

Louisiana State Board of Medical Examiners

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No. 12-I-281

IN THE MATTER OF:

MIKELL LYN PAUGH, POLY

Applicant

**CONSENT ORDER FOR
ISSUANCE OF POLYSOMNOGRAPHIC
TECHNICIAN LICENSE WITH
OFFICIAL REPRIMAND**

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Mikell Lyn Paugh, ("Ms. Paugh") for issuance of a polysomnographic technician license. While it appears from information available as supplied by Ms. Paugh's application and otherwise that she is generally qualified for issuance of such license, as acknowledged by her in her application, she reported that she has worked as a polysomnographic technician in this state without a permit or license.

On her own behalf, Ms. Paugh advised the Board that she was under the understanding that she could work as a student while in training without a permit from the Board. When informed of her misunderstanding, she did obtain the appropriate permit. However, she further explained that through neglect, she failed to timely renew her temporary permit as she worked and studied for the national certification. When Ms. Paugh discovered that her permit had expired, she immediately requested renewal of her permit. Ms. Paugh has now passed the BRPT qualifying examination, she has acknowledged that her understanding was in error, and she has accepted her responsibility to understand and comply with all rules and regulations regarding licensure in this state.

As evidenced by her subscription to this Order Ms. Paugh acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and information could provide the Board with sufficient cause to deny her application pursuant to the Law respecting polysomnographic technicians.¹

Investigation of the captioned matter was assigned to the Director of Investigations ("I/O") for the Board. While it appears to the I/O that Ms. Paugh is a conscientious and well-trained polysomnographic technician, the I/O's review and analysis of the matter confirms to her satisfaction that sufficient cause exists to charge Ms. Paugh with one or more violations of the

¹La. Rev. Stat. §37:2867. 2870.

Polysomnographic Practice Act ("the Law"), La. R.S. §§37:2870 and 37:2867A. (1).

Recognizing her right to have notice of such allegations and charges asserted 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. Paugh, 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. Paugh 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. Paugh 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. Paugh expressly acknowledges that the disclosure of 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. §37:2863, 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. §37:2867 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Mikell Lyn Paugh is hereby **OFFICIALLY REPRIMANDED** for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that licensure to practice as a polysomnographic technician in the state of Louisiana shall be issued to Mikell Lyn Paugh.

IT IS FURTHER ORDERED that within twelve (12) months of the date of this Order Ms. Paugh shall pay the Board a fine in the amount of Two Hundred (\$200.00) Dollars, which represents the permit fees during this time, plus a penalty of an equal amount.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Ms. Paugh 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. §37:2867.

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 21 day of May 2012.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY:


MELVIN G. BOURGEOIS, M.D.
President

***Acknowledgement and Consent
on Following Page***

***Acknowledgement and Consent
on Following Page***

STATE OF LOUISIANA
PARISH OF CADDO

**ACKNOWLEDGMENT
AND CONSENT**

I, MIKELL LYN PAUGH, APPLICANT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 18 day of April, 2012.

Mikell Lyn Paugh
MIKELL LYN PAUGH

WITNESSES:

Eula Lee Warner
Signature

Eula Lee Warner
Printed Name
820 Jordan St.
Shreveport, LA 71101
Address

Betty Jernigan
Signature Betty Jernigan

Betty Jernigan
Printed Name
820 Jordan St
Shreveport, LA 71101
Address

Sworn to and subscribed before me at SHREVEPORT, Louisiana this 18 day of APRIL, 2012, in the presence of the two stated witnesses.

Carol H. Tubbs
Number: 007231

Notary Public (Printed Name) and Seal

Carol H. Tubbs
Notary (Signature) & Bar/Notary No.