

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter of

CHARLES P. LAHAYE, M.D.
(Certificate No. 019910)

No. 02-I-024

**INTERIM
CONSENT ORDER**

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This matter is before the Louisiana State Board of Medical Examiners (the "Board") in connection with an ongoing and pending investigation conducted by the Investigating Officer of the Board regarding Charles P. Lahaye, M.D. ("Dr. Lahaye"), a physician who at all times material to the facts and matters alleged herein was licensed and engaged in the practice of medicine in and around Ville Platte, Louisiana.

The Board has received apparently reliable information that indicates that Dr. Lahaye was arrested and charged with two counts of possession of pornography involving juveniles, one count of indecent behavior with a juvenile, one count of molestation of a juvenile and one count of sexual battery, all felonies in the State of Louisiana.

Predicated upon the information outlined above, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists for the following: (1) that the Board order Dr. Lahaye to undergo an in-patient evaluation and mental and physical examinations in a facility approved by the Board to determine Dr. Lahaye's fitness and ability to practice medicine with reasonable skill and safety to patients under the authority vested in the Board by the Louisiana Medical Practice Act (the "Act"), La. Rev. Stat. §§ 37:1261 through 1292, and more particularly La. Rev. Stat. § 37:1270B(5) and 1278; (2) that pending the institution and conclusion of formal administrative proceedings that just cause exists for the Board to take emergency action against Dr. Lahaye's medical license to safeguard the public health, welfare and safety pursuant to the authority vested in the Board by La. Rev. Stat. § 37:1285 and La. Rev. Stat. § 49:961(C); and (3) that the Investigating Officer has just cause to recommend that a formal Administrative Complaint be filed against Dr. Lahaye, charging him with violation of the Act, pursuant to La. Rev. Stat. §§ 37:1285(A)(25).

Additionally, such information provides the Board with apparently reliable information sufficient for the Board to order, and predicated upon such information the Board has in fact ordered, Dr. Lahaye to undergo an in-patient evaluation and mental and physical examinations in a facility approved by the Board to determine Dr. Lahaye's fitness and ability to practice medicine with reasonable skill and safety to patients under the authority vested in the Board by the Louisiana Medical Practice Act, R.S. 37:1261 through 1292, and more particularly R.S. 37:1270B(5) and 1278.

Furthermore, such information provides the Board with apparently reliable information sufficient for the Board to conclude that pending the institution and conclusion of formal administrative proceedings just cause exists for the Board to take emergency action to safeguard the public health, welfare and safety and, therefore, pursuant to the authority vested in the Board by

La. Rev. Stat. § 37:1285 and La. Rev. Stat. § 49:961(C), the Board has just cause to summarily suspend Dr. Lahaye's medical license in the State of Louisiana pending the Board's final decision in administrative proceedings for the revocation, suspension or imposition of such terms, conditions and restrictions upon his license to practice medicine in the State of Louisiana as the Board may deem appropriate.

As evidenced by his subscription hereto, without admitting the accuracy of the information described hereinabove, or any violation of the Act, Dr. Lahaye, nonetheless, acknowledges his receipt of the Board's mandate to undergo the above-described in-patient evaluation and mental and physical examination as well as notification that the failure to do so may provide grounds for the Board to take action against his license to practice medicine in Louisiana pursuant to La. Rev. Stat. §§ 37:1285(25) and (26) and/or 49:961(C). Furthermore, Dr. Lahaye acknowledges that proof of his failure to undergo such an examination upon administrative evidentiary hearing would establish grounds under the Act for the suspension, revocation or imposition of such other terms, conditions or restrictions as the Board might deem appropriate on his license to practice medicine in the state of Louisiana.

Furthermore, without admitting any violation of the Act, Dr. Lahaye, nonetheless, acknowledges that the information recited above provides the Board with apparently reliable information sufficient for the Board to conclude that pending the institution and conclusion of formal administrative proceedings just cause exists for the Board to take emergency action to safeguard the public health, welfare and safety and, therefore, pursuant to the authority vested in the Board by La. Rev. Stat. § 37:1285 and La. Rev. Stat. § 49:961(C), the Board has just cause to summarily suspend Dr. Lahaye's medical license in the State of Louisiana pending the Board's final decision in administrative proceedings for the revocation, suspension or imposition of such terms, conditions and restrictions upon his license to practice medicine in the State of Louisiana as the Board may deem appropriate.

Recognizing his right to have administrative adjudication of such charges, 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. §§ 49:955-965, Dr. Lahaye, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision and, pursuant to La. Rev. Stat. § 49:955(D), consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. Lahaye also waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, §§ 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 before any judicial or administrative agency or body, relating to the matters referred to herein. By his subscription hereto, Dr. Lahaye also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, to present this Interim 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. Furthermore, Dr. Lahaye expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to pursue or prosecute an Administrative Complaint against him or to the Board's capacity to adjudicate such a Complaint regarding the matters mentioned hereinabove and any other matter(s) related thereto or developed during the investigation thereof, at the conclusion of the above referenced investigation by the Investigating Officer, at the final resolution or disposition of the above referenced pending criminal charges or should the Board decline to approve this Interim 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);

IT IS ORDERED that the license of Charles P. Lahaye, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 019910, shall be, and the same is hereby, **INDEFINITELY SUSPENDED**, pending (1) the conclusion of the above referenced investigation by the Investigating Officer and/or the Board's final decision in any subsequent administrative proceeding, if any, (2) Dr. Lahaye's in-patient evaluation and mental and physical examinations referenced above and (3) the final resolution or disposition of the pending criminal charges referenced above or any related subsequent or superceding criminal charges, if any.

IT IS FURTHER ORDERED that Dr. Lahaye shall not practice medicine in any form in the state of Louisiana until and unless the Board issues and serves on him a written decision or order reinstating his license to practice medicine, which the Board may or may not grant in its sole discretion. As prerequisites to Dr. Lahaye's filing of a request for reinstatement of his medical license, Dr. Lahaye shall demonstrate that he has successfully complied with each of the following terms and conditions:

(1) In-patient Evaluation/Treatment; Records and Reports. Dr. Lahaye shall undergo an in-patient evaluation and mental and physical examinations in a facility approved by the Board that specializes in the evaluation and treatment of sexual addiction and he shall comply with, abide by and successfully complete any in-patient or out-patient evaluation or treatment that may be recommended by such facility. Dr. Lahaye shall authorize and cause his evaluating and treating physician(s) at such program to provide the Board with a complete copy of Dr. Lahaye's medical record at such program, together with a written report by his as to his discharge diagnosis and prognosis and his prescriptions or recommendations for continuing out-patient and/or aftercare treatment, therapy and monitoring. Dr. Lahaye shall, moreover, authorize and cause such treating and monitoring physician(s) at such facility to submit to the Board as it may request written or oral reports as to his then-current treatment program, diagnosis and prognosis. Additionally, within five (5) days of his discharge from the such program, Dr. Lahaye shall give written notice of such discharge to the Board.

(2) Continuing Treatment, Reports to Board. Upon his discharge from the above mentioned evaluation and treatment program as outlined in Paragraph 1, Dr. Lahaye shall under treatment, consistent with the prescription and recommendations of his evaluating and treating physician(s) at that program. Dr. Lahaye shall authorize and cause his then ongoing treating and monitoring physician(s) to submit to the Board, not less frequently than quarterly, and at such other times as it may request written or oral reports as to his then-current treatment program, diagnosis and prognosis.

(3) Board Access to Treatment Records and Reports. Dr. Lahaye shall, and does by his subscription hereto, authorize any physician or any institution at which he undergoes treatment for any psychiatric condition, as well as any physician under whose care he may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with copies of all medical reports relating to Dr. Lahaye's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Lahaye expressly waives any privilege, which may otherwise be afforded the disclosure of such records, pursuant to state or federal law, and shall immediately execute any necessary written authorization presented to him that permits the Board access to such records.

(4) **Fees and Costs of Treatment/Reports.** Any and all fees, costs or expenses incurred by Dr. Lahaye in connection with his continuing psychiatric or other treatment, or the reporting requirements contained in this Order shall be borne by him.

(5) **Completion of the Pending Criminal Charges.** Dr. Lahaye shall not be eligible to apply for reinstatement of his Louisiana medical license until such time as there is a final resolution or disposition of the pending criminal charges referenced above, or any related subsequent or superceding criminal charges, if any.

(6) **Additional Terms.** In addition to such other terms and conditions as are placed as prerequisite conditions prior to his seeking reinstatement of his license to practice medicine, Dr. Lahaye hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length and nature thereof, which the Board in its sole discretion may deem necessary or appropriate to impose thereon.

IT IS FURTHER ORDERED that should the Board issue and serve on Dr. Lahaye a written decision or order reinstating his license to practice medicine, Dr. Lahaye hereby consents to, agrees with and acquiesces in the imposition of any terms, conditions or restrictions, as well as the length and nature thereof, which the Board in its sole discretion may deem necessary or appropriate to impose thereon.

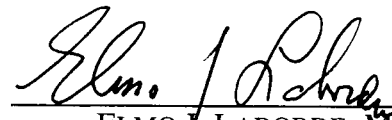
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Lahaye shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation, suspension or imposition of such other terms and conditions upon the license of Dr. Lahaye 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. Rev. Stat. §37:1285.

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

New Orleans, Louisiana, this 20th day of August, 2002.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY:


ELMO J. LABORDE, M.D.
PRESIDENT

ACKNOWLEDGMENT
AND CONSENT

STATE OF LOUISIANA

PARISH OF Evangeline

I, CHARLES P. LAHAYE, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this day of 1 Aug, 2002.


CHARLES P. LAHAYE, M.D.

WITNESSES:

Wilfred Jack
Signature

Wilfred Jack
Typed Name

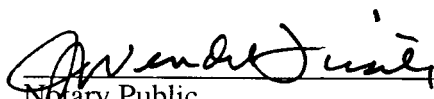
120 E. Oak St.
Address Ville Platte LA.

Roger Welch II
Signature

Roger Welch II
Typed Name

2770 Cypress Creek Rd.
Address Oakdale LA 71463

Sworn to and subscribed before me at Ville Platte, Louisiana, this 5th day of August, 2002, in the presence of the two stated witnesses.


Notary Public