

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130  
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250  
www.lsme.la.gov



Telephone: (504) 568-6820  
FAX: (504) 568-8893  
Writer's Direct Dial:

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

**In the Matter of:**

**No. 16-I-883**

**ELEMER RAFFAI, M.D.**

**CONSENT ORDER**

*(Certificate No. 12452R)*

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information concerning Elemer Raffai, M.D. ("Dr. Raffai"), a physician who at all times material to the facts and matters alleged herein was engaged in the practice of medicine in New York, but who is also licensed by the Board to practice medicine in the state of Louisiana, as evidenced by Certificate No. 12452R.

Dr. Raffai signed a Consent Order with the New York State Board for Professional Medical Conduct ("BPMC"), effective June 1, 2017.<sup>1</sup> The underlying Statement of Charges filed on May 16, 2017 allege that Respondent committed professional misconduct by practicing medicine with negligence on more than one occasion. The Order places Dr. Raffai on probation for 36 months and imposes conditions on his orthopedic practice.

A review of Dr. Raffai's annual licensure renewal applications for Louisiana from 2013 to the present reflect that he failed to respond in the affirmative to the question, "has your professional license...been the subject of investigation...by any state licensing board or federal authority?" In addition he failed to answer in the affirmative to the question, "Were you the subject of an inquiry or investigation by any hospital, clinic, or other health care institution which resulted in the suspension, restriction, probation or other limitation on your affiliation or staff or clinical privileges...?"<sup>2</sup> These responses on Dr. Raffai's application were false, as Dr. Raffai acknowledges that he was suspended in May

<sup>1</sup> Consent Order, *In The Matter of Elemer Raffai, M.D.*, New York State Department of Health State Board For Professional Medical Conduct. (May 24, 2017).

<sup>2</sup> Dr. Raffai's license renewal applications indicate that he failed to respond in the affirmative to questions regarding suspension from employment and whether his license was ever the subject of an investigation by a state licensing board, on the following specific renewal dates: May 19, 2014, May 13, 2015, and June 17, 2016.

2013 by Rome Memorial Hospital in Rome, New York. He also acknowledges that in 2014 the New York State Department of Health began investigating the circumstances that led to his 2013 suspension from Rome Memorial Hospital.

Dr. Raffai submits that his failure to report was an oversight and was not intentional, but nonetheless, acknowledges that if findings were established before a hearing panel of the Board and the reported information is determined to be true, then the Board may take such action against his license to practice medicine in this state that it deems appropriate, pursuant to La. R.S. §37:1285A (4) and (29).<sup>3</sup> Dr. Raffai stated that he has no intention of practicing in any capacity in the State of Louisiana in the future. In consideration of the foregoing, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to have notice and administrative adjudication of any charges that may be filed in this matter, at which time he 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.*, Dr. Raffai nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Raffai also acknowledges that he 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 or other forum relating to the matters referred to herein. By his subscription hereto, Dr. Raffai also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order 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. Dr. Raffai expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against him or to the Board's capacity to adjudicate such charges should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

---

<sup>3</sup> Pursuant to La. R.S. §37:1285A (4), the Board may take action against the license of a physician as a result of '[p]roviding false testimony before the Board or providing false sworn information to the Board.' Additionally, La. R.S. §37:1285A (29) provides that the Board may take action against the license of a physician as a result of '...the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state...'

**IT IS ORDERED** that Elemer Raffai, M.D., whose license is currently inactive in Louisiana due to non-renewal, is ineligible to apply for renewal of his Louisiana license unless and until he completes the probationary terms and conditions imposed on his New York license outlined in Consent Order No. 17-143, effective June 1, 2017.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with this Order by Dr. Raffai shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Dr. Raffai's license to practice medicine in this state as the Board may deem appropriate, as if such violation were enumerated among the causes provided in La. Rev. Stat. §37:1285.

**IT IS FURTHER ORDERED** that this Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 17<sup>th</sup> day of July, 2017.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By:

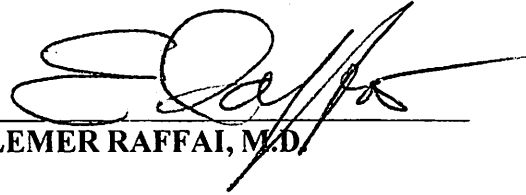


Christy Lynn Valentine, M.D.  
*Vice-President*

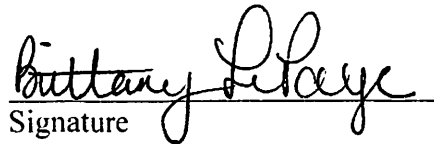
STATE OF NY  
PARISH/COUNTY OF FRANKLIN

**ACKNOWLEDGMENT  
AND CONSENT**

I, **ELEMER RAFFAI, M.D.** hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 29 day of JUNE 2017.

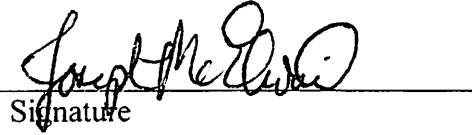
  
\_\_\_\_\_  
ELEMER RAFFAI, M.D.

WITNESSES:

  
\_\_\_\_\_  
Signature

Brittany LePage  
\_\_\_\_\_  
Typed Name

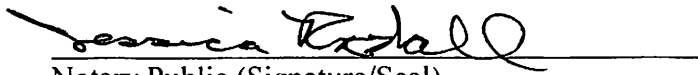
355 W. Main St. Malone NY 12953  
\_\_\_\_\_  
Address

  
\_\_\_\_\_  
Signature

Joseph McElwain  
\_\_\_\_\_  
Typed Name

355 W Main St, Malone, NY 12953  
\_\_\_\_\_  
Address

Sworn to and subscribed before me at Malone,  
New York, this 29<sup>th</sup> day of June, 2017,  
in the presence of the two stated witnesses.

  
\_\_\_\_\_  
Notary Public (Signature/Seal)  
JESSICA RANDALL  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN FRANKLIN COUNTY  
REGISTRATION NO. 04RA6230618  
COMMISSION EXPIRES NOV. 1, 2018

Notary Public (Printed Name)/Bar-Notary #