

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.org



Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:

Ext. _____

-----X
:
In The Matter Of :
:
KELLY STEWART, M.D. :
(Certificate No. 06066R), :
:
:
:
:
-----X

No. 00-I-001

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

This *Stipulation and Agreement* is made by Kelly Stewart, M.D. ("Dr. Stewart"), 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. Stewart 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. Stewart currently suffers from a medical condition that may affect his ability to practice medicine. Dr. Stewart has acknowledged this medical condition. Sufficient cause exists for further inquiry and investigation of the effect of the medical condition on Dr. Stewart's ability to practice medicine, conceivably resulting in an action against the license of Dr. Stewart under the Louisiana Medical Practice Act.¹

¹La. Rev. Stat. Ann. §37:1285A(25), provides that the Board may take action against the license of a physician as the result of "(25) inability to practice medicine or osteopathy with reasonable skill or safety to patients because of mental illness or deficiency..."

- (b) Pursuant to the Louisiana Medical Practice Act and the Louisiana Administrative Procedure Act, Dr. Stewart 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. Stewart 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 Suspension 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. Stewart nonetheless hereby waives his right to notice of charges and formal adjudication and hereby agrees to a suspension of his license to practice medicine in the state of Louisiana, as evidenced by Certificate No. 06066R. By his subscription hereto, Dr. Stewart 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 Suspension 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 Suspension of License.* Dr. Stewart acknowledges, stipulates and agrees that the voluntary suspension 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. Stewart further acknowledges, stipulates and agrees that as a result of the voluntary suspension 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, except as specified below.

4. *Terms and Conditions for Reinstatement of License.* Dr. Stewart acknowledges, stipulates and agrees that his voluntary suspension of his medical license may terminate upon application to the Board and demonstration to the Board's satisfaction that Dr. Stewart is medically fit to practice medicine and is competent in the areas in which he intends to practice.

5. *Surrender of Controlled Substances Privileges.* As of the effective date of the Board's acceptance hereof, Dr. Stewart 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.

6. *Termination of Proceedings.* By the voluntary suspension of his medical license, and the attendant dismissal of the investigation occasioned hereby, Dr. Stewart, 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.

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

STIPULATION, ACKNOWLEDGMENT AND AGREEMENT

I, KELLY STEWART, M.D., hereby acknowledge, approve, accept, stipulate, agree and consent to entry of the above and foregoing this 22 day of August, 2001.

Patricia L. Lane for Kelly Stewart, MD
KELLY STEWART, M.D. for P.O.A.

WITNESS:

Jane P. Pace

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 25th day of Sept, 2001, effective two (2) weeks henceforth, on the 9th day of Oct, 2001.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By:

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