

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of

HERBERT A. MCPHERSON, M.D. :
(Certificate No. 007830), :

STIPULATION AND
AGREEMENT FOR
VOLUNTARY SURRENDER
OF MEDICAL LICENSURE

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This *Stipulation and Agreement* is made by Herbert A. McPherson, M.D. ("Dr. McPherson"), 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. McPherson hereby acknowledges, stipulates and agrees that:

- (a) Following receipt of notice of action taken against Dr. McPherson's medical license by the Arkansas State Medical Board that included termination of his DEA licensure, an investigation was conducted on behalf of the Board, through its Investigating Officer, John B. Bobear, M.D. Based on information received in this investigation, it was evident that Dr. McPherson had not disclosed the Arkansas Board action in his April 18, 2001 renewal application filed with the Board.
- (b) An Administrative Complaint was filed with the Board on or about July 17, 2002 that contained the above-referenced facts and alleged that these facts constitute a violation of La. Rev. Stat. 37:1295A(3) and (29). The allegations in the Administrative Complaint, if proven, would provide lawful cause for action against Dr. McPherson's license.

- (c) Pursuant to the Louisiana Medical Practice Act and the Louisiana Administrative Procedure Act, Dr. McPherson would be entitled, prior to final 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. McPherson 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.* 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. McPherson nonetheless hereby waives his right to notice of charges and formal adjudication and hereby agrees to surrender his license to practice medicine in the state of Louisiana, as evidenced by Certificate No. 007830. By his subscription hereto, Dr. McPherson 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.

3. *Effect of Voluntary Surrender of License.* Dr. McPherson acknowledges, stipulates and agrees that the voluntary surrender of his medical license effected hereby 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 administrative proceedings. Dr. McPherson 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. McPherson 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.

5. *Termination of Proceedings.* By the voluntary surrender of his medical license, and the attendant dismissal of the administrative proceedings, Dr. McPherson, 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. McPherson 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, HERBERT A. MCPHERSON, M.D., hereby acknowledge, approve, accept, stipulate, agree and consent to entry of the above and foregoing this ____ day of August, 2002.


HERBERT A. MCPHERSON, 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 2nd day of Oct, 2002, **effective** immediately.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: _____


ELMO J. LABORDE, M.D.
President