

Louisiana State Board of Medical Examiners

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In the Matter Of

No. 10-I-414

MELISSA LYNN HAY WHITE, RRT

(Certificate No. L01602)

Respondent

**CONSENT ORDER FOR
OFFICIAL REPRIMAND**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board"), following the receipt of apparently reliable information indicating that Melissa Lynn Hay White ("Ms. White") worked continuously as a respiratory therapist at DHH Northwest Supports and Services Center from 2005 to 2009. During that time, Ms. White was delinquent in renewing her licenses by several months on a number of occasions and permitted her license to lapse. Nevertheless, Ms. White continued to work as a respiratory therapist despite the fact her license had lapsed and was expired. Additionally, Ms. White was licensed in Louisiana under the name "Melissa Lynn Hay," and renewed her license annually under that name. Ms. White was married in 2001, and began to identify herself as "Lynn White," and held herself out in practice as "Lynn White, RRT" or "L. White, RRT" on her employee name badge and in signing medical records despite failing to timely submit an official name change to the Board until June 8, 2010.

Predicated on the foregoing, the Director of Investigation's review and analysis of the matter confirms to her satisfaction that the actions identified hereinabove may implicate one of more violations of the Louisiana Respiratory Therapy Practice Act ("Act") and the Board's rules respecting respiratory therapists, La. Adm. C. 46XLV.5501, *et seq.*¹

As evidenced by her subscription hereto, Ms. White acknowledges the substantial accuracy

¹ Pursuant to the Louisiana Respiratory Therapy Practice Act, La. Rev. Stat. §37:3354.A "No person shall practice respiratory therapy . . . unless licensed in accordance with the provisions of this Chapter; pursuant to La. Rev. Stat. §37:3357.C. "A license issued under the provisions of this chapter shall be subject to annual renewal and shall expire and become null and void unless renewed in the manner prescribed by the board;" and pursuant to La. Rev. Stat. §37:3358.A. the Board may take action against the license of a respiratory therapist as a result of unprofessional conduct, which includes: " (19) Violation of any rules or regulations of the Board or any provisions of this Chapter." The Board's rules also prescribe such conduct as well, La. Admin. C. 46 XLV:5505 and 5519(A).

of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer ("I/O") herein with probable cause to pursue formal administrative proceedings against her for the suspension, revocation or imposition of such other terms, conditions or restrictions on her license to practice as a respiratory therapist in the State of Louisiana as the Board may determine to be appropriate.

Recognizing her right to have notice of such allegations and charges against her, to administrative adjudication of such charges, at which time she would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her 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. §§49:951 *et seq.*, Ms. White, nonetheless, hereby waives her 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. Ms. White further acknowledges and waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to her by law to contest her agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By her subscription hereto, Ms. White also hereby authorizes the I/O designated by the Board with respect hereto, 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 she waives any objection to such disclosures under La. Rev. Stat. §49:960. Ms. White expressly acknowledges that the disclosure of such information to the Board by the I/O shall be without prejudice to the I/O's authority to file a formal Administrative Complaint against her or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the foregoing information, as well as the recommendation of the I/O, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:3351, will be effectively served by entry of the Order set forth hereinafter by consent. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:3351 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Melissa Lynn Hay White, RRT is hereby **OFFICIALLY REPRIMANDED** for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that within six (6) months of the effective date of this Order, Ms. White shall attend and successfully complete a twenty (20) hour course approved in advance by the Board related to medical ethics and professionalism.

IT IS FURTHER ORDERED that within nine (9) months of the date of this Order, Ms. White shall pay the Board a fine in the amount of \$500.00.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Ms. White shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:3358.

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

Signed in New Orleans, Louisiana, and effective this 5th day of December, 2011.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY: Mark H. Dawson MD
MARK H. DAWSON, M.D.
President

ACKNOWLEDGMENT
AND CONSENT

STATE OF LOUISIANA

PARISH OF Caddo

I, MELISSA LYNN HAY WHITE, RRT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 29 day of November, 2011.

Melissa Lynn Hay White
MELISSA LYNN HAY WHITE, R.R. T.

WITNESSES:

Jennifer Hebert
Signature
Jennifer Hebert
Printed Name

220 Canale St. Bldg. B
Address

Shreveport, LA 71105
City/State/Zip Code

Jennifer W. Hilburn
Signature
Jennifer W. Hilburn
Printed Name

220 Canale St. Bldg. B
Address

Shreveport, LA 71105
City/State/Zip Code

Sworn to and subscribed before me this 29th day of November, 2011, in the presence of the two stated witnesses.

Cary A. Hilburn

Notary Public (Signature and Seal)

Cary A. Hilburn 26656
Printed Name/Notary or Bar Number

