

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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New Orleans, LA 70112-1499

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In The Matter Of :
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JOHN E. LINDNER, M. D. :
:
(Certificate No. 002793), :
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Respondent. :
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No. 94-I-043

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

THIS STIPULATION AND AGREEMENT is made and executed by John E. Lindner, M.D. ("Dr. Lindner"), 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. *Acknowledgments and Stipulations:* Dr. Lindner hereby acknowledges, stipulates and agrees that:

- (a) An investigation was conducted on behalf of the Louisiana State Board of Medical Examiners, through its Investigating Officer, John B. Bobear, M.D., the results of which indicate that on January 28, 1994, a Bill of Information was filed in the United States District Court, for the Eastern District of Louisiana, charging Dr. Lindner and an attorney with conspiracy to commit mail fraud, a felony under the laws of the United States, in violation of Title 18, United States Code §371.1 Such charges generally allege that between December, 1985 and January, 1991 the attorney made referrals of personal injury clients to Dr. Lindner for treatment of their claimed injuries. Dr. Lindner then prepared written reports containing inflated, misleading or false information relating to the nature, frequency or duration of his medical treatment. Some of Dr. Lindner's reports reflected that the clients were treated for a period longer than medical treatment was actually rendered; and other reports represented that treatment had been rendered to individuals who were never seen or treated at all by the physician. Dr. Lindner's reports were, in turn, submitted by the attorney to the opposing party in the settlement negotiations in an attempt to obtain the highest settlement amount

¹United States v. John E. Lindner, et al, Cr. No. 94-026, U. S. D. Ct., E.D., La. (Jan. 28, 1994).

possible. As a result of the false information contained in such reports, the opposing party and/or his insurance company would settle the claim, paying damages based either on totally fictitious medical information, or information that was grossly exaggerated by the inflated number of treatments stated. From such settlement proceeds, Dr. Lindner was paid \$35.00 for each treatment claimed in his reports.²

- (b) On February 23, 1994, Dr. Lindner entered into a Plea Agreement with the United States Attorney whereby which he agreed to voluntarily plead guilty to the one count Bill of Information lodged against him. As a result of such plea, on May 4, 1994, Dr. Lindner was ordered by the court to serve three (3) years on supervised probation, to make restitution to victims to be identified in the amount of \$10,000.00 within six (6) months, to pay a fine in the amount of \$5,000.00 within sixty (60) days and to participate in a program of mental health treatment as directed by his probation officer.³ Such information indicates to the satisfaction of the Investigating Officer that sufficient cause exists for lodging charges against Dr. Lindner for violations of the Louisiana Medical Practice Act.⁴
- (c) As evidenced by his subscription hereto, Dr. Lindner acknowledges the substantial accuracy of the above and foregoing information contained hereinabove and stipulates and agrees that such information, if established at a formal administrative hearing, would provide lawful cause under the Louisiana Medical Practice Act, La. Rev. Stat. §37:1261-92, for the Board to revoke, suspend or take such other action against his license to practice medicine in the state of Louisiana, as the Board may deem appropriate.
- (d) Pursuant to the Louisiana Medical Practice Act and the Louisiana Administrative Procedure Act, Dr. Lindner would be entitled, prior to final disciplinary action against his medical license, to an evidentiary hearing on specified allegations set forth in a formal Administrative Complaint. At such hearing, Dr. Lindner 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 the applicable provisions of the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:950-65.

2. *Voluntary Surrender of Medical Licensure:* 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

²See Bill of Information, generally, *United States v. Lindner*, supra.

³See Judgment and Probation/Commitment Order, *United States v. John E. Lindner* (May 4, 1994).

⁴Pursuant to La. Rev. Stat. §37:1285A, the Board may revoke, suspend or impose terms, conditions or restrictions upon the medical license of a physician as a result of '[C]onviction of a crime or entry of a plea of guilty or *nolo contendere* to a criminal charge constituting a felony under the laws of Louisiana or of the United States,' La. Rev. Stat. §37:1285A(1); '[C]onviction of a crime or entry of a plea of guilty or *nolo contendere* to any criminal charge arising out of or in connection with the practice of medicine...', La. Rev. Stat. §37:1285A(2); '[E]fforts to deceive or defraud the public,' La. Rev. Stat. §37:1285A(10); '[M]aking or submitting false, deceptive or unfounded claims, reports, or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value,' La. Rev. Stat. §37:1285A(11); '[P]rofessional or medical incompetency,' La. Rev. Stat. §37:1285A(12); '[U]nprofessional conduct,' La. Rev. Stat. §37:1285A(13); and '[C]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state,' La. Rev. Stat. §37:1285A(14).

investigation now pending in this matter and in lieu of the institution and prosecution of formal administrative proceedings, Dr. Lindner, nonetheless, hereby waives his right to notice of charges and formal adjudication and hereby voluntarily surrenders to the Board, for cancellation, his license to practice medicine in the state of Louisiana, as evidenced by Certificate No. 002793, such surrender to become effective immediately upon the Board's acceptance hereof. By his subscription hereto, Dr. Lindner 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 disclosure, under La. Rev. Stat. §49:960.

3. *Effect of Surrender of License:* Dr. Lindner acknowledges, stipulates and agrees that as a result of the voluntary surrender of his medical license effected hereby, in the presence of an administrative investigation, 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 apply for or otherwise attempt to obtain any original, reinstated or renewal license to practice medicine in the state of Louisiana.

4. *Public Record:* Dr. Lindner, furthermore, 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.

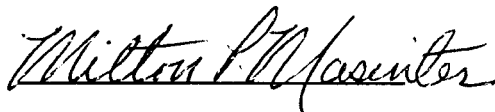
STIPULATION, ACKNOWLEDGMENT AND AGREEMENT

I, JOHN E. LINDNER, M.D., hereby acknowledge, approve, accept, stipulate, agree and consent to entry of the above and foregoing this 31 day of July, 1994.



JOHN E. LINDNER, 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 25 day of Aug -, 1994.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY 

F. P. Bordelon, Jr., M.D.
President