

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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**IN APPLICATION OF:
DONNA PARKER HARRIS
(FOR RESPIRATORY THERAPY LICENSE)**

DECISION

This matter comes before the Louisiana State Board of Medical Examiners ("Board") on the application of Donna Parker Harris for licensure as a Respiratory Therapist.

The hearing was conducted before the entire Board consisting of Drs. F.P. Bordelon, Jr., Mary Lou Applewhite, Keith C. Ferdinand, Ike Muslow, Elmo J. Laborde, Richard M. Nunnally and Bernard L. Kaplan. Presiding over the hearing was Judge Frederick S. Ellis, Independent Counsel for the Board, having been designated by the President, F.P. Bordelon Jr., M.D., to preside. Robert J. Conrad, Attorney at Law, was present along with applicant, Donna Parker Harris, and her attorney, Earl A. Maxwell, Esq.

FINDINGS OF FACTS

The record before the Board reveals that Ms. Harris applied for licensure as a Respiratory Technician in Louisiana on May 4, 1994. By letter dated August 24, 1994, Ms. Harris was advised of the intent of the Board to deny her application. By letter of September 1, 1994, Ms. Harris, through counsel, applied for a formal hearing on her application.

The Board's letter of August 24, 1994, gives the following reasons for the denial of the application:

"More particularly, the committee has taken notice of several discrepancies that appear in your original application and your subsequent application. These discrepancies include, but are not limited to, the number of times you state that you have taken the NBRC examination, that fact that in 1987 you were suspended indefinitely from all NBRC examination programs because of your apparent possession and use of an erroneous certificate indicating you were recognized as a Certified Respiratory Therapy Technician, that you failed to inform the Board that you had been suspended by the National Board of

Respiratory Care, Inc., that you continued to practice in Louisiana until November 1993 after your 18 month Temporary Permit expired in March 1992."

A further ground for denial, which was brought out at the hearing was Ms. Harris' denial of any criminal convictions in her application for licensure, dated April 6, 1989, when she had in fact pled guilty to theft on January 12, 1989.

The evidence adduced at trial, and admitted by Ms. Harris, shows that at no time has she ever held a full license to practice respiratory therapy in Louisiana. She did receive an 18 month temporary license on April 13, 1989, and a second 18 month temporary license dated September 26, 1990. She was therefore licensed in Louisiana from April 13, 1989, through March 25, 1992.

Her applications show that she practiced respiratory therapy in Louisiana from March 1981 until September 1986; and from June 1988 through June 1990 in Slidell, Louisiana; from April 1990 through March 1992 in Metairie, Louisiana, and from October 1991 through November 1993 in Kenner, Louisiana.

Ms. Harris testified that there was no requirement for licensure in Louisiana during the period March 1981, through September 1986. She further stated that, despite the declaration in her 1994 application, she was engaged in sales for the MKM Medical Equipment Company in Kenner between October 1991 and November 1993 and not practicing respiratory therapy.

La. R.S. §37:3351-3361, which provides for licensure of Respiratory Therapists was adopted as Act 480 of 1985, and became effective on August 15, 1985. However, the Board's own regulations were not adopted until November 1986, and licenses were not issued until after that time. Since Ms. Harris had left the state prior to November 1986, she cannot be guilty of practicing without a license during that time. However, it is clear that she was practicing without a license from June 1988 until April 13, 1989.

The record further shows that as of June 26, 1987, the National Board for Respiratory Care, Inc. suspended Ms. Harris from admission to all NBRC examination programs for an indefinite period of time. The suspension was based on the fact that Ms. Harris used a fake certificate showing that she was a Certified Respiratory Therapy Technician. This ban was not lifted until February 24, 1994, when her eligibility was reinstated.

In both her 1989 and 1994 licensure applications, Ms. Harris failed to reveal the above circumstances, and answered "No" to the question "Has your application for examination or licensure ever been rejected or denied?".

Ms. Harris testified that she did not know of the action of the National Board for Respiratory Care until 1992, because she had moved and did not receive any of the NBRC correspondence. She admitted that she had the false certificate created in order to get a promotion at the hospital where she worked.

In explanation of her "No" answer on the 1994 application, she stated that she misunderstood the question. This explanation is not acceptable.

On Ms. Harris' 1989 application, she stated that she had failed three licensure examinations since 1976, and that she had not attempted an examination in five years. In her 1994 application, she stated that she had failed only one licensure examination. In explanation of the discrepancy, she says that she just made a mistake because her life was messed up at the time because of a divorce and other problems. She admitted that she has never passed any licensure examination. Her divorce judgment was signed on May 3, 1993.

With respect to the criminal conviction, the record shows that she was tried and convicted of two counts of theft between \$100.00 and \$500.00, and on January 12, 1989, was sentenced to five years by the Honorable John W. Greene, Judge of the 22nd Judicial District Court. The letter from the Division of Probation and Parole, dated April 24, 1992, which is in the record, states that she has completed the sentence, meets all of the requirements for an automatic first offender pardon, and that she is fully pardoned as of April 10, 1992.

In her 1989 application, which was dated April 6, 1989, Ms. Harris answered "No" to the question "Have you ever been charged with, convicted of, pled guilty or nolo contendere to violation of any state statute?" In her testimony, Ms. Harris admitted that she knew that to be a false statement, but stated that she did it on the advice of her husband.

The Board, considering all of the above, finds as a fact that Ms. Harris is a convicted felon (albeit pardoned) and that she lied about this fact on her 1989 application; that Ms. Harris practiced respiratory therapy in Louisiana without a license from June 1988 until April 13, 1989; that she has never passed a licensure examination; that she has failed licensure examinations on three occasions, and lied about that fact on her 1994 application; that Ms. Harris falsified a certificate that she was a CRTT in order to get a promotion, and as a result was banned from taking licensure examinations for an indefinite period; and that she lied about this fact on her 1994 application.

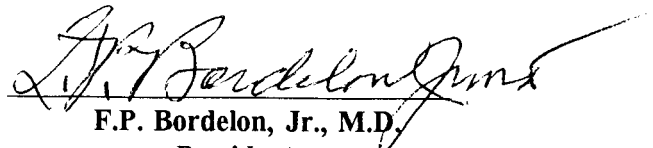
DECISION

The Board believes that any one of the above acts is sufficient cause for denying the opportunity for licensure to Ms. Harris. Taken together they reveal a person who has neither the character nor the competency necessary for the practice of Respiratory Therapy in Louisiana.

The application is therefore denied.

AT MARKSVILLE, LOUISIANA, this 21st day of February, 1995.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS


F.P. Bordelon, Jr., M.D.
President