

SEP 25 2024

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2169

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY TODD MICHAEL RALEIGH, M.D., LICENSE NO. C0679, 1652 GALBRAITH LANE, BELLINGHAM, WASHINGTON 98229

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Inquiry Panel B, and Todd Michael Raleigh, M.D., (hereafter “the licensee”), and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, Todd Michael Raleigh, M.D. (“the licensee”), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is neurology.
3. On or about May 26, 2023, in Bellingham, Washington, the licensee was arrested and charged with Driving Under the Influence (“DUI”). The responding officer’s police report stated, in part, as follows:

On 05/26/2023, I responded to a report of a hit and run collision. Upon arrival, I contacted Eric Johnston (CI), who reported that a male identified as [the licensee] had struck his car and then left the scene at a high rate. Eric Johnston (CI) stated that he had a verbal altercation with [the licensee] and reported that [the licensee] seemed intoxicated. Eric Johnston (CI) advised he could smell alcohol on [the licensee’s] breath.

Multiple other parties called in the incident, stating that they witnessed [the licensee] drive away in an erratic manner with one report stating that he was traveling at over 100 miles per hour at one point .

...

I contacted [the licensee] at his residence and immediately noted his bloodshot, watery eyes. As I spoke with [the licensee], I noted the odor of intoxicants coming from his breath and I asked him if he had been drinking. [the licensee] stated yes and advised me that he one beer earlier in the day.

I asked [the licensee] if had anything to drink since arriving at his residence and he stated no, motioning to a water in his hand. I continued to speak with [the licensee] regarding the incident and noted that he had large swings in his emotions as well as repetitive speech.

I again confirmed that [the licensee] had not consumed any alcohol since driving and he stated no, stating something to the effect of "I had one maybe two beers earlier around three?".

I asked [the licensee] if he would allow me to check his eyes to check to ensure he was safe to drive. [the licensee] agreed to complete the test. [the licensee] swayed back and forth, nearly falling into me at one point.

...

Of note, [the licensee] completed the first nine steps, stopped for several seconds and then proceeded to walk backwards in a manner not demonstrated during the instructional phase.

... I offered [the licensee] a PBT and explained that it was voluntary. ... [the licensee] refused to provide me with a sample.

Based on my trained observations and [the licensee's] performance on during SFST's, I developed probable cause to arrest him for RCW 46.61.502 DUI. ...

4. On or about July 10, 2023, the licensee reported his arrest and charges to this Board.
5. On or about July 11, 2023, the Board requested that the licensee contact the Kentucky Physicians Health Foundation ("KPHF") and submit to appropriate evaluations within thirty (30) days.
6. On or about July 25, 2023, the licensee contacted KPHF but did not submit to appropriate evaluations.
7. On or about November 2, 2023, the licensee informed KPHF that he was working with the Washington Physicians Health Program ("WPHP") and intended to

complete evaluations at WPHP's direction in November or December 2023.

Thereafter, he was unresponsive to KPHF's requests for information.

8. On or about February 5, 2024, the licensee entered treatment at Positive Sobriety Institute ("PBI"). He relapsed on February 8, 2024, but remained in treatment. Despite starting on oral naltrexone and Antabuse, he had a second relapse while in treatment on February 16, 2024.
9. On or about February 21, 2024, the licensee entered treatment at Pine Grove, where he was diagnosed with Alcohol Use Disorder, Severe.
10. On or about April 16, 2024, the licensee entered a plea of guilty to the 2023 DUI charge.
11. On or about May 10, 2024, the licensee was discharged from Pine Grove.
12. On or about May 24, 2024, the licensee entered into a contractual relationship with the WPHP. Thereafter, the licensee was unresponsive to Board and KPHF requests for evaluative information in regard to his impairment diagnosis, treatment, and prognosis.
13. On or about July 22, 2024, the Board's Inquiry Panel B determined that there was probable cause to believe that the licensee is suffering from a physical or mental condition, or other condition including but not limited to physical deterioration that adversely affects cognitive, motor or perceptive skills, that might impede his ability to practice competently. Accordingly, the Panel issued an *Order to Submit to Evaluation*, pursuant to KRS 311.599, pursuant to which the licensee was ordered to undergo examinations, in order to determine whether the licensee has been unable or is unable to practice medicine according to acceptable and prevailing standards of care by reason of mental or physical illness or other condition.

14. The *Order to Submit to Evaluation* put the licensee on notice that “[p]ursuant to KRS 311.599(2), failure to submit to the evaluation(s) as ordered . . . shall constitute an admission that the licensee has developed such a physical or mental disability, or other conditions, that continued practice is dangerous to patients or to the public; said failure shall constitute a default and a final order may be entered without the taking of testimony or presentation of evidence.”

15. The licensee did not comply with the *Order to Submit to Evaluation*.

16. On or about September 4, 2024, the licensee provided the Board with a copy of his discharge summary from Pine Grove. According to the discharge summary,

.... [the licensee] is the owner and sole neurologist within a private practice, Summit Neurology, where he works two days per week. ... He also works two 10 hour shifts weekly for Specialty Care, a company that provides telehealth neurology services. He reported that due to this position, he is licensed in 21 states and credentialed in appropriately 460 hospitals. He reported that as part of this position, he monitors neurological safety for anesthesia patients and also monitors relevant data during surgeries. He does not take call or work weekends as part of his private practice, where he mainly does assessment. but takes weeknight call twice monthly and weekend call once every six weeks for his telehealth position. He described the company as supportive and expressed a desire to return to both his practice and telehealth work.

17. Upon discharge, Pine Grove described the licensee’s prognosis as “guarded” and cleared him to return to the practice of medicine conditioned upon the following: that he enter into and maintain a five-year monitoring contract with a physicians health program, limit his work hours, have a workplace monitor, practice in a physical setting with other providers (i.e., not alone or remote) and return to Pine Grove for re-evaluation after six (6) months.

18. The licensee enters into this Agreed Order in lieu of the issuance of a Complaint and Emergency Order of Suspension against his license to practice medicine in the Commonwealth of Kentucky.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(7). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending matter without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER:**

1. The license to practice medicine held by Todd Michael Raleigh, M.D., is hereby RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, effective immediately upon the filing of this Agreed Order;
2. During the effective period of this Agreed Order, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
 - a. The licensee SHALL NOT perform any act which would constitute the "practice of medicine or osteopathy," as that term is defined in KRS

311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities – via use of telehealth technologies;

- b. The licensee SHALL NOT perform any act which would constitute the “practice of medicine or osteopathy,” as that term is defined in KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities – within, or upon patients located within, the Commonwealth of Kentucky unless and until the Panel (or Panel Chair) has approved, in writing, a physical practice location within the Commonwealth of Kentucky at which he may practice medicine. The decision whether to approve a particular practice location lies in the sole discretion of the Panel (or Panel Chair);
 - i. In determining whether to approve a practice location, the Panel (or Panel Chair) may consider the nature of the practice, including the availability of a workplace monitor, the licensee’s proposed duties and hours to be worked;
 - ii. Once approved, the licensee SHALL NOT practice more than 50 hours per week and shall not take more than two weekend calls every six weeks;
 - iii. Once approved, the licensee SHALL NOT change practice location(s) without first obtaining written approval by the Panel (or Panel Chair) for such change;
- c. Within twenty (20) days of the entry of this Agreed Order, the licensee SHALL enter into a five-year contractual relationship with the Kentucky Physicians Health Foundation (“KPHF”). The licensee SHALL then maintain and fully comply with all requirements of that contractual relationship;
 - i. As part of that contractual relationship, the licensee SHALL execute any necessary waivers to ensure direct communications between the KPHF and the Washington Physicians Health Program;
 - ii. As part of that contractual relationship, the licensee SHALL be required to identify and obtain approval from the KPHF for a workplace monitor at any physical practice location in which he may be approved to practice in the Commonwealth of Kentucky;
 - iii. As part of that contractual relationship, the licensee shall be subject to periodic, unannounced breathalyzer, blood and urine alcohol and/or drug analysis, at the licensee’s expense. The licensee’s failure to fully reimburse the testing agent or the KPHF within

specified periods SHALL constitute a violation of this Agreed Order;

- d. Within six (6) months of entry of this Agreed Order, the licensee SHALL submit to and complete a re-evaluation at Pine Grove, at his expense;
 - i. The licensee SHALL execute any necessary waivers to ensure direct communications between the KPHF and Pine Grove and to ensure that the KPHF receives any and all reports and summaries regarding the licensee directly from Pine Grove; and
 - e. The licensee SHALL NOT violate any provision of KRS 311.595/.597.
- 3. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.
- 4. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including

revocation, pursuant to KRS 311.595(13), and may provide a legal basis for
criminal prosecution for practicing medicine without a license

SO AGREED on this 25th day of September, 2024.

FOR THE LICENSEE:



TODD MICHAEL RALEIGH, M.D.

COUNSEL FOR LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



DALE E. TONEY, M.D.
CHAIR, INQUIRY PANEL B



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