

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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## BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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**In the Matter of**  
  
**BERNARD L. MANALE, M.D.**  
*(Certificate No.009877)*  
*Respondent*

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**No. 08-1-940**  
**STIPULATION AND**  
**AGREEMENT FOR VOLUNTARY**  
**SURRENDER OF MEDICAL LICENSE**

This **STIPULATION AND AGREEMENT FOR SURRENDER OF MEDICAL LICENSE** is made and executed by Bernard L. Manale, M.D. ("Dr. Manale"), a physician who at all-times pertinent was licensed to practice medicine in the State of Louisiana, with and in favor of the Louisiana State Board of Medical Examiners (the "LSBME" or "Board").

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

(a) An investigation was conducted by the Board, through its Assistant Director of Investigations ("DOI") following receipt of a complaint alleging improper prescribing practices. As part of the investigation, the LSBME obtained pharmacy profiles which disclosed that Dr. Manale had prescribed substantial quantities of controlled substances. Thereafter, medical records were obtained and reviewed. This review revealed pain management practice that failed to conform to the Board's Pain Management Rules.

(b) Based upon this review, the DOI concluded that just cause exists for recommendation that a formal Administrative Complaint be filed against Dr. Manale and a draft of said complaint was prepared and presented to Dr. Manale. The Draft Complaint ("Complaint") charges that Bernard L. Manale M.D. has violated the "Pain Management Rules" promulgated by the Board in Title 46 of the Louisiana Administrative Code, Part 45 §§6915-6923 and other provisions of the Medical

Practice Act<sup>1</sup>. The Complaint allegations, if proven at a hearing before the Board, would authorize the Board to revoke, suspend, or impose other disciplinary sanctions on Dr. Manale's license to practice medicine.

(c) Dr. Manale has denied the allegations, but he has advised the DOI he is 72 years of age, he is retiring from the practice of medicine and he is already in the process of closing his medical practice due to personal medical reasons. Dr. Manale no longer desires to continue the practice of medicine and therefore has agreed to a voluntary surrender of his medical license as a resolution of the pending administrative action. Dr. Manale has cooperated with the LSBME investigation and is in the process of closing his medical practice.

(d) Pursuant to the Louisiana Medical Practice Act, La. Rev. Stat. §§49:951 et. seq. Dr. Manale acknowledges that he has been fully informed of his rights to due process in connection with the pending administrative charges and that prior to final disciplinary action against his medical license he would be entitled 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. Manale 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 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. Manale, nonetheless, hereby waives his right to notice of charges and formal adjudication and hereby voluntarily surrenders to the Board, for permanent cancellation, his license to practice medicine in the state of Louisiana, as evidenced by Certificate No. 009877. By his subscription hereto, Dr. Manale 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. Manale 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

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<sup>1</sup> (6) Prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefore or in other than a legal or legitimate manner;

(14) Continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state;

(30) Violation of any rules and regulations of the board, or any provisions of this Part.

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

**5. Advice of Counsel.** Dr. Manale acknowledges that he has had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation.

**6. Public Record.** Dr. Manale 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.

**7. Effective Date.** This agreement shall become effective on the date the agreement is approved and accepted by the Board.

**STIPULATION, ACKNOWLEDGMENT AND AGREEMENT**

I, BENARD L. MANALE, M. D., hereby acknowledge, approve, accept, stipulate, agree and consent to entry of the above and foregoing this 11<sup>th</sup> day of June, 2010.

B. Manale MD  
BERNARD L. MANALE, M. D.

WITNESSES:

A. Rebecca Wilmore  
Signature

Robin R. Coates  
Signature

A. Rebecca Wilmore  
Typed Name

145 Robert E. Lee Blvd., Ste. 408  
New Orleans, Louisiana 70124  
Address

Robin R. Coates  
Typed Name

145 Robert E. Lee Blvd., Ste. 408  
New Orleans, Louisiana 70124  
Address

Sworn to and subscribed before me at New Orleans, Louisiana, this 11<sup>th</sup> day of June, 2010, in the presence of the two stated witnesses.

[Signature]  
Notary Public

Franklin D. Beahm  
Printed Name/Notary #

**FRANKLIN D. BEAHM  
NOTARY PUBLIC  
LOUISIANA BAR NO. 02874  
STATE OF LOUISIANA  
My Commission is for Life**

**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 and effective this 22 day of June, 2010.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY:   
ROBERT EARL DAWSON, M.D.  
*Vice President*