



**Department
of Health**

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

October 19, 2020

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ray Anthony Shoulders, P.A.



"CORRECTED COVER LETTER"
Re: License No. 017204

Dear Mr. Shoulders:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 20-267. This order and any penalty provided therein goes into effect October 23, 2020.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,


Michael S. Jakubowski, M.D.
Interim Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Victoria Soto, Esq.
Law Office of Victoria Soto
1 Chisholm Trail
Suite 150
Round Rock, Texas 78681



**Department
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ANDREW M. CUOMO
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LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

October 16, 2020

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ray Anthony Shoulders, P.A.

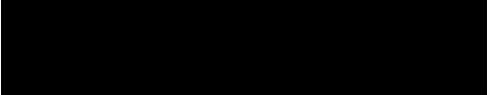

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Michael S. Jakubowski, M.D.
Interim Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Victoria Soto, Esq.
Law Office of Victoria Soto
1 Chisholm Trail
Suite 150
Round Rock, Texas 78681

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

BPMC No. 20-267

IN THE MATTER
OF
RAY ANTHONY SHOULDERS, P.A.

CONSENT
ORDER

Upon the application of (Respondent) RAY ANTHONY SHOULDERS, P.A. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and

it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney,

OR

upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 10/15/2020


THOMAS T. LEE, M.D.
Interim Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
RAY ANTHONY SHOULDERS, P.A.

CONSENT
AGREEMENT

RAY ANTHONY SHOULDERS, P.A., represents that all of the following statements are true:

That on or about November 6, 2013, I was licensed to practice as a physician assistant in the State of New York and issued License No. 017204 by the New York State Education Department.

My current address is [REDACTED], and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I do not contest the Statement of Charges, in full satisfaction of the charges against me, and agree to the following penalty:

- Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand.

- Pursuant to N.Y. Pub. Health Law §§ 230-a(7) and (9), I shall be subject to a fine in the amount of five thousand (\$5,000.00) dollars, to be paid in full within 30 days of the effective date of this Order.

Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 2784
Empire State Plaza
Albany, New York 12237

In making such payment, Respondent shall indicate the order number of this Order both on the payment check submitted and on the cover letter accompanying payment. Additionally, Respondent shall simultaneously mail a photocopy of the check and cover letter to:

Physician Monitoring Program
Office of Professional Medical Conduct
Riverview Center
150 Broadway, Suite 355
Albany, New York 12204-2719.

- Pursuant to New York Pub. Health Law § 230-a(9), I shall be placed on probation for three years, subject to the terms set forth in attached Exhibit "B."

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a.

Respondent shall comply fully with and complete the November 8, 2019 Agreed Order between Respondent and the Texas Physician Assistant Board and any extension or modification thereof.

Respondent shall provide a written authorization for the (Texas Board) to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the Texas Order.

Respondent, by making this application, asserts that Respondent does not currently practice as a physician assistant in New York State or in any setting or jurisdiction where that practice is predicated upon Respondent's New York State physician assistant license ("New York Practice"). As a Condition of this Order, should Respondent decide to resume practicing as a physician assistant in New York, Respondent shall, before beginning such practice, provide 90 days advance written notice to the Director of OPMC. Respondent may not begin practicing as a physician assistant in New York until after Respondent receives the Director's written acknowledgment that this Condition has been satisfied, and shall be subject to any further Conditions the Director may impose upon Respondent's New York Practice based on matters underlying this Consent Agreement and/or any circumstances or information known to the Director at the time of Respondent's proposed return to New York Practice. Respondent, by making this Application, stipulates that the Director

shall be authorized In his or her sole discretion to impose whatever further Conditions the Director deems appropriate upon Respondent's return to practice in New York, and Respondent further stipulates that Respondent's failure to comply with these Conditions shall constitute misconduct as defined by N.Y. Educ. Law§ 6530(29).

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing,

within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities or other confidential information, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially. I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 10/06/2020


RAY ANTHONY SHOULDERS, P.A.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 10/6/2020



VICTORIA SOTO, ESQ.
Attorney for Respondent

DATE: 10/08/2020



TRUDY A. MENARD, ESQ.
Senior Attorney
Bureau of Professional Medical Conduct

DATE: 10/15/2020



PAULA M. BREEN
Director
Office of Professional Medical Conduct

IN THE MATTER

OF

RAY ANTHONY SHOULDERS, P.A.

**STATEMENT
OF
CHARGES**

RAY ANTHONY SHOULDERS, P.A., the Respondent, was authorized to practice as a physician assistant in New York State on or about November 6, 2013, by the issuance of license number 017204 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 8, 2019 the Texas Physician Assistant Board ("Board") issued an Agreed Order which imposed discipline against the Respondent requiring a practice monitor for eight (8) consecutive monitoring cycles, sixteen (16) hours of continuing medical education and an administrative penalty in the amount of one thousand (\$1,000.00) dollars. The Agreed Order resolved allegations that Respondent failed to meet the standard of care for five patients when he continued to prescribe and treat patients for chronic pain management despite numerous aberrant urine drug screens documented for those patients.

B. The conduct resulting in the Texas disciplinary actions against Respondent would constitute misconduct under the laws of New York State pursuant to the following section of New York State law:

1. New York Education Law § 6530(3) (practicing the profession with negligence on more than one occasion)

SPECIFICATION OF CHARGES

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice as a physician assistant revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530[3]) as alleged in the facts of the following:

1. Paragraphs A and B.

DATE: October 8, 2020
Albany, New York



TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

Terms of Probation

- 1) Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
- 2) Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
- 3) Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
- 4) The probation period shall toll when Respondent is not engaged in active practice as a physician assistant in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active practice as a physician assistant in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice as a physician assistant. Upon Respondent's return to active practice as a physician assistant in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
- 5) The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
- 6) Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education,

training and oversight of all office personnel involved in medical care, with respect to these practices.

- 7) Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
- 8) Respondent shall enroll in and successfully complete a continuing education program as directed by the Office of Professional Medical Conduct. This continuing education program is subject to the Director of OPMC's prior written approval.
- 9) Within sixty (60) days of this Order's effective date, Licensee's practice as a physician assistant shall be subject to review by a licensed physician, board certified in an appropriate specialty (henceforth "Practice and Records Supervisor"), proposed by Licensee and subject to the written approval of the Director of OPMC. The Practice and Records Supervisor shall not be Licensee's on-site supervising physician and shall not be in an employment relationship with Licensee. Any practice by Licensee as a physician assistant in violation of this term shall constitute unauthorized practice.
 - a) Licensee shall make available to the Practice and Records Supervisor any and all records or access to the practice requested by the Practice and Records Supervisor, including on-site observation. The Practice and Records Supervisor shall visit each and every location where Licensee practices as a physician assistant on a random unannounced basis, at least monthly, and shall examine a selection (no fewer than 20) of records maintained by Licensee, including patient records, prescribing information and office records. The review will determine whether the Licensee's practice as a physician assistant is conducted in accordance with the generally accepted standards of the profession. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the Practice and Records Supervisor shall be reported within 24 hours to OPMC.
 - b) Licensee shall be solely responsible for all expenses associated with the Practice and Records Supervisor's review, including fees, if any, to the Practice and Records Supervisor.
 - c) Licensee shall cause the Practice and Records Supervisor to report quarterly, in writing, to the Director of OPMC.

The period during which Licensee's practice as a physician assistant shall be subject to review by a Practice and Records Supervisor, and all related Conditions shall toll

when Licensee is not engaged in active practice as a physician assistant in New York pursuant to the provisions of paragraph 4 above.

- 10) Respondent shall comply with all requirements of Article 33 of the Public Health Law and of New York State Department of Health regulations, including but not limited to all requirements related to consultation of the iStop / Prescription Monitoring Program (PMP) Registry when writing prescriptions for Schedule II, III, and/or IV controlled substances, pursuant to Public Health Law Section 3343-a and 10 NYCRR 80.63. Respondent shall meet as requested with OPMC to provide proof of compliance.
- 11) Respondent shall maintain, in a format that is acceptable to OPMC, a log of all ordering, prescribing, administering and/or dispensing of all controlled substances.
 - a) This log shall include the following information: the drug, the dose, the patient, the diagnosis, the date that the drug was prescribed, and such other information related to ordering, prescribing, administering and/or dispensing as may be requested by OPMC. The log shall also include all information related to compliance with iStop /PMP Registry consultation requirements, as set forth in paragraph 10 above, including a notation of all iStop / PMP Registry consultations performed, including the date and time performed, and the information contained in the registry upon each consultation. The log entry shall not, by itself, satisfy Respondent's obligation to document consultation with the iStop / PMP Registry in a patient's medical chart.
 - b) This log shall be subject to review by Respondent's Practice and Records Supervisor and Respondent shall make this log, and the records of any patient referenced in this log, immediately available to OPMC, upon demand.
 - c) Respondent shall cause the Practice and Records Supervisor to examine this log, and include, as part of the Practice and Records Supervisor's review of the medical records of patients treated by Respondent, an examination of at least 10 medical records per month obtained through examination of the log entries.
- 12) Respondent shall comply with this Consent Order and all its terms and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.