

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

JOSEPH F. GUENTHER, M.D.
(Certificate No. 008528),

Respondent.
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Inv. No.
04-I-032

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

This **Stipulation and Agreement for Voluntary Surrender of Medical License** is made by Joseph F. Guenther, M.D. ("Dr. Guenther"), a physician licensed 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. Guenther hereby acknowledges, stipulates and agrees that:

(a) The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board") following receipt of information, which raised serious questions and concerns regarding the controlled substance prescribing practices and medical practices of Dr. Guenther. Investigation of the captioned matter was assigned to the Medical Consultant/Director of Investigations for the Board.

(b) During the pendency of the above-described investigation, Dr. Guenther pled guilty on June 7, 2006, to Count 1 (Conspiracy to Illegally Dispense Controlled Substances, a felony under the laws of the United States of America, pursuant to Title 21, United States Code, Section 841(b)(1)(D) and Section 841(b)(2) and Title 21, United States Code, Section 846), Count 13 (Illegally Dispensing of Controlled Substances, a felony under the laws of the United States of America, pursuant to Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2), Count 16 (Illegally Dispensing of Controlled Substances, a felony under the laws of the United States of America, pursuant to Title 21, United States Code,

Section 841(a)(1) and Title 18, United States Code, Section 2), Count 21 (Illegally Dispensing of Controlled Substances, a felony under the laws of the United States of America, pursuant to Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2) and Count 25 (Illegally Dispensing of Controlled Substances, a felony under the laws of the United States of America, pursuant to Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2) of the Superseding Indictment in the matter entitled *United State of American v. Joseph F. Guenther, M.D.*, Criminal Action No. 05-130, Section "L," United States District Court, Eastern District Court of Louisiana. In light of Dr. Guenther's guilty pleas described-herein, the Medical Consultant/Director of Investigations for the Board has confirmed to her satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed charging Dr. Guenther with violations of the Louisiana Medical Practice Act, La. Rev. Stat. §§ 37:1285A(1) and (2).

(c) Pursuant to the Louisiana Medical Practice Act and the Louisiana Administrative Procedure Act, Dr. Guenther 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. Guenther 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. Rev. Stat. §§ 49:955-965 and to have any further hearing, as well as his rights to appeal the action of the Board or 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. § 49:955, in recognition of the stipulations set forth herein-above toward final disposition of the investigation now pending in this matter and in lieu of the institution and prosecution of formal administrative proceedings, Dr. Guenther, nonetheless, acknowledges the substantial accuracy of the foregoing information and hereby waives his right to notice of charges and 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. 008528. By his subscription hereto, Dr. Guenther also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or her legal counsel assisting her 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.

3. ***Effect of Voluntary Surrender of License.*** Dr. Guenther 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. Dr. Guenther further waives any right to which he may be entitled by law or otherwise 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.

4. ***Surrender of Controlled Substances Privileges.*** As of the effective date of this Stipulation, Dr. Guenther shall not prescribe, dispense or administer 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. Guenther shall, if he has not already done so, surrender for cancellation to the issuing authorities, any and all state and federal registrations authorizing Dr. Guenther to prescribe, dispense, or administer any controlled substance.

5. ***Surrender of Dispensing Registration.*** As of the effective date of this Stipulation, Dr. Guenther shall not function as a dispensing physician for the State of Louisiana, pursuant to LAC 46:XLV, Subpart 3, Chapter 65, § 6501, *et seq.*, as evidenced by Registration No. DD0355. Within thirty (30) days of the execution of this stipulation, Dr. Guenther shall, if he has not already done so, surrender for cancellation to the issuing authorities, any and all dispensing registrations authorizing Dr. Guenther dispense any controlled substance.

6. ***Termination of Proceedings.*** By the voluntary surrender of his medical license, and the attendant dismissal of the investigation occasioned hereby, Dr. Guenther, 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 or other forum.

7. ***Advice of Counsel.*** Dr. Guenther acknowledges that he has sought and obtained the advice and guidance of legal counsel with respect to this Stipulation and Agreement for Voluntary Surrender of Medical License and that his counsel has explained to his satisfaction all of the terms, conditions, restrictions and limitations contained herein or that he has waived his right to legal counsel.

8. ***Public Record.*** Dr. Guenther further 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.

9. ***Effective Date.*** This Stipulation and Agreement for Voluntary Surrender of Medical License shall take effect on the date that it is dated and signed by the Board President.

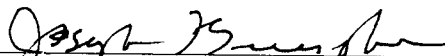
**Stipulation, Acknowledgment
and Agreement
on next page**

STATE OF LOUISIANA
PARISH OF JEFFERSON

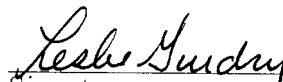
**STIPULATION, ACKNOWLEDGMENT
AND AGREEMENT**

Having been duly advised by my legal counsel as to the meaning, scope and effect of the foregoing Stipulation and Agreement for Voluntary Surrender of Medical License or having waived such advices,

I, Joseph F. Guenther, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Stipulation and Agreement for Voluntary Surrender of Medical License by the Louisiana State Board Of Medical Examiners, this 23rd day of JUNE, 2006.


Joseph F. Guenther, M.D.

WITNESSES:


Signature

Leslie Guidry
Typed Name
3850 N. Causeway Blvd #1090
Metairie, LA 70002
Address


Signature

CHRISTINE MAC KINNON
Typed Name
3850 N. CAUSEWAY BLVD
METairie, La 70002 Suite 1090
Address

Sworn to and subscribed before me at METairie, La, this 23rd day of JUNE, 2006 in the presence of the two stated witnesses.


Notary Public

My commission expires at death

ACCEPTANCE

Considering the above and foregoing, the Stipulation and Agreement for Voluntary Surrender of Medical License is hereby **APPROVED, ACCEPTED AND EFFECTIVE** by the Louisiana State Board of Medical Examiners, this 27th day of June, 2006.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: KE LeBlanc MD
KIM EDWARD LEBLANC, M.D., PH.D.
PRESIDENT