

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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**BEFORE THE
LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

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No. 2021-1277

IN THE MATTER OF:

DAGOBERTO J. RODRIGUEZ, M.D.
(Credential No. MD.321266),
Respondent

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

This *Stipulation and Agreement* is made by Dagoberto J. Rodriguez, M.D. ("Dr. Rodriguez"), a physician who was licensed to practice medicine in Louisiana, by the Louisiana State Board of Medical Examiners (the "Board").

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

- (a) Dr. Rodriguez is a resident of Florida.
- (b) The Board initiated a preliminary review upon its receipt of information that Dr. Rodriguez had signed a stipulated order with the State of Oregon agreeing to (1) withdraw his application for licensure in Oregon, and (2) refrain from ever reapplying for licensure in Oregon.
- (c) The preliminary review was assigned to Dr. Lawrence H. Cresswell, D.O., J.D., Director of Investigations (the "Investigating Officer"). The Investigating Officer requested that Dr. Rodriguez provide (1) a detailed written explanation addressing the stipulation with Oregon; (2) any other additional related records or evidence; and (3) complete certified copies of medical records for certain Louisiana patients.
- (d) Upon review of Dr. Rodriguez's response and the medical records provided, the Investigating Officer alleges that:
 - i. Dr. Rodriguez's stipulated order with the State of Oregon was based on his unlicensed and unpermitted practice of telemedicine within Oregon.
 - ii. Dr. Rodriguez had similarly practiced telemedicine in Louisiana without a license or permit prior to obtaining his Louisiana medical license in 2019.
 - iii. On his 2021 license renewal application, Dr. Rodriguez failed to disclose (a) the Oregon investigation, and (b) that he was practicing telemedicine in Louisiana.

- (e) The Investigating Officer's review confirmed that just cause would exist for recommending that a formal Administrative Complaint be filed charging Dr. Rodriguez with violations of La. R.S. 37:1285(A)(29), and (30).¹
- (f) Dr. Rodriguez has cooperated with the Investigating Officer, including by (1) providing the Board with a written explanation of the facts giving rise to the Oregon investigation, (2) providing medical records of Louisiana patients, and (3) attending a meeting with the Investigating Officer. Having been advised of these violations of the Louisiana Medical Practice Act, Dr. Rodriguez has informed the Board that he no longer wishes to practice medicine in Louisiana and would prefer to resolve these proceedings through a stipulation for voluntary surrender of his medical license in this state rather than undertaking an administrative hearing.
- (g) The Investigating Officer concurs that Dr. Rodriguez should be permitted to voluntarily surrender his license based on the State of Oregon's action against his professional license.
- (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. Rodriguez 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. Rodriguez 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 preliminary review, Dr. Rodriguez, nonetheless, acknowledges the substantial accuracy of the foregoing information and hereby waives his right to formal adjudication and voluntarily surrenders to the Board for cancellation his license to practice medicine in the state of Louisiana, as evidenced by Certificate No. MD.321266. By his subscription hereto, Dr. Rodriguez 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

¹ Under La. R.S. 37:1285(A), the Board may take action against a physician's license based on the following violations:(29) "[t]he refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice medicine in that state . . ."; and (30) "[v]iolation of any rules and regulations of the board, or any provisions of this Part."

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. Rodriguez 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. Rodriguez acknowledges, stipulates and agrees that, as an express condition of this voluntary surrender of his medical license, he shall not, at any time in the future, apply for or seek the renewal, reinstatement, or reissuance of his Louisiana medical license and he shall not, at any time in the future, apply for or seek any other Louisiana medical permit or license authorized by the Louisiana Medical Practice Act or the Board's rules. *See, e.g.,* La. R.S. 37:1274; 37:1280; 37:1281(A)(3)(c); La. Admin. Code tit. 46, pt. XLV, §§ 397–424. In addition, Dr. Rodriguez acknowledges, stipulates, and agrees that, as an express condition of this voluntary surrender of his medical license, he shall not engage in the practice of medicine or telemedicine in the State of Louisiana at any time in the future. *See, e.g.,* La. R.S. 37:1262; La. Admin. Code tit. 46, pt. XLV, §§ 7501–21.

4. *Termination of Proceedings.* By the voluntary surrender of his medical license, and the attendant dismissal of the proceedings occasioned hereby Dr. Rodriguez, 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. Rodriguez 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. Rodriguez 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 on Next Page

In the Matter of:
Dagoberto J. Rodriguez, M.D.

STIPULATION AND AGREEMENT FOR VOLUNTARY
SURRENDER OF MEDICAL LICENSE

STIPULATION
AND AGREEMENT

STATE OF FLORIDA
PARISH/COUNTY OF BROWARD

I, DAGOBERTO J. RODRIGUEZ, 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 AUGUST, 2022.

[Signature]
DAGOBERTO J. RODRIGUEZ, M.D.

WITNESSES:

[Signature]
Signature

Robert Saunders
Typed Name

1096 NW 84 Drive
Street Address

Coral Springs, FL 33071
City/State/Zip Code

[Signature]
Signature

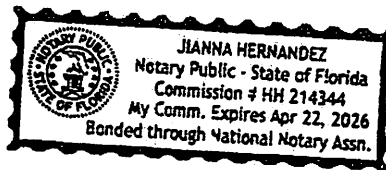
Tony Guimaraes
Typed Name

5016 NW 57th Way
Street Address

Coral Springs, FL 33067
City/State/Zip Code

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

[Signature]
Notary Public (Signature)
Name: Jianna Hernandez
Notary/Bar No.: HH 214344
Commission expires: 4/22/2026

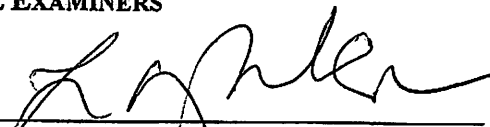


ACCEPTANCE

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 29th day of August, 2022.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: _____


LESTER W. JOHNSON, M.D.

President