

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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: **In the Matter of** : **No. 97-I-037**  
: :  
: **CHARLES G. ROGERS, JR., M.D.** : **CONSENT**  
: **(Certificate No. 019135)** : **ORDER**  
: :  
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Apparently reliable information was received by the Investigating Officer (the "I/O") of the Louisiana State Board of Medical Examiners (the "Board"), which indicates that in 1996 Charles G. Rogers, Jr., M. D. ("Dr. Rogers"), a general surgeon licensed to practice medicine in Louisiana, had his medical staff privileges to perform bariatric surgery revoked by a hospital at which he held such privileges ("hospital"). Such action was taken following complications arising from Dr. Rogers' bariatric surgery practice during the years 1995 and 1996.<sup>1</sup> Moreover, although Dr. Rogers informed the Board of the hospital's action during the year 1996 in connection with the renewal of his 1997 medical license, he failed to inform the Board of inquiries or events which occurred or action taken by the hospital with respect to his bariatric surgery practice during the year 1995.<sup>2</sup>

As evidenced by his subscription hereto, Dr. Rogers acknowledges the substantial accuracy of the foregoing information and, further, acknowledges that if true, such information would provide legal cause for action against his license to practice medicine in the state of Louisiana as the Board may deem appropriate, pursuant to the Louisiana Medical Practice Act (the "Act"), La. Rev. Stat. §37:1285A(12), (14) and (3).

Upon consideration of this matter, however, the Board is persuaded that Dr. Rogers is capable of engaging in the practice of medicine, provided that he strictly observes and complies with appropriate terms and conditions on his medical license. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to notice and administrative adjudication of the charges against him, pursuant to La. Rev. Stat. §§49:955-958, and to a final decision rendered upon

<sup>1</sup>Dr. Rogers' reinstatement of his bariatric privileges by the hospital are dependent upon further training and additional specified conditions relative to his bariatric surgery practice.

<sup>2</sup>1996 Application for License Certificate Renewal, Charles Gilbert Rogers, Jr., M.D. (Nov. 20, 1995).

written findings of fact and conclusions of law, Dr. Rogers, nonetheless, hereby waives his right to notice of charges and formal adjudication and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Dr. Rogers, moreover, acknowledges that by his subscription hereto he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, *et. seq.*, or to 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 other forum relating to the matters referred to herein or to his consent hereto. By his execution of this Consent Order Dr. Rogers also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or his legal counsel assisting him in connection with this matter, 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 disclosure under La. Rev. Stat. §49:960. Dr. Rogers 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 file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this 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 Charles G. Rogers, Jr., M.D., shall not perform any bariatric surgery procedure until and unless the Board issues and serves on him a written Order authorizing such practice. As express conditions to the issuance of such an Order:

(a) Dr. Rogers shall personally appear before the Board or its designee in connection with any request for reinstatement of his authority to perform bariatric surgery to allow the Board to assess his intended plans to resume his bariatric surgery practice.

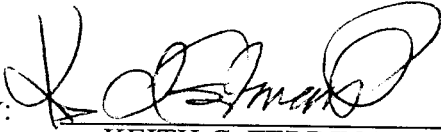
(b) Dr. Rogers hereby consents to, agrees with and acquiesces in the imposition of such terms, conditions or restrictions, as well as the length and nature thereof, which the Board in its discretion may deem necessary or appropriate to impose upon the reinstatement of his authority to perform bariatric surgery.

**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. Rogers shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such disciplinary action against Dr. Rogers' 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. Rev. Stat. §37:1285.

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

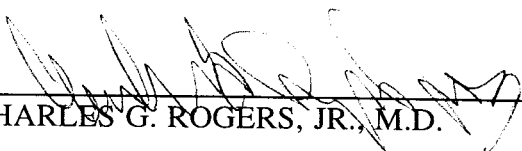
New Orleans, Louisiana, this 15<sup>th</sup> day of December, 1997.

LOUISIANA STATE BOARD OF  
MEDICAL EXAMINERS

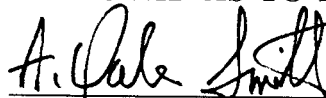
BY:   
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KEITH C. FERDINAND, M.D.  
PRESIDENT

ACKNOWLEDGMENT  
AND CONSENT

I, CHARLES G. ROGERS, JR., M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 3 day of December 1997.

  
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CHARLES G. ROGERS, JR., M.D.

APPROVED AS TO FORM:

  
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Attorney for  
Charles G. Rogers, Jr., M.D.