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Dated 9/16/87

In The Matter Of

KENNETH I. CUMMINGS, M.D.
(Certificate No. 009189),

Respondent.

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No. 87-I-047-B

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

THIS STIPULATION AND AGREEMENT is made and executed by Kenneth I. Cummings, M.D. (Dr. Cummings), 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 (Board).

1. *Acknowledgments and Stipulations.* Dr. Cummings hereby acknowledges, stipulates and agrees that:

(a) Dr. Cummings currently suffers, and for an extended period has suffered, from chronic and episodically acute abuse of or addiction to narcotic controlled substances and alcohol. For his abuse of alcohol and Percodan (oxycodone hydrochloride), Dr. Cummings was admitted to and received inpatient treatment for chemical dependency in 1982 at the Ridgeview Institute, Smyrna, Georgia. Within several years he suffered a relapse, leading to additional treatment for substance abuse in June 1986 at the Glenwood Regional Medical Center, West Monroe, Louisiana, under the care of Clyde E. Elliott, M.D. Thereafter, he undertook to pursue a course of aftercare at the Charter Forest Hospital, Shreveport, Louisiana, under the direction of David Allison, M.D.

(b) By written instrument executed under oath by Dr. Cummings on May 12, 1987, he represented to the Board that, since his June 1986 treatment by Dr. Elliott, he had remained free of alcohol and other drugs, and was then attending weekly aftercare sessions at the Charter Forest Hospital in Shreveport, weekly Caduceus

Club meetings for impaired physicians, and Alcoholics Anonymous meetings three to four times weekly. In truth and in fact, not later than January 1987, Dr. Cummings had once again relapsed into abuse of controlled substances, including Hycodan Syrup (hydrocodone bitartrate), which he obtained for self-ingestion pursuant to written prescriptions written by the physician for himself.

(c) Upon Administrative Complaint and formal evidentiary hearing, such facts would establish lawful cause under the Medical Practice Act for the Board to revoke Dr. Cummings's license to practice medicine in the state of Louisiana, on the grounds of his having been culpable of habitual or recurring use or abuse of dependency-inducing controlled substances; prescribing controlled substances in other than a legal or legitimate manner; and inability to practice medicine with reasonable skill and safety to patients by virtue of his excessive use or abuse of drugs. La. Rev. Stat. § 37:1285(4), (5), (6), (25).

(d) Pursuant to the Louisiana Medical Practice Act and the Louisiana Administrative Procedure Act, Dr. Cummings would be entitled, prior to disciplinary action against his medical licensure, to notice and specification of the charges against him and evidentiary hearing on such charges. At such hearing, Dr. Cummings 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 on written findings of fact and conclusions of law, pursuant to the applicable provisions of the Administrative Procedure Act, La. Rev. Stat. §§ 49:955-965.

2. *Voluntary Surrender of Licensure.* Notwithstanding his right to formal notice of 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. Cummings hereby waives his right to notice by Administrative Complaint and formal evidentiary hearing and hereby voluntarily surrenders to the Board, for cancellation, his license to practice medicine in the state of Louisiana, as evidenced by certificate no. 0009189.

3. *Effect of Surrender of License.* Dr. Cummings acknowledges, stipulates and agrees that the surrender of his medical licensure effected hereby shall have, and 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. Cummings further acknowledges, stipulates and agrees that notice of Dr. Cummings' surrender of his medical license pursuant hereto, together with a certified copy of this Stipulation and Agreement, may be provided by the Board to the medical licensing agency of any state that may request information concerning the status of Dr. Cummings's Louisiana medical licensure, to the Federation of State Medical Boards of the United States, Inc., and to other persons, firms, associations, corporations and entities with a reasonable and legitimate need for such information.

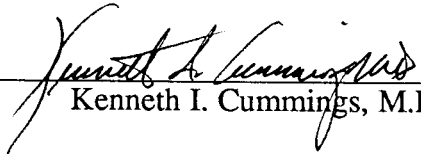
4. *Acceptance by Board; Effect of Agreement.* Subject to and upon acceptance and execution of this Stipulation and Agreement by the Board, the investigation presently

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pending shall, pursuant to La. Rev. Stat. § 49:955D, be concluded, without prejudice, by order of the Board.

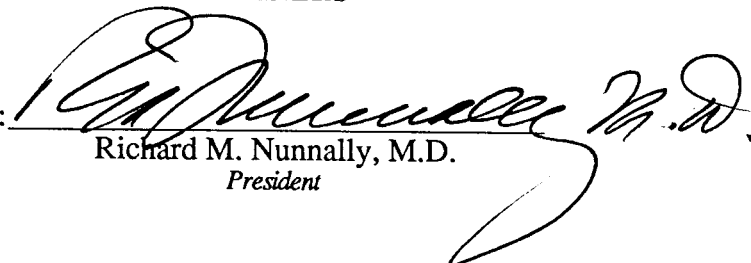
IN WITNESS WHEREOF, Kenneth I. Cummings, M.D., has subscribed this Stipulation and Agreement, in duplicate original, this 18 day of September, 1987.


Kenneth I. Cummings, M.D.

ACCEPTANCE

APPROVED AND ACCEPTED by the Louisiana State Board of Medical Examiners, this 16 day of September, 1987.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

By: 
Richard M. Nunnally, M.D.
President