



# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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## BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

No. 2022-I-356

IN THE MATTER OF:

CONSENT ORDER

**MATTHEW MICHAEL RASBERRY, M.D.**  
*(Credential No. MD.204700),*  
*Respondent*

Matthew Michael Rasberry, M.D. ("Dr. Rasberry") is a physician who at all times pertinent has been 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.204700.<sup>1</sup> Dr. Rasberry was also previously licensed to practice medicine in the State of Tennessee, as evidenced by License No. 49865.

In October 2021, Dr. Rasberry reported to the Board that he was the subject of criminal charges pending in the State of Kentucky, where Dr. Rasberry had "never practiced." On or about May 17, 2022, Dr. Rasberry informed the Board that he had entered a Plea Agreement in the United States District Court for the Eastern District of Kentucky. Dr. Rasberry further informed the Board that he had voluntarily retired his Tennessee medical license without action and had returned to live in Louisiana, where he was working "performing utilization reviews on a contract."

The Plea Agreement indicates that Dr. Rasberry was charged with and plead guilty to four counts of unlawful distribution of a controlled substance in violation of 21 U.S.C. § 841(a)(1), and one count of engaging in a monetary transaction in property derived from specified unlawful activity in violation of 18 U.S.C. § 1957, in the United States District Court for the Eastern District of Kentucky.<sup>2</sup> The only controlled substance involved in the Plea Agreement was buprenorphine prescribed at a clinic at which Dr. Rasberry practiced.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter has determined that sufficient cause exists to file formal charges against

<sup>1</sup> Dr. Rasberry voluntarily retired his Tennessee license as of April 6, 2022.

<sup>2</sup> See Plea Agreement, Docket No. 8, *United States v. Rasberry*, No. 6:22-cr-00029-GFVT (E.D. Ky. May 10, 2022).

Dr. Rasberry for violations of the Louisiana Medical Practice Act (the "Act"), pursuant to La. R.S. 37:1285(A)(1) and (2).<sup>3</sup>

As evidenced by his subscription hereto, Dr. Rasberry acknowledges that the information developed by the Board's investigation would constitute sufficient cause for the institution of administrative proceedings against his medical license and that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate.

Recognizing his right to have notice and administrative adjudication of any charges that may be filed in this matter, at which time Dr. Rasberry 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. 49:951 *et seq.*, Dr. Rasberry, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision and pursuant to La. R.S. 49:955(D), consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. Rasberry also 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 otherwise may be afforded to him by law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum or body relating to the matters referred to herein. By his subscription hereto, Dr. Rasberry 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. R.S. 49:960. Further, Dr. Rasberry 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 filing and adjudication of an Administrative Complaint against him, or to the Board's capacity to adjudicate any charges that may be filed in this matter should the Board decline to approve this Order.

Based upon the information provided, accordingly, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. R.S. 37:1261, 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 Matthew Michael Rasberry, M.D., to practice medicine in the State of Louisiana, as evidenced by Credential No. MD.204700, is hereby placed on **INDEFINITE SUSPENSION**.

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<sup>3</sup> Pursuant to the Act, La. R.S. 37:1285(A), the Board may take action against the license of a physician as the result of: "(1) Conviction 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"; or "(2) Conviction 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."

**IT IS FURTHER ORDERED** that the reissuance or reinstatement of Dr. Rasberry's license to practice medicine in the State of Louisiana shall be subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

**1. Suspension; Reissuance/Reinstatement.** Dr. Rasberry shall not practice medicine in the State of Louisiana until and unless the Board issues and serves on him a written order reissuing or reinstating his medical license. As express conditions to Dr. Rasberry's petition or request of the Board for such an order, Dr. Rasberry shall have: (1) been released from any period of incarceration and successfully completed any period of probation/supervised release imposed by the Court as a result of the above-mentioned criminal plea; (2) scheduled and met with the Investigating Officer of the Board to discuss his then-current status and plans for resumption of practice; (3) satisfied the eligibility and other requirements of the Board's rules governing license issuance or reinstatement as of the date of his petition or request, La. Admin. Code tit. 46, pt. XLV, ch. 3; (4) demonstrated to the Board's satisfaction his competency to resume practice with skill and safety to patients; and (5) made a personal appearance before the Board to discuss his reinstatement application. Thereafter, any petition or request for reissuance or reinstatement of medical licensure made by Dr. Rasberry shall be granted or denied, at the sole discretion of the Board, and on such probationary terms, conditions and/or restrictions as the Board may then deem appropriate.

**IT IS FURTHER ORDERED** that any reinstatement of Dr. Rasberry's license shall include a minimum one-year period of probation (the "probationary period"), *provided however*, that Dr. Rasberry's continuing exercise of rights and privileges of licensure while on probation shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions, and restrictions:

- 1. Controlled Substances; Limitations.** Except as authorized herein, and for the duration of the probationary period, Dr. Rasberry shall not prescribe buprenorphine. The prohibition contained in this paragraph shall not prohibit Dr. Rasberry from ordering any controlled substance for administration to in-patients of a hospital where he may be employed or exercise staff or clinical privileges in accordance with such hospital's prescribing policies and procedures governing the administration of controlled substances.
- 2. Continuing Medical Education.** During the first year of the probationary period, Dr. Rasberry shall attend and participate in at least one approved CME course on each of the following topics: (1) medical record keeping, (2) proper prescribing, and (3) ethics. On or before the anniversary of the effective date of any subsequent order of reinstatement on probation, Dr. Rasberry shall cause to be submitted to the Board written certification of the continuing medical education program and credit completed during the preceding twelve (12) months.
- 3. Prohibition on Practice of Addiction Therapy.** Dr. Rasberry shall not practice medicine in the field of addiction therapy. More specifically, Dr. Rasberry shall not hold himself out as being engaged in the treatment of or actually undertake to treat, either individually or in conjunction with any other physician, any patient for

addiction therapy with controlled substances, nor shall he receive any remuneration from, have any ownership interest in or association with any clinic or practice setting or arrangement that renders care and/or treatment to patients for addiction therapy, or any clinic that advertises or holds itself out to the public as a clinic or practice for the care and/or treatment of patients for addiction therapy. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall remain in effect so long as Dr. Rasberry shall hold any form of license or permit to practice medicine in the state of Louisiana.

4. **Notification.** Dr. Rasberry shall provide a complete copy of this Order and any subsequent order of reinstatement on probation 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.
5. **Cooperation with Board's Probation and Compliance Officer.** Dr. Rasberry shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and 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. Rasberry shall pay the Board a 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 any subsequent order of reinstatement on probation. 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. Rasberry acknowledges that his receipt of written notification that the Board has received apparently reliable information which indicates his failure to comply with the requirements set forth by this 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 suspension of his license to practice medicine as a physician in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges.

**IT IS FURTHER ORDERED** that this 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 or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Rasberry shall be deemed

adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Rasberry's license to practice medicine in the state of Louisiana, or for such other action 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 21<sup>st</sup> day of November, 2022.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

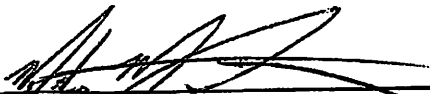
By:   
LESTER W. JOHNSON, M.D.  
*President*

*Acknowledgment and Consent on Following Page*

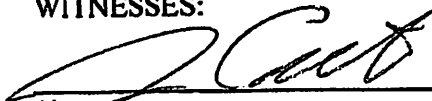
**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF Louisiana  
PARISH/COUNTY OF Rapides

I, MATTHEW MICHAEL RASBERRY, 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 31<sup>st</sup> day of October, 2020

  
MATTHEW MICHAEL RASBERRY, M.D.

WITNESSES:

  
Signature

John B. Smith  
Typed Name

400 Hwy Rd.  
Street Address

Shreveport LA 71483  
City/State/Zip Code

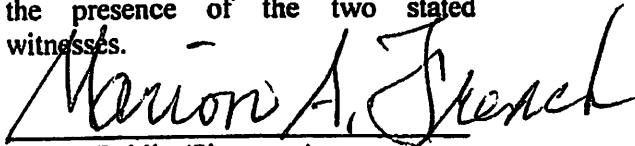
  
Signature Olivia M. Normand

Olivia M. Normand  
Typed Name

PO Box 454/249 Bo Newcomb Rd  
Street Address

Libuse, LA 71360  
City/State/Zip Code

Sworn to and subscribed before me this 31<sup>st</sup> day of October, 2020, in the presence of the two stated witnesses.

  
Notary Public (Signature)

Name: MARION A. FRENCH  
Notary/Bar No. Louisiana Bar No. 5854  
Commission expires Notary Public # 17934  
Rapides Parish, Louisiana  
Commission is for Life