

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE  
LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

(504) \_\_\_\_\_

No. 2022-I-57

IN THE MATTER OF:

ALLEN JOSEPH HERBERT, M.D.  
(Credential No. MD.010285),  
*Respondent*

STIPULATION AND AGREEMENT FOR  
VOLUNTARY SURRENDER OF MEDICAL  
LICENSE  
\_\_\_\_\_

This *Stipulation and Agreement* is made by Allen Joseph Herbert, M.D. ("Dr. Herbert"), a physician licensed to practice medicine in the State of Louisiana by the Louisiana State Board of Medical Examiners (the "Board"), as evidenced by Credential No. MD.010285. Dr. Herbert is currently eighty-one years old and was first licensed to practice medicine in this state in 1966. At all times material hereto, Dr. Herbert practiced as a physician and surgeon in and around Ruston, Louisiana.

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

- (a) An investigation was initiated by the Board upon Dr. Herbert's self-report to the Board that he surrendered his Drug Enforcement Authority ("DEA") Registration for cause on or about January 19, 2022.
- (b) Dr. Herbert acknowledges that his DEA Registration was surrendered for cause based on his "alleged failure to comply with the Federal requirements pertaining to controlled substances or list 1 chemicals," and that such alleged failure would likewise provide the Investigating Officer for the Board with probable cause to pursue formal administrative proceedings against him, and to impose restrictions on his Louisiana medical license pursuant to La. R.S. 37:1285(A)(6).<sup>1</sup>
- (c) Dr. Herbert has stated that he intends to retire from the practice of medicine and therefore has no desire to retain a medical license or otherwise practice medicine in the State of Louisiana. Accordingly, Dr. Herbert wishes to voluntarily surrender his license to practice

<sup>1</sup> Pursuant to La. R.S. 37:1285(A)(6), the Board may take administrative action against a licensee for "[p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner."

medicine in this state rather than undertaking further administrative proceedings and a hearing.

- (d) The Director of Investigations concurs that Dr. Herbert should be permitted to voluntarily surrender his license pursuant to a public order.
- (e) Pursuant to the Louisiana Medical Practice Act, La. R.S. 37:1261 *et seq.*, and the Louisiana Administrative Procedure Act, La. R.S. 49:951 *et seq.*, and the Board's Rules on Adjudication, La. Admin. Code. tit. 46, pt. XLV, § 9901 *et seq.*, Dr. Herbert would be entitled, prior to final disciplinary action against his medical license, to an administrative adjudication of such charges, pursuant to La. R.S. 49:955–958. At such hearing, Dr. Herbert would be entitled to be represented by legal counsel, to have those charges proved against him by evidence, to appear and confront adverse witnesses, to call witnesses and present evidence on his own behalf in defense or in mitigation of the charges made, to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. R.S. 49:958, and to any other right to which he may be afforded by the Louisiana Administrative Procedure Act, La. R.S. 49:951 *et seq.* or otherwise.

**2. *Voluntary Surrender of License.*** Notwithstanding his right to an administrative hearing and a decision thereon, as provided by La. R.S. 49:951 *et seq.*, in recognition of the stipulations set forth hereinabove toward final disposition of the pending formal administrative proceedings, Dr. Herbert, nonetheless, acknowledges the substantial accuracy of the foregoing information and hereby waives his right to formal adjudication and voluntarily surrenders to the Board for cancellation his license to practice medicine in the state of Louisiana, as evidenced by Credential No. MD.010285. By his subscription hereto, Dr. Herbert also hereby authorizes the Investigating Officer designated by the Board with respect to this matter 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. R.S. 49:960.

**3. *Effect of Voluntary Surrender of License.*** Dr. Herbert acknowledges, stipulates and agrees that the voluntary surrender of his Louisiana medical license affected 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. Further, Dr. Herbert acknowledges, stipulates and agrees that reinstatement of such license shall be at the sole discretion of the Board and upon any probationary terms, conditions and restrictions that it may then determine to be appropriate. In addition, Dr. Herbert acknowledges, stipulates and agrees that no request for reinstatement shall be considered by the Board until and unless he has: (i) attended a meeting at the Board's office with the Director of Investigations; (ii) successfully completed all recommendations by the Director of Investigations to demonstrate to the Board that he is competent to return to the practice of medicine with reasonable skill and safety; and (iii) otherwise complied with all applicable statutory and regulatory requirements for the reinstatement of an expired license. *See, e.g.*, La. R.S. 37:1280; 37:1281(A)(3)(c); La. Admin. Code tit. 46, pt. XLV, § 419.

4. ***Termination of Proceedings.*** By the voluntary surrender of his medical license, and the attendant dismissal of the proceedings occasioned hereby, Dr. Herbert, 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. R.S. 49:951 *et. seq.* or to which otherwise may be afforded to him by any law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the stipulations, agreements, acknowledgments and other matters referred to herein.

5. ***Advice of Counsel.*** Dr. Herbert acknowledges that he has had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation and Agreement for Voluntary Surrender of Medical License and that all of the terms, conditions, restrictions and limitations contained herein have been explained to him and/or that he fully understands them.

6. ***Public Record.*** Dr. Herbert 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 on Next Page*

**STIPULATION  
AND AGREEMENT**

STATE OF Louisiana

PARISH/COUNTY OF Ouachita

I, ALLEN JOSEPH HERBERT, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation and Agreement for Voluntary Surrender of Medical License and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Stipulation and Agreement without duress and of my own free will and accord, this 6<sup>th</sup> day of June, 2022.

Allen Joseph Herbert  
ALLEN JOSEPH HERBERT, M.D.

WITNESSES:

Wanda O'Neal  
Signature

Wanda O'Neal  
Typed Name

1800 Hudson Lane, Ste. 300  
Street Address

Monroe, LA 71201  
City/State/Zip Code

Taylor Warner  
Signature

Taylor Warner  
Typed Name

1800 Hudson Lane, Ste 300  
Street Address

Monroe, LA 71201  
City/State/Zip Code

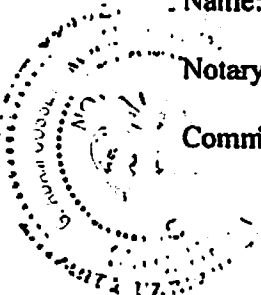
Sworn to and subscribed before me this 6<sup>th</sup> day of June, 2022, in the presence of the two stated witnesses.

G. Adam Cossey  
Notary Public (Signature)

Name: G. Adam Cossey

Notary/Bar No.: LA B. No. 21678

Commission expires: At Date



**ACCEPTANCE**

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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, at New Orleans, Louisiana, on this 27<sup>th</sup> day of June, 2022.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

BY: \_\_\_\_\_

  
LESTER W. JOHNSON, M.D.  
*President*