



LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

Nos. 2020-I-263, 2020-I-692

IN THE MATTER OF:

CONSENT ORDER

CHARLES E. RAY, M.D.
(License No. MD.016680)

The first above-captioned matter, case number 2020-263, was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information indicating that Charles E. Ray, M.D. ("Dr. Ray"), a physician who at all times pertinent has been licensed and engaged in the practice of internal medicine in and around Jennings, Louisiana inappropriately prescribed controlled dangerous substances ("CDS") to a patient and failed to maintain professional boundaries.

Investigation of the 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 the investigation, the Investigating Officer learned that Dr. Ray was treating and prescribing CDS to a patient and his caregiver while that patient was residing on Dr. Ray's property. The Investigating Officer also learned that Dr. Ray was prescribing CDS without being in full compliance with the Board's rules on prescribing CDS. *See* La. Admin. Code tit. 46, pt. XLV §§ 6915-6923.

The Investigating Officer also learned that Dr. Ray was arrested in connection with two separate incidents involving a domestic battery on May 25, 2019, and December 16, 2020, and, as a result, the second above-captioned matter, case number 2020-692, was also docketed for investigation.¹ Dr. Ray had previously entered into a monitoring agreement with the Healthcare Professionals' Foundation of Louisiana ("HPFL") for a substance use disorder in 2012, which he completed in 2017, and these events raised additional concerns that Dr. Ray may have relapsed in his substance use disorder.

¹ Regarding the 2019 arrest, Dr. Ray pled nolo contendere in July 2020 to an amended charge of misdemeanor simple battery under La. R.S. 14:35 and was sentenced to one year of unsupervised probation, which he completed. Dr. Ray subsequently was found civilly liable in July 2023 for domestic abuse battery regarding the events underlying the 2019 arrest, although he has indicated that he may appeal the judgment. Regarding the 2020 arrest, the district attorney rejected all charges and thus did not institute a criminal prosecution. Investigations staff received correspondence from the alleged victim of Dr. Ray's 2020 arrest as well as a witness and both indicated that they agreed with the district attorney's decision to reject all charges.

Dr. Ray met with the Investigating Officer, who, based on the incidents discussed above and Dr. Ray's previous monitoring agreement with the HPFL, recommended that Dr. Ray undergo an evaluation at a Board-approved facility. Dr. Ray agreed to submit to the recommended evaluation, and his evaluators determined that he had relapsed in his substance use disorder and should submit to an inpatient treatment program. Dr. Ray completed the recommended inpatient treatment program at a Board-approved facility, and his evaluators determined that he could practice medicine with reasonable skill and safety as long as he adheres to the systems of accountability regarding his practice that have been recommended by his treatment providers.

As evidenced by his subscription hereto, Dr. Ray 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 medical license pursuant to La. R.S. 37:1285(A)(5)², (6)³, and (13).⁴

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. Ray 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. 49:950 *et seq.*, Dr. Ray, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. R.S. 49:975(D) consents to entry of the Order set forth hereinafter. Dr. Ray acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:950 *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 in any court or other forum. By his subscription hereto, Dr. Ray 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. 49:977.2. Dr. Ray 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

² Pursuant to La. R.S. 37:1285(A), "[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: . . . (5) Habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence."

³ Pursuant to La. R.S. 37:1285(A), "[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."

⁴ Pursuant to La. R.S. 37:1285(A), "[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: . . . (13) Unprofessional conduct, including but not limited to, conduct manifested as sexual misconduct, disruptive behavior, failing to cooperate with the board, failing to maintain independent medical judgment, improperly delegating or supervising, exercising undue influence, enabling the unauthorized practice of medicine, practicing or enabling practice by an impaired provider, failing to practice within the scope of education, training, and experience, intentionally falsifying or fraudulently altering records, or failing to create or maintain medical records."

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. 49:975(D);

IT IS ORDERED that license of Charles E. Ray, M.D., to practice medicine in the State of Louisiana, as evidenced by Certificate No. MD.016680, be and hereby is **SUSPENDED** for a period of forty-five (45) days from the effective date of this Order.

IT IS FURTHER ORDERED that, immediately following the period of suspension, the license of Charles E. Ray, M.D., to engage in the practice of medicine shall be reinstated without further order of the Board and placed **ON PROBATION** for a period of five (5) years (the "probationary period") from the effective date of this Order or upon the successful completion of Dr. Ray's HPFL Monitoring Agreement (executed on September 7, 2021), whichever occurs first, *provided, however*, that Dr. Ray's continuing 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) **Maintenance of Complete Abstinence.** Dr. Ray shall maintain complete and total abstinence from the use of alcohol, controlled and any mood-altering substance for the duration of the probationary period, except as may be prescribed by a treating physician for a legitimate medical condition. Dr. Ray shall personally inform the Board's Probation and Compliance Officer, both orally and in writing, within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by him from any physician for treatment of a legitimate medical condition. If the prescription is from another physician, he shall also inform his treating/monitoring physician in this same manner.
- (2) **HPFL Agreement, Reports to Board.** Dr. Ray shall continue to maintain a monitoring agreement with the HPFL until at least September 7, 2026. Dr. Ray shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring which are contained in such agreement, as well as those recommended by his treating physicians and those prescribed by any other health care provider involved in his care to the extent that they continue to follow him. Dr. Ray shall, in addition, authorize and cause the HPFL to submit to the Board or its designee, not less frequently than quarterly, written reports and/or verbal reports, should the Board or its designee desire the latter, on his compliance with the terms, conditions and restrictions of this Order and his monitoring agreement.

- (3) **Aftercare and Outpatient Programs.** Dr. Ray shall, within thirty (30) days of the effective date of this Order, provide confirmation that he is enrolled in individual and group outpatient therapy or aftercare programs that are consistent and compliant with his evaluators' recommendations and that are acceptable to and have been approved by the Board or its designee in writing. Dr. Ray shall update the Board or its designee annually on his continuing participation in outpatient therapy or aftercare programs.
- (4) **Continuing Medical Education.** During the first year of the probationary period, Dr. Ray shall attend and participate in at least thirty (30) 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. On or before the anniversary of the effective date of this Order, Dr. Ray 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.
- (5) **Fine.** Dr. Ray 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 One Thousand Dollars and No/100 (\$1,000.00).
- (6) **Notification of Order and Authorization.** Dr. Ray shall provide a copy of this 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 and Compliance Officer Dr. Ray 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. Ray from any hospital, institution or other health care entity where Dr. Ray has or has had privileges.
- (7) **Cooperation with Board's Probation and Compliance Officer.** Dr. Ray 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 Order to the attention of the Probation and Compliance Officer. Dr. Ray shall cooperate with the Probation and Compliance Officer on all matters and inquiries pertaining to his compliance with the terms and conditions of this Order, specifically including without limitation providing cooperation and assistance to the Board, its designee, or the HPFL in obtaining any records required under this Consent Order.
- (8) **Absence from the State/Practice/Effect on Probation.** Should Dr. Ray at any time be absent from the State of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a physician for a period of thirty (30) days or more he will so advise the Board in writing. In such instance, the probation ordered herein and all terms, conditions and restrictions thereof shall be deemed

interrupted and extended and shall not commence again until Dr. Ray notifies the Board in writing that he has resumed the practice of medicine in Louisiana.

- (9) **Probation Monitoring Fee.** For each year of the probationary period, Dr. Ray 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.
- (10) **Effect of Violation/Sanction.** By his subscription hereto, Dr. Ray 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 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 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.
- (11) **Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Ray 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. Ray's compliance with the requirements of this provision.
- (12) **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. Ray shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Ray's 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 25th day of September, 2023.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: _____



TERRIE R. THOMAS, M.D.
President

Acknowledgment and Consent on Following Page

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA

PARISH OF Jefferson Davis

I, CHARLES E. RAY, 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 5th day of September, 2023.

Charles E. Ray
CHARLES E. RAY, M.D.

WITNESSES:

Frankie Touchet
Signature

FRANKIE TOUCHET
Typed Name

815 Shankland Ave. #19
Street Address

Jennings LA 70546
City/State/Zip Code

Debbie Cassidy
Signature

DEBBIE CASSIDY
Typed Name

417 Shawn Lane
Street Address

Jennings LA 70546
City/State/Zip Code

Sworn to and subscribed before me this
5th day of September, 2023, in the
presence of the two stated witnesses.

[Signature]
Notary Public (Signature)

Name: Tim Cassidy
Notary/Bar No.: 01753
Commission expires: At Death

