

Louisiana State Board of Medical Examiners

Mailing Address: P.O. Box 30250, New Orleans, LA 70190-0250

Physical Address: 630 Camp Street, New Orleans, LA 70130

Phone: (504) 568-6820

Fax: (504) 568-5754

Web site: <http://www.lsbme.louisiana.gov>



Telephone: 568-6820

Fax 568-5754

IN THE MATTER OF:

No. 11-I-1010

ANNETTE MARIA COLLETTA, LRT

(Certificate No. LT1451),

Respondent

CONSENT ORDER

An investigation conducted on behalf of the Louisiana State Board of Medical Examiners (the "Board"), has developed reliable information indicating that Annette Maria Colletta, LRT ("Ms. Colletta"), a respiratory therapist who at all times pertinent has been licensed to practice respiratory care in the state of Louisiana, and engaged in practice in and around Lake Charles, as evidenced by Certificate No. LT1451, suffers from a condition, namely dependency to controlled and mood-altering substances.

Such information reveals, more particularly, that Ms. Colletta self-disclosed on her 2012 license application renewal her criminal arrest for numerous forged prescriptions and her subsequent treatment for drug dependency. She further disclosed that due to these events, her licensed practical nurse ("LPN") license had been suspended. In the course of the Board's investigation, documentation revealed that Ms. Colletta completed a residential treatment program for chemical dependency in April 2011 and has continued to comply with recommended treatment. In addition, Ms. Colletta has voluntarily refrained from working in any health care setting for over one (1) year. Ms. Colletta signed a monitoring agreement with the Allied Professionals Health Program, and provided that she adheres to monitoring recommendations, it is the opinion of her treating professionals that Ms. Colletta is now capable of returning to practice with reasonable skill and safety to patients.

Predicated on the foregoing, the Director of Investigation has determined that probable cause exists for recommending to the Board that an Administrative Complaint be filed in this matter charging Ms. Colletta with violation of the Louisiana Respiratory Therapy Practice Act and the Board's Rules and Regulations pertaining to Respiratory Therapists.¹

¹ La. Rev. Stat. §37:3358 (A) provides that: "The board may deny, refuse to renew a license, may suspend, revoke, or impose probationary conditions on a license if the licensee or applicant for license has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include: '(7) Habitual or recurring abuse of drugs,

As evidenced by her subscription hereto, Ms. Colletta acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer 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.

On the basis of information provided to the Board with Ms. Colletta's knowledge and consent, the Board is persuaded that the conditions from which she suffers may be susceptible to continued effective treatment resulting in restoration of her ability to practice as a respiratory therapist with reasonable skill and safety to patients provided that she strictly observes and complies with reasonable and appropriate restrictions on her license. In consideration of this finding, accordingly, 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.

Recognizing her right to have notice of administrative charges, and 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. Colletta nonetheless hereby waives her right to formal charges and adjudication and, pursuant to La. Rev. Stat. §49:955(D), hereby consents to entry of the Order set forth hereinafter. By her subscription hereto, Ms. Colletta also acknowledges that she 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 the Board's investigation or this document in any court or other forum relating to the matters referred to herein

By her subscription hereto, Ms. Colletta also hereby authorizes the Investigating Officer 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 to the Board under La. Rev. Stat. §49:960. Ms. Colletta expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an administrative complaint against her, or to the Board's capacity to adjudicate such complaint, should the Board decline to accept this Consent Order.

including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence'; '(15) Inability to practice respiratory therapy with reasonable competence, skill, or safety to patients because of mental or physical illness, condition, or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol'." The Board's rules provide the same bases for Board action. La. Admin. Code tit.46, pt. XLV, § 5519A (5), (13).

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:3355 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Annette Maria Colletta, LRT, to practice as a respiratory therapist in the state of Louisiana, as evidenced by Certificate No. LT1451, be, and the same is hereby placed **ON PROBATION** for a period of five (5) years from the effective date of this Order (the “probationary term”); *provided, however*, that Ms. Colletta’s continuing exercise of rights and privileges thereunder shall be conditioned upon her acceptance of and strict compliance with the following terms, conditions and restrictions:

1. **Participation in the Board’s Allied Professionals Health Program.** Ms. Colletta shall sign an agreement with the Board’s Allied Professionals Health Program for a minimum of five (5) years and shall fully comply with all terms, monitoring conditions and restrictions of the program. Ms. Colletta shall authorize and cause to have submitted to the Board monthly reports of full compliance with all monitoring requirements of the Program.
2. **Participation in Drug Screening.** Ms. Colletta shall submit to periodic, unannounced blood, urine, saliva, hair collection or other screens, including EtG and PEth levels, to detect the presence of alcohol or other mood-altering substances. Such screenings shall be random and shall occur at such intervals as may be directed by the Board’s Probation and Compliance Officer or designee. Ms. Colletta shall authorize and cause all reports of the results of such drug screens to be promptly submitted to the Board.
3. **Board Access to Treatment Records and Reports.** Ms. Colletta shall, and does by her subscription hereto, authorize any physician or health care professional or any institution at which she undergoes treatment for chemical abuse or dependency or any other condition from which she may suffer or be diagnosed, as well as any health care professional under whose care she may come at such an institution who has or may hereafter evaluate, diagnose, treat or monitor her, to provide the Board with copies of all medical reports relating to her history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Ms. Colletta expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and shall immediately execute any authorization or release that may be necessary to permit the Board access to such records.
4. **Maintenance of Complete Abstinence.** For as long as she maintains a license to practice respiratory care in this state Ms. Colletta shall maintain complete and total abstinence from the use of any alcohol or mood-altering substances except as may be prescribed by a treating physician for a *bona fide* medical condition. Ms. Colletta shall personally inform the Board in writing within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by her for treatment of a *bona fide* medical condition. In the event that Ms. Colletta should be diagnosed with a medical condition which necessitates the use of controlled or mood altering substances, Ms. Colletta hereby acknowledges that she shall voluntarily withdraw from practice as a respiratory therapist until and unless permitted to resume in that capacity following the

evaluation and determination of a physician designated by the Board that she is then capable of practicing as an respiratory therapist with reasonable skill and safety to patients.

5. **Board Approval of Practice Setting.** Following the effective date of this Order and for the duration of the probationary period, Ms. Colletta shall provide the Board with information including a complete and accurate description, and such further information as the Board may request, concerning any practice setting in which Ms. Colletta intends to practice as a respiratory therapist. Ms. Colletta shall not engage in practice as a respiratory therapist in advance of the Board's specific written approval of such practice setting.
6. **Notification of Order; Reports from Supervisors; Authorization.** Prior to beginning or returning to work, Ms. Colletta shall provide a copy of this Order to each hospital, clinic, facility, physician or other employer or prospective employer at which or for whom she provides health care services in this state. Thereafter, Ms. Colletta shall authorize and cause the supervisor, or another designee approved by the Board, to submit to the Board quarterly written reports of his/her determination concerning Ms. Colletta's professional competence as derived from such monitoring. In addition, upon request of the Board's probation officer, Ms. Colletta shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records pertaining to Ms. Colletta from any hospital, institution, physician or other health care entity where Ms. Colletta is employed
7. **Continuing Medical Education.** Ms. Colletta shall obtain not less than thirty (30) credit hours per year for each of the years of the probationary term through attendance at and participation in continuing medical education ("CME") programs approved by the Board. On or before the anniversary date of the effective date of this Order and for each additional year of the probationary term, Ms. Colletta shall cause to be submitted to the Board written certification of the CME programs and credits completed during the preceding twelve (12) months.
8. **Probation Monitoring Fee.** For each year of the probationary term, Ms. Colletta shall pay the Board an annual probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
9. **Self-Reporting of Violations.** Ms. Colletta shall immediately self-report in writing to the probation officer any violation of or failure to adhere to the terms, conditions or restrictions of this order. Furthermore, Ms. Colletta shall immediately self-report in writing any personal action or inaction which constitutes a violation of the Act.
10. **Self-Reporting of Other Investigations.** Ms. Colletta shall immediately self-report in writing to the probation officer any and all investigations, inquiries, charges, convictions, or disciplinary actions taken by any local, state or Federal agency, or any institution of

facility

11. **Pending Criminal Charges/Reservation of Rights.** The Board takes notice that the Lake Charles criminal authorities are investigating the circumstances described hereinabove. By her subscription hereto, Ms. Colletta understands and acknowledges that should she plead guilty, nolo contendere or be convicted of any criminal charges under state or federal law related to the facts made the basis of this Order, that the Board reserves its right to pursue further administrative proceedings against her and to take such additional action against her license as it may deem appropriate, pursuant to the Louisiana Respiratory Therapy Practice Act.
12. **Cooperation with the Board's Probation and Compliance Officer.** Ms. Coletta shall direct all matters required pursuant to this Order to the attention of the Probation and Compliance Officer and she shall cooperate on all matters and inquiries pertaining to her compliance with the terms and conditions of this Order. Ms. Coletta is required to report, in person to her probation officer, within thirty (30) days of receipt of notification that the opinion of the Board is final and at such other times as may be directed. Ms. Coletta is required immediately to complete all forms, fully and carefully, when received, and to present these to her probation officer at the first meeting or as directed. Ms. Coletta shall immediately thereafter notify the Board's Probation and Compliance Officer of any changes in her current home and professional addresses and telephone numbers, and shall allow such access to her office, business practice or home and to patient medical records as may be necessary to her supervision.
13. **Absence from State or Discontinuance of Practice - Effect on.** Should Ms. Colletta at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing in health care, for a period of thirty (30) days or more, she will so advise the Board in writing. In such instance, the probationary term ordered herein shall be deemed interrupted and extended for no less than the period of time during which she was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed in the Board's discretion.
14. **Sanction.** By her subscription hereto Ms. Colletta acknowledges that her receipt of written notification from the Board that it has received any report which indicates her failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing her with any right to which she may otherwise 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, constitute her irrevocable consent to the immediate suspension of her license to practice as a respiratory therapist in this state pending the issuance of a final decision by the Board following administrative adjudication of such charges.
15. **Certification of Compliance with Probationary Terms; Personal Appearance Before the Board.** At least sixty (60) days prior to the conclusion of the probationary term

imposed herein, Ms. Colletta shall contact the Board and arrange for a personal appearance before the Board, or a committee that may be designated by the Board, as its meeting preceding the expiration of the probationary term ordered herein. As a precondition to her request for termination of probation, Ms. Colletta shall provide the Board with an executed affidavit certifying that she has complied with each of the terms of probation imposed upon her by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Ms. Colletta's compliance with the requirements of this provision.

16. **Effective Date.** This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

IT IS FURTHER ORDERED that any violation of or strict compliance with any of the terms, conditions, or restrictions of this Order by Ms. Colletta shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Colletta's license to practice respiratory therapy in the state of Louisiana or for such other disciplinary action as the Board may deem 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.

New Orleans, Louisiana, this 18th day of June, 2012.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:  

MELVIN G. BOURGEOIS, M.D.

President

STATE OF LOUISIANA
PARISH OF ORLEANS

**ACKNOWLEDGMENT
AND CONSENT**

I, ANNETTE MARIA COLLETTA, LRT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 16th day of MAY, 2012.

Annette Maria Colletta
ANNETTE MARIA COLLETTA, LRT

WITNESSES:

April Farmer
Signature

April Farmer
Printed Name

LSBME
Address

Terri Tenenbaum
Signature

TERRI TENENBAUM
Printed Name

LSBME
Address

Sworn to and subscribed before me at New Orleans, Louisiana, this 16th day of MAY, 2012, in the presence of the two stated witnesses.

Thania S. Elliott
Notary Public (Signature)

THANIA S. ELLIOTT CA Bar # 20799
Printed Name/Notary #