

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS
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BEFORE THE
LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

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10/11

No. 2021-I-889; 2022-I-185

IN THE MATTER OF:

CONSENT ORDER

CHARLES KELSO BILLINGS, M.D.
(*Credential No. MD.013548*),
Respondent

Charles Kelso Billings, M.D. ("Dr. Billings"), is a seventy-five-year-old physician who was licensed to practice medicine in the State of Louisiana pursuant to the Louisiana Medical Practice Act (the "Act"), La. R.S. 37:1261-92, as evidenced by Credential No. MD.013548. Dr. Billings was engaged in the practice of psychiatry in and around Gretna, Louisiana. In June 2021, the Louisiana State Board of Medical Examiners (the "Board") received apparently reliable information that Dr. Billings had allegedly neglected to return a patient's telephone calls for approximately three months, which resulted in the patient being unable to obtain medication refills. This matter was assigned Case No. 2021-889.

Investigation of the first captioned matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., Director of Investigations (the "Investigating Officer") for the Board. In the course of investigating these allegations, investigations staff learned that Dr. Billings' medical license had expired on January 31, 2021, yet he had continued to treat patients. Investigations staff also learned that Dr. Billings' controlled dangerous substances ("CDS") license issued by the Louisiana Board of Pharmacy had expired on July 10, 2020, yet he had continued to prescribe CDS to patients. Investigations staff obtained copies of over one hundred prescriptions for CDS written by Dr. Billings after his CDS license had expired, a review of which indicated that some of the prescriptions for CDS included five (5) or more patient refills, with at least two including eleven (11) patient refills.

After several unsuccessful attempts to contact Dr. Billings through his office contact information, investigations staff visited Dr. Billings at his home on December 15, 2021 and informed him of his expired licenses. Dr. Billings thereafter met with the Investigating Officer to discuss the above allegations. Dr. Billings represented that until the investigators' visit, he had been unaware that he was practicing with an expired medical license and CDS license because he had relied on an office manager to complete his license renewal applications since 2010 and she had informed him that his medical license and CDS license had been timely renewed. Dr. Billings further represented that the same lapse in communication with his office manager while he was working remotely during the COVID-19 pandemic likely also contributed to the instant patient

complaint. Dr. Billings agreed to stop treating patients until the matter was resolved and he could reapply for his medical and CDS licenses. Dr. Billings further surrendered his DEA permit on January 17, 2022, and has since responded promptly to all inquiries from investigations staff.

While the investigation into Case Number 2021-889 was pending, the Board received another complaint that Dr. Billings had been practicing medicine and prescribing CDS to patients despite his medical license and CDS license being expired. This matter was assigned Case No. 2022-185. The second complaint, accordingly, pertained to Dr. Billings' conduct previously discovered by investigations staff.

Seeking to resolve these matters and be reinstated to practice medicine in this State, on April 27, 2022, Dr. Billings submitted an application for reinstatement consistent with La. Admin. Code tit. 46 pt. XLV § 419, and his application was referred to the Investigating Officer.

As evidenced by his subscription hereto, Dr. Billings acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing would establish sufficient cause to take action with respect to his license to practice medicine in this state pursuant to La. R.S. 37:1285(A)(6)¹ and (30).²

Recognizing his right to have notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Billings 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. R.S. 49:955-65, Dr. Billings, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. R.S. 49:955(D) consents to entry of the Order set forth hereinafter. Dr. Billings acknowledges 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 which may be afforded to him by any other law to contest or appeal his agreement to or the force and effect of the Board's investigation or this Order

¹ Pursuant to La. R.S. 37:1285(A)(6), "[t]he board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued pursuant to this Part for the following causes:...(6) Prescribing, 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"; *see also* La. R.S. 40:973(A)(1) ("Every person who conducts research with, manufactures, distributes, procures, possesses, *prescribes*, or dispenses any controlled dangerous substance within this state...shall obtain a controlled dangerous substance license issued by the Louisiana Board of Pharmacy in accordance with the rules and regulations promulgated by the board prior to engaging in such activity") (emphasis added); La. Admin. Code tit. 46 pt. LIII § 2705(A) (same); La. Admin. Code tit. 46 pt. LIII § 2707(B)(3) ("A CDS license not renewed by the expiration date shall be classified as expired. A licensee shall not engage in any activity requiring a valid CDS license while his license is expired.").

² Pursuant to La. R.S. 37:1285(A)(30), "[t]he board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued pursuant to this Part for the following causes:...(30) Violation of any rules and regulations of the board, or any provisions of this Part"; *see also* La. R.S. 37:1271(A) ("No person shall practice medicine as defined herein until he possesses a duly recorded license issued under this Part or a permit or registration as provided for herein"); La. R.S. 37:1280(A) ("Every license issued under this Part shall be renewed annually upon payment of the required renewal fee"); La. Admin. Code tit. 46 pt. XLV § 415(A) ("Every license or permit issued by the board under this Chapter, the expiration date of which is not stated thereon or provided by these rules, shall annually expire and thereby become null, void, and to no effect the following year on the first day of the month in which the licensee was born.").

in any court or other forum. By his subscription hereto, Dr. Billings also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this 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. R.S. 49:960. Dr. Billings expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order.

Based upon the information provided, and upon the recommendation of the Investigating Officer, the Board hereby concludes that, consistent with its mandate under La. R.S. 37:1261, the interests of public health, safety, and welfare will be effectively served by entry of the Order set forth hereinafter by consent. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. R.S. 37:1285 and La. R.S. 49:955(D);

IT IS ORDERED that the license of Charles Kelso Billings, M.D., to practice medicine in the State of Louisiana as evidenced by Credential No. MD.013548, be and the same is hereby **REINSTATED** and placed **ON PROBATION** for a period of two (2) years (the "probationary period"), provided however, that his exercise of any rights and privileges granted thereby shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions, and restrictions:

- (1) Practice Monitoring.** Within thirty (30) days of the effective date of this Consent Order, Dr. Billings shall enter into a contract or arrangement with a Practice Monitor, who has been pre-approved in writing by the Board or its designee, to review Dr. Billings' medical practice during the probationary period. The Practice Monitor shall work in conjunction with the Board or its designee to develop parameters for monitoring Dr. Billings' practice, including a review of Dr. Billings' patient records and charts. The Practice Monitor shall review up to twelve (12) medical records quarterly and provide quarterly written reports to the Board or its designee attesting to whether Dr. Billings' medical practice falls within established standards of care. Any and all fees, costs or expenses incurred by Dr. Billings in connection with this monitoring requirement shall be borne by Dr. Billings.
- (2) Continuing Medical Education.** Within the first year of the probationary period, Dr. Billings shall attend and participate in at least fifty (50) hours of continuing medical education programs that have been approved by the Board, at least five (5) hours of which shall be on each of the following topics: (1) medical record keeping, (2) proper prescribing, and (3) ethics. Dr. Billings shall cause to be submitted to the Board or its designee written certification of his completion of this requirement.
- (3) Fine.** Dr. Billings shall, within one hundred and twenty (120) days of the effective date of this Order, pay to the Board a fine in the amount of Two Thousand Five Hundred Dollars and No/100 (\$2,500.00).

- (4) **Notification of Order and Authorization.** Dr. Billings shall provide a copy of this Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state, and upon request of the Board's probation officer Dr. Billings shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records pertaining to Dr. Billings from any hospital, institution or other health care entity where Dr. Billings has or has had privileges.
- (5) **Cooperation with Board's Probation and Compliance Officer.** Dr. Billings shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and/or professional addresses and telephone numbers and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Consent Order.
- (6) **Probation Monitoring Fee.** For each year of the probationary period, Dr. Billings shall pay the Board an annual probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
- (7) **Effect of Violation/Sanction.** By his subscription hereto, Dr. Billings acknowledges that his receipt of written notification that the Board has received reliable information indicating his failure to comply with the requirements set forth by this Consent Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951, *et seq.*, or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate or continued suspension of his license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceeding by issuance of a final decision following administrative adjudication of such charges.
- (8) **Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Billings shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Billings' compliance with the requirements of this provision.
- (9) **Effective Date.** This Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms set forth by this Order by Dr. Billings shall be deemed adequate and sufficient

cause, upon proof of such violation or failure, for such other action against Dr. Billings' license to practice medicine in the State of Louisiana as the Board may deem appropriate as if such violations were enumerated among the causes provided in La. R.S. 37:1285.

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

New Orleans, Louisiana, this 27th day of June, 2022.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: _____


LESTER W. JOHNSON, M.D.
President

Acknowledgment and Consent on Following Page

**ACKNOWLEDGMENT
AND CONSENT**

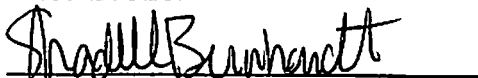
STATE OF LOUISIANA

PARISH OF St. TAMMANY

I, CHARLES KELSO BILLINGS, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order 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 Order without duress and of my own free will and accord, this 27th day of May, 2022.


CHARLES KELSO BILLINGS, M.D.

WITNESSES:


Signature


Signature

Sharlell Bernhardt
Typed Name

Nancy Brigham
Typed Name

68031 Capital Trace Row
Street Address

68031 Capital Trace Row
Street Address

Mandeville, La. 70471
City/State/Zip Code

Mandeville, La. 70471
City/State/Zip Code

Sworn to and subscribed before me this 27th day of May, 2022, in the presence of the two stated witnesses.


Notary Public (Signature)

Name: _____
Notary/Bar No.: _____
Commission expires: _____

Normand F. Pizza
Notary Public
St. Tammany Parish, State of LA
Notary Identification No. 8692
My Commission is Issued for Life