to the Director of Investigations (the "Investigating Officer") for the Board. After opening a preliminary review, the Board subsequently obtained information indicating that the PCF had settled another medical malpractice case filed against Dr. Chung, at which time the Investigating Officer opened a formal investigation.

¹ This complaint corresponds with Case No. 2021-122.

² This complaint corresponds with Case No. 2020-558.

- (e) The Investigating Officer's review confirmed that just cause would exist for recommending that a formal Administrative Complaint be filed charging Dr. Chung with violations of La. R.S. 37:1285(A)(14).³
- (f) Throughout this administrative process, however, Dr. Chung has cooperated with the Investigating Officer, including by providing the Board with written explanations of the circumstances of the malpractice claims against him and the complaint regarding post-surgical complications.
- (g) Although formal charges have not yet been filed, Dr. Chung has stated his intention to retire from the practice of medicine and that he has no further desire to retain a medical license or otherwise practice medicine in Louisiana. Accordingly, without admitting to the allegations raised in the preliminary review and formal investigation, he would prefer to resolve these proceedings through a stipulation for voluntary surrender of his medical license rather than undertaking an administrative hearing.
- (h) In recognition of Dr. Chung's cooperativeness throughout these administrative proceedings, the Investigating Officer concurs that Dr. Chung should be permitted to voluntarily surrender his license without further sanction.
- (h) Pursuant to the Louisiana Medical Practice Act, La. R.S. 37:1261 *et. seq.*, and the Louisiana Administrative Procedure Act, La. R.S. 49:951 *et. seq.*, Dr. Chung would be entitled, prior to final disciplinary action against his medical license, to an administrative adjudication of such charges, pursuant to La. R.S. 49:955–958. At such hearing, Dr. Chung would be entitled to be represented by legal counsel, to have those charges proved against him 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. R.S. 49:958, and to any other right to which he may be afforded by the Louisiana Administrative Procedure Act, La. R.S. 49:951 *et seq.* or otherwise.

2. ***Voluntary Surrender of License.*** Notwithstanding his right to an administrative hearing and a decision thereon, as provided by La. R.S. 49:951 *et. seq.*, in recognition of the stipulations set forth hereinabove toward final disposition of the pending formal investigations, Dr. Chung, nonetheless, acknowledges the substantial accuracy of the foregoing information and hereby waives his right to formal adjudication and voluntarily surrenders to the Board for

³ Under La. R.S. 37:1285(A)(14), the Board may take action against the license of a physician based on “[m]edical incompetency, including but not limited to, incompetency manifested by continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state.”

cancellation his license to practice medicine in the state of Louisiana, as evidenced by Certificate No. MD.022117. By his subscription hereto, Dr. Chung 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. R.S. 49:960.

3. *Effect of Voluntary Surrender of License.* Dr. Chung acknowledges, stipulates and agrees that the voluntary surrender of his medical license affected 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. Further, Dr. Chung acknowledges, stipulates and agrees that reinstatement of such license 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. Chung acknowledges, stipulates and agrees that no request for reinstatement shall be considered by the Board until and unless he has: (i) attended a meeting at the Board office with the Director of Investigations; (ii) successfully completed all recommendations by the Director of Investigations to demonstrate to the Board that he is competent to return to the practice of medicine with reasonable skill and safety; and (iii) otherwise complied with all applicable statutory and regulatory requirements for the reinstatement of an expired license. *See, e.g.,* La. R.S. 37:1280; 37:1281(A)(3)(c); La. Admin. Code tit. 46, Pt. XLV, § 419.

4. *Termination of Proceedings.* By the voluntary surrender of his medical license, and the attendant dismissal of the proceedings occasioned hereby Dr. Chung, 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. R.S. 49:951 *et. seq.* or 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. Chung acknowledges that he has 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 the terms, conditions, restrictions and limitations contained herein have been explained to him and/or that he fully understands them.

6. *Public Record.* Dr. Chung 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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In the Matter of:
Keith Chi Chung, M.D.

STIPULATION AND AGREEMENT FOR VOLUNTARY
SURRENDER OF MEDICAL LICENSE

**STIPULATION
AND AGREEMENT**

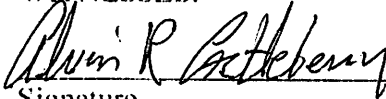
STATE OF LOUISIANA
PARISH OF Cadichon

I, KEITH CHI CHUNG, 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 Stipulation and Agreement without duress and of my own free will and accord, this 15 day of March, 2022.



KEITH CHI CHUNG, M.D.

WITNESSES:



Signature

Alvin R Castleberry

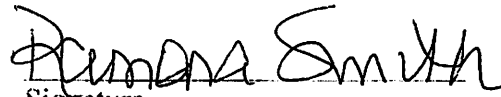
Typed Name

5824 Dundee St

Street Address

Lake Charles, LA 70605

City/State/Zip Code



Signature

Ramona Smith

Typed Name

1530-5 L'Acadie Dr.

Street Address

Lake Charles LA 70605

City/State/Zip Code

Sworn to and subscribed before me
this 15th day of March, 2022
in the presence of the two stated
witnesses



Notary Public (Signature)

Name: Gerald F. Arceneaux

Notary/Bar No.: 192428366

Commission expires: AT DEATH

Gerald F. Arceneaux
NOTARY PUBLIC
State of Louisiana
Notary Number: 28866

Gerald F. Arceneaux
NOTARY PUBLIC
State of Louisiana
Notary Number: 28866

Notary Public for life.

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 25th day of April, 2022.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: _____


LESTER W. JOHNSON, M.D.
President