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In the Matter of

RAYMOND ANDREW CARLSON, M.D.

X

FINAL DECISION

2/20/86

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A formal hearing was convened before the Louisiana State Board of Medical Examiners ("Board") on January 31, 1986 to consider and adjudicate alleged, specific violations of the Louisiana Medical Practice Act by Raymond Andrew Carlson, M.D. ("Dr. Carlson"), to wit: "[c]onviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge," LSA-R.S. 37:1285(1); "[p]rescribing, dispensing, or administering habit forming or other legally controlled substances in other than a legal or legitimate manner," LSA-R.S. 37:1285(6); "[u]nprofessional conduct," LSA-R.S. 37:1285(13); "[i]mmoral conduct in exercising the privileges provided for by license or permit issued under this part," LSA-R.S. 37:1285(15).

PROCEDURAL MATTERS

Hearing on this matter had originally been scheduled to take place on December 13, 1986. However, at the request of counsel

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for Dr. Carlson, Mr. Terry L. Johnson, the hearing was continued until January 31, 1986 as a result of Mr. Johnson being unable to attend the hearing and represent Dr. Carlson on that date because of illness.

At the hearing on January 31, 1986, a legal quorum of the Board was present, consisting of Dr. Ike Muslow, Dr. Elmo J. Laborde, Dr. J. Morgan Lyons, Dr. Anthony J. Hackett and Dr. Gerald R. Lanasa. Dr. Carlson was present at the hearing and was represented by counsel, Mr. Terry L. Johnson. After receiving and considering the testimony, documentary evidence and arguments of counsel, pursuant to LSA-R.S. 49:958, the Board renders the following findings of fact, conclusions of law, and decision.

FINDINGS OF FACT

1.

On the 6th day of September, 1985 a bill of information was filed in the 14th Judicial District Court, Parish of Calcasieu, State of Louisiana charging Dr. Raymond Andrew Carlson with the distribution of a controlled and dangerous substance, to wit, Diazepam (Valium), in violation of LSA-R.S. 40:969.A, in case No. 10146-85.

2.

On the 19th day of September, 1985 Dr. Raymond A. Carlson plead guilty to one count of distribution of a controlled dangerous substance before the Honorable Gregory D. Lyons, Judge in and for the 14th Judicial District Court, Parish of Calcasieu, State of Louisiana.

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3.

On that same date Dr. Carlson's personal automobile, a 1985 Lincoln Town car, was forfeited to the Louisiana Department of Public Safety, Louisiana State Police, pursuant to the provisions of LSA-R.S. 52:1550.

4.

Approximately five years ago Dr. Carlson began seeing an individual by the name of S. S. in the ordinary course of Dr. Carlson's practice of medicine in the Vinton, Louisiana area.

5.

Ms. Skeen initially consulted Dr. Carlson with respect to her pregnancy at that time.

6.

The testimony of Ms. Skeen indicates that sometime subsequent to this initial professional relationship Dr. Carlson began to see Ms. S. outside of regular office hours and at locations other than Dr. Carlson's office.

7.

A relationship developed between Dr. Carlson and Ms. S whereby Ms. S. was given controlled dangerous substances for purposes other than legitimate medical need, and in return, Dr. Carlson would be allowed to perform oral sex on Ms. S.

8.

The testimony of Ms. S. indicates that meetings took place between Dr. Carlson and Ms. S. on many occasions, though the dispensation of drugs was not always involved.

9.

Ms. Skeen testified that her sole purpose in pursuing this relationship with Dr. Carlson was to obtain drugs in order to get "high".

10.

Ms. S also testified that on numerous occasions Dr. Carlson queried her as to the possibility of Ms. S arranging for a third individual to join them at one of their meetings.

11.

The testimony and evidence presented at the hearing indicates beyond any doubt that the drugs Dr. Carlson administered to Ms. S were in no way indicated for any legitimate medical reason. Furthermore, the evidence indicates that the drugs administered to Ms. S were taken both orally and by injection from Dr. Carlson.

12.

On April 5, 1985 Ms. S advised the Sulphur Police Department that Dr. Carlson had been administering drugs to her for non-medical reasons and a statement was given to the police at that time.

13.

The Sulphur Police Department requested the Louisiana State Police, Diversion Investigative Unit to assist them in conducting an investigation into the relationship between Ms. S and Dr. Carlson.

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14.

Under the direction of Sgt. Doug DeLaurel of the Louisiana State Police an undercover investigation was planned and executed.

15.

Pursuant to the planned investigation Officer Lisa Graves, with the Louisiana State Police, posed as a friend of S1 S who was interested in receiving drugs from Dr. Carlson. On Tuesday, April 30, 1985 Ms. S telephoned Dr. Carlson requesting that he telephone a prescription for Diazepam (Valium) for her friend J A (the undercover name of Officer Lisa Graves).

16.

The evidence indicates that Dr. Carlson readily complied with this request and made the telephone call to a K&B drugstore in Sulphur, Louisiana for an individual named J A.

17.

Officer Graves testified at the hearing that at no time did Dr. Carlson perform any medical examination or take any medical history of her prior to Dr. Carlson's prescription of the drugs as requested.

18.

Later that evening on April 30, 1985 Ms. S telephoned Dr. Carlson and arranged to meet him at a hotel in Sulphur, Louisiana. Ms. S1 advised Dr. Carlson that she had her friend

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with her (Officer Graves) and that both of these individuals wanted "to party" with Dr. Carlson.

19.

Dr. Carlson met the two individuals at the hotel at approximately 8:45 p.m. that evening as previously arranged. A tape recording of the telephone conversation between Ms. Skeen and Dr. Carlson arranging the meeting was played for the Board and the Board finds that Dr. Carlson was a willing participant in the events which took place later that evening.

20.

At the meeting which took place at the hotel between Dr. Carlson, S. i S. and Officer Graves, Dr. Carlson administered controlled dangerous substances to both Ms. S and Officer Graves. Neither S. nor G. took the drugs given to them but surreptitiously concealed the drugs.

21.

In addition to the drugs referred to in the preceding paragraph, which the Board finds were Valium and Halcion pills, Dr. Carlson attempted to inject Officer Graves with Dilaudid in an aqueous solution. Officer Graves dissuaded Dr. Carlson from giving her the injection claiming that she was nervous about receiving injections.

22.

At this point Officer Graves identified herself as a Louisiana State Police officer and Dr. Carlson was arrested. Other agents of the Louisiana State Police, Diversion

Investigative Unit and the Sulphur Police Department entered the room and seized evidence present therein.

23.

Both Ms. S. and Officer Graves testified at the hearing and it is the finding of this Board that the drugs given to Ms. S. and Officer Graves were for non-legitimate purposes and were in no way connected to any medical need.

24.

The Board finds that Dr. Carlson's conviction in the 14th Judicial District Court, Parish of Calcasieu arose out of and from his practice of medicine in the State of Louisiana and his exercise of the privilege of medical licensure and, because of the nature thereof, constitutes a clear and present threat to the safety and well-being of the citizens of Louisiana.

25.

The Board further finds that Dr. Carlson's conduct with respect to his relationship with Ms. S. and his ready willingness to expand the scope of that relationship to individuals other than Ms. S. arose out of and from his practice of medicine in the State of Louisiana and constitutes a clear and present threat to the safety and well-being of the citizens of Louisiana.

26.

The Board further finds that Dr. Carlson's apparent abuse of his privilege of prescribing controlled dangerous substances, in offering drugs to both Ms. S. and Officer Graves, in return

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for sexual favors in the case of the former and for non-legitimate medical reasons in the case of the latter, constitutes a clear and present threat to the safety and well-being of the citizens of Louisiana.

27.

The Board further finds that Dr. Carlson grossly abused his position as a licensed physician in obtaining sexual favors from Ms. S 1, and that this abuse jeopardized the public trust placed in the physicians licensed by this Board. Further, Dr. Carlson's conduct with respect to Ms. S 1 and Officer Graves was highly unprofessional and irregular, and the Board finds said conduct to be violative of LSA-R.S. 37:1285(15) proscribing immoral conduct on the part of licensed physicians.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that:

1.

Raymond A. Carlson has been convicted of a crime and, therefore, just cause exists for action against his license as provided for by LSA-R.S. 37:1285(1).

2.

Raymond A. Carlson is guilty of prescribing, dispensing, or administering habit-forming or other legally controlled substances in other than a legal or legitimate manner and, therefore, just cause exists for action against his license as provided for by LSA-R.S. 37:1285(6).

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3.

Raymond A. Carlson is guilty of unprofessional conduct, and therefore, just cause exists for action against his license as provided for by LSA-R.S. 37:1285(13).

4.

Raymond A. Carlson is guilty of immoral conduct in exercising the privileges provided for by license or permit issued under the Medical Practice Act, and therefore, just cause exists for action against his license as provided for LSA-R.S. 37:1285(15).

DECISION

Considering the foregoing,

IT IS ORDERED that the license of Raymond A. Carlson, M.D., to practice medicine in the State of Louisiana, as evidence by Certificate No. 6532, be, and the same hereby is SUSPENDED, for a period of four (4) months commencing fourteen (14) days following the receipt of this Board's decision.

It is further ORDERED that at the conclusion of the four month suspension Dr. Carlson shall be subjected to a five year period of probation;

It is further ORDERED that Dr. Carlson shall forfeit his privilege of prescribing Schedule II substances for the duration of his license suspension and probationary period;

It is further ORDERED that Dr. Carlson shall undergo psychiatric evaluation, at his own expense, at Ochsner Foundation within thirty (30) days of receipt of this Board's decision, and

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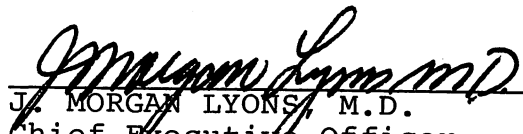
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a report of that evaluation shall be promptly forwarded to the Board for review;

It is further ORDERED that Dr. Carlson shall appear before the Board, in person, at the Board's meeting in May of 1986, or at some other date to be fixed by the Board, for a final disposition of this matter and in consideration of the psychiatric evaluation to be obtained.

New Orleans, Louisiana this 20th day of February, 1986.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS


J. MORGAN LYONS, M.D.
Chief Executive Officer
Secretary-Treasurer