

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of
:
BYRON L. AUCOIN, M.D.
:
(Certificate No. 008718)
:
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No. 99-I-007

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

THIS STIPULATION AND AGREEMENT is made and executed by Byron L. Aucoin, M.D. ("Dr. Aucoin"), 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. Aucoin hereby acknowledges, stipulates and agrees that:

(a) An investigation conducted on behalf of the Board through its Investigating Officer, John B. Bobear, M.D., indicated to the satisfaction of Dr. Bobear that Dr. Aucoin has failed to adhere to recommendations prescribed for the treatment and monitoring of his use and abuse of alcohol, which potentially compromise his capacity to practice medicine with reasonable skill and safety to patients, and thereby provide sufficient cause for action against Dr. Aucoin's license under the Louisiana Medical Practice Act.¹

(b) Following the initiation of formal charges, and in accordance with the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1261, *et seq.*, and the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, an administrative hearing was held on May 23, 2000, before a duly constituted quorum of the Board. Although Dr. Aucoin was properly advised of the date and time of such hearing, neither he nor legal counsel or any other representative attended the hearing on his behalf. Subsequent to the conclusion of such hearing, but prior to publication of a decision, Dr. Aucoin advised the Board of his desire to permanently retire from the practice of medicine in the state of Louisiana by voluntarily surrendering his license.

¹Pursuant to La. Rev. Stat. §37:1285A(5), the Board may take action against the license of a physician as a result of the '[H]abitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence'; pursuant to La. Rev. Stat. §37:1285A(25), the Board may take action against the license of a physician as a result of '[I]nability to practice medicine with reasonable skill or safety to patients because of mental illness or . . . excessive use or abuse of drugs, including alcohol.'

(c). Pursuant to the Louisiana Medical Practice Act , La. Rev. Stat. §§37:1261, *et seq.*, and the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, Dr. Aucoin would be entitled, prior to final disciplinary action against his medical license, to the issuance of a decision by the Board, predicated upon the administrative charges adjudicated, based upon written findings of fact and conclusions of law.

2. VOLUNTARY SURRENDER OF LICENSE. Notwithstanding his right to the issuance of a written decision by the Board predicated upon findings of fact and conclusions of law, in recognition of the stipulations set forth hereinabove toward final disposition of the investigation now pending in this matter, by his subscription hereto Dr. Aucoin, nonetheless, waives the issuance of a written decision and pursuant to La. Rev. Stat. §49:955(D), voluntarily surrenders to the Board for cancellation his license to practice medicine in the state of Louisiana, as evidenced by Certificate No. 008718. By his subscription hereto, Dr. Aucoin also authorizes the Investigating Officer 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. Aucoin 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 administrative proceedings. Dr. Aucoin 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 renewed license to practice medicine in this state.

4. TERMINATION OF PROCEEDINGS. By the voluntary surrender of his medical license and the attendant dismissal of the investigation occasioned hereby, Dr. Aucoin, moreover, acknowledges, stipulates and agrees that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, *et seq.*, or 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. Aucoin acknowledges that he has sought and obtained the advice and guidance of legal counsel with respect to this Stipulation, that the document has been fully explained to him and that he understands completely all of the terms, conditions, restrictions and limitations contained herein.

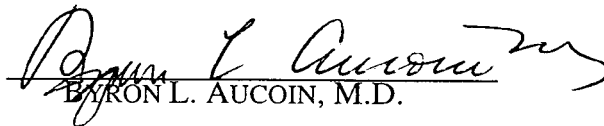
6. PUBLIC RECORD. Dr. Aucoin acknowledges, stipulates and agrees that this Stipulation and Agreement for Voluntary Surrender of Medical License shall be and shall be deemed to be a public record.

**STIPULATION
AND AGREEMENT**

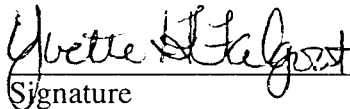
STATE OF LOUISIANA

PARISH OF ST. MARY

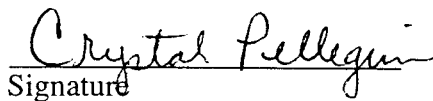
I, BYRON L. AUCOIN, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 13 day of August, 2000.


BYRON L. AUCOIN, M.D.

WITNESSES:

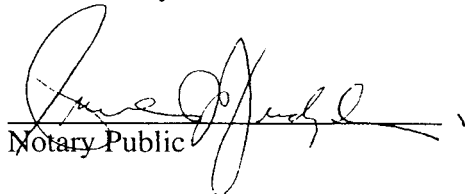

Signature

Yvette H. Falgout
Typed Name
3226 Karen Dr., Morgan
City, LA 70380
Address


Signature

Crystal Pellegrin
Typed Name
P.O. Box 212, Amelia,
Louisiana 70340
Address

Sworn to and subscribed before me at Morgan City, Louisiana, this
13th day of August, 2000, in the presence of the two stated witnesses.

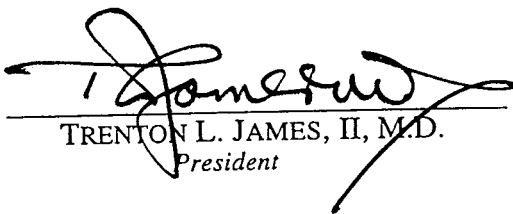

Notary Public

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 27th day of September, 2000.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

By:


TRENTON L. JAMES, II, M.D.
President

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