

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

Ext. _____

IN THE MATTER OF:
JAMES WHITTON LOWE, M.D.
(Certificate No. 020882),
Respondent

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

This **STIPULATION AND AGREEMENT FOR SURRENDER OF MEDICAL LICENSE** is made and executed by James Whitton Lowe, M.D ("Dr. Lowe"), a psychiatrist, 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 "Board").

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

- (a) **Administrative Charges.** An investigation was conducted by the Board through its Assistant Director of Investigations ("DOI") following receipt of complaints from former patients of Dr. Lowe's concerning sexual impropriety, unprofessional conduct, and illegitimate prescribing practices. In the course of the investigation, the DOI interviewed several of Dr. Lowe's former patients and obtained and evaluated Dr. Lowe's patient records and pharmacy records relating to several of his former patients. Based on the information and documents obtained, the DOI concluded that just cause existed to request a summary suspension of Dr. Lowe's medical license, which request the Board granted on March 13, 2009, and to recommend that a formal Administrative Complaint be filed against Dr. Lowe.
- (b) The Administrative Complaint, filed on March 18, 2009, charged that Dr. Lowe repeatedly violated La. Rev. Stat. § 37:1285(A) of the Louisiana Medical Practice Act ("the Act"). Specifically, the Administrative Complaint alleges that information and documents obtained revealed that Dr. Lowe violated sexual boundaries a number of his former patients. Dr. Lowe also prescribed controlled substances in an illegitimate manner to individuals to whom he was not providing any medical or therapeutic treatment. The Administrative Complaint further charged that Dr. Lowe deliberately obstructed the Board's investigation of his conduct and was not fully forthcoming with

information relating to the investigation, thereby precluding the Board from taking action sooner to protect the public, and Dr. Lowe's patients.

- (c) These alleged violations, if proven at a hearing before the Board, would authorize the Board to revoke, suspend or impose other disciplinary sanctions on Dr. Lowe's medical license.
- (d) Dr. Lowe has agreed to this voluntary surrender of his medical license as a resolution of the pending administrative charges. Dr. Lowe does not acknowledge or admit to any wrongdoing of any kind.

2. Rights to Due Process. Pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951, *et seq.*, Dr. Lowe 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 an administrative adjudication of such pending charges, pursuant to La. Rev. Stat. §§ 49:955-958. At such an administrative adjudication, Dr. Lowe would be entitled to be represented by legal counsel, to call witnesses, and to 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. §§ 49:951, *et seq.*

3. Voluntary Surrender of License. Notwithstanding his right to an 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 pending administrative proceedings in this matter and in lieu of such an administrative hearing, Dr. Lowe hereby waives his right to a formal adjudication and hereby voluntarily surrenders to the Board, his license to practice medicine in the State of Louisiana, as evidenced by Certificate No. 020882. By his subscription hereto, Dr. Lowe also hereby authorizes the DOI 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.

4. Effect of Voluntary Surrender of License. Dr. Lowe acknowledges, stipulates and agrees that the voluntary surrender of his medical license as provided herein in light of the existence of pending administrative charges 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. Lowe 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 without a hearing and approval by the Board.

5. Fine. Within thirty (30) days of the effective date of the Board's Acceptance of these Stipulations and Agreement for Voluntary Surrender of Medical License, Dr. Lowe shall remit to the Board five thousand dollars (\$5,000.00) in order to offset the expenses incurred by the Board in conducting the investigation of the allegations cited herein.

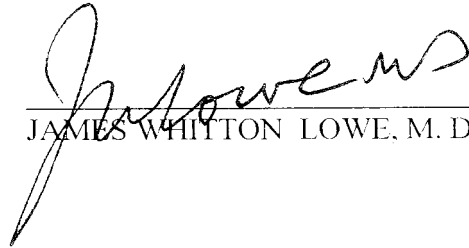
6. Termination of Proceedings. By the voluntary surrender of his medical license, payment of the fine outlined in Paragraph 5, and the attendant dismissal of the administrative proceedings thereafter, Dr. Lowe acknowledges, stipulates and agrees that he hereby waives any right to which he may be entitled 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.

7. Advice of Counsel. Dr. Lowe 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.

8. Public Record. Dr. Lowe 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.

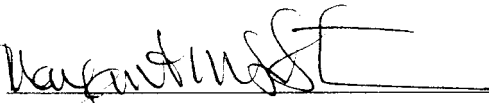
STIPULATION, ACKNOWLEDGMENT AND AGREEMENT

I, **JAMES WHITTON LOWE, M. D.**, hereby acknowledge, approve, accept, stipulate, agree and consent to entry of the above and foregoing this _____ day of June, 2009.



JAMES WHITTON LOWE, M. D

WITNESSES:

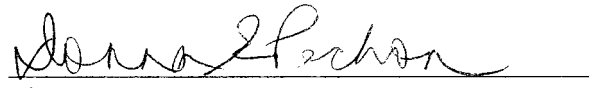


Signature

Margaret M. Silverstein
Typed Name

201 St Charles Ave, Suite 3600

New Orleans, LA 70170
Address



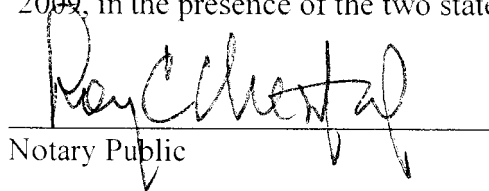
Signature

DONNA E. PECHON
Typed Name

201 St. Charles Ave, Suite 3600

New Orleans, LA 70170
Address

Sworn to and subscribed before me at New Orleans, Louisiana, this 10th day of June, 2009, in the presence of the two stated witnesses.



Notary Public

Printed Name La. Bar No.

My Commission is for life.

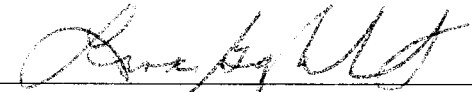
ROY C. CHEATWOOD
NOTARY PUBLIC
Parish of Orleans, State of Louisiana
LSBA 4010
My Commission is issued for Life.

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, this 20th day of July, 2009, **effective** immediately.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

By: _____



LINDA GAGE-WHITE, M.D., PH.D.
President