

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of

STEPHEN NEAL FISHER, M.D.  
(Certificate No. 10544R )

No. 00-I-090

STIPULATION AND  
AGREEMENT FOR  
VOLUNTARY SURRENDER  
OF MEDICAL LICENSURE

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This *Stipulation and Agreement* is made by Stephen Neal Fisher, M.D. ("Dr. Fisher"), 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. Fisher hereby acknowledges, stipulates and agrees that:

- (a) An investigation was conducted on behalf of the Board, through its Investigating Officer, John B. Bobear, M.D., indicating to the satisfaction of Dr. Bobear that Dr. Fisher, on or about September 22, 2000, entered into an agreed Order with the State of New York Board for Professional Medical Conduct (the "New York Board"), in which Dr. Fisher agreed to surrender his license as a physician in the state of New York.<sup>1</sup> The New York Board's action followed Dr. Fisher's conviction in the Court of Common Pleas of Allegheny County, Pennsylvania, Criminal Division, of eight (8) counts of illegal prescription in violation of Pennsylvania law (35 P.S. 780-113(a)(14))<sup>2</sup> and three (3) counts of Provider Prohibited Acts in violation of Pennsylvania law (62 P.S. 1407(a)(6)).<sup>3</sup> Dr. Fisher acknowledged these

<sup>1</sup>*Surrender Order*, In the Matter of Stephen Neal Fisher, M.D., Lic. No. 101480, Docket No. BPMC No. 00-266 (State Bd. For Prof. Med. Cond., St. of NY, effective Sept. 25, 2000).

<sup>2</sup>The relevant Pennsylvania statute, 35 P.S. § 780-113(14) prohibits "[t]he administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner . . . unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principle principles accepted by a responsible segment of the medical profession."

<sup>3</sup>The relevant Pennsylvania statute, 62 P.S. 1407(a)(6) makes it unlawful for a person to "[s]ubmit a claim or refer a recipient to another provider by referral, order or prescription, for services, supplies or equipment

convictions to the New York Board. Sufficient cause exists for further inquiry and investigation of Dr. Fisher's prescription-writing practices for controlled substances, conceivably resulting in charges against the license of Dr. Fisher under the Louisiana Medical Practice Act.<sup>4</sup>

- (b) Pursuant to the Louisiana Medical Practice Act and the Louisiana Administrative Procedure Act, Dr. Fisher 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. Fisher 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 his investigation and, notwithstanding his 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. Fisher, 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. 10544R. By his subscription hereto, Dr. Fisher also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or his legal counsel assisting him 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.

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which are not documented in the record in the prescribed manner and are of little or no benefit to the recipient, are below the accepted medical treatment standards, or are unneeded by the recipient."

<sup>4</sup>La. Rev. Stat. Ann. §37:1285A(6), (12) and (14), respectively, provide that the Board may 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 therefor or in other than a legal or legitimate manner;' (12) '[P]rofessional or medical incompetency;' and (14) '[C]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state.'

3. *Effect of Voluntary Surrender of License.* Dr. Fisher 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. Fisher 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. *Surrender of Controlled Substances Privileges.* As of the effective date of the Board's acceptance hereof, Dr. Fisher shall not prescribe, dispense or administer in the State of Louisiana, any controlled substance as defined, enumerated or included in federal or state statutes or regulations, 21 C.F.R. §1308, La. Rev. Stat. §40:964, or any substance which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statutes. Within thirty (30) days of the execution of this stipulation, Dr. Fisher shall, if he has not already done so, surrender for cancellation to the issuing authorities, any and all Louisiana state registrations authorizing Dr. Fisher to prescribe, dispense, or administer any controlled substance in the State of Louisiana,

5. *Termination of Proceedings.* By the voluntary surrender of his medical license, and the attendant dismissal of the investigation occasioned hereby, Dr. Fisher, 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.

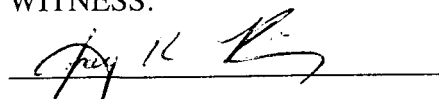
6. *Public Record.* Dr. Fisher acknowledges, stipulates and agrees that this Stipulation and Agreement for Voluntary Surrender of Medical License shall be and shall be deemed to be a public record.

#### STIPULATION, ACKNOWLEDGMENT AND AGREEMENT

I, STEPHEN NEAL FISHER, M.D., hereby acknowledge, approve, accept, stipulate, agree and consent to entry of the above and foregoing this 10<sup>th</sup> day of May, 2001.

  
STEPHEN NEAL FISHER, M.D.

WITNESS:

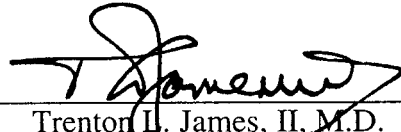


## ACCEPTANCE

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 25<sup>th</sup> day of July, 2001, **effective** two (2) weeks henceforth, on the 9<sup>th</sup> day of August, 2001.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

By: \_\_\_\_\_

  
Trenton L. James, II, M.D.  
President