

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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No. 12-I-577

IN THE MATTER OF:

ELIZABETH ASHLEY BAYERS, CLP-GEN
Respondent

**CONSENT ORDER FOR
ISSUANCE OF LICENSE
ON PROBATION**

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Elizabeth Ashley Bayers ("Ms. Bayers") for a license to practice as a Clinical Laboratory Scientist-General ("CLP-Gen") in this state. While a review of the materials submitted in support of her application indicates that she satisfies the educational and other requirements necessary for licensure consideration, Ms. Bayers self reported that she was previously in treatment for dependency to controlled and mood-altering substances. She has cooperated with this investigation by fully disclosing the treatments and timely providing all records as requested. On her own behalf, Ms. Bayers represents that she successfully completed the treatment program in March 2012, and has maintained her sobriety since being discharged. Ms. Bayers is amenable to a license being issued on probationary status and has expressed a willingness, if licensed as a clinical laboratory scientist in Louisiana, to submit to on-going monitoring.

As evidenced by her subscription hereto, Ms. Bayers acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing could establish sufficient cause for the rejection or denial of her application for clinical laboratory licensure in this state or such other action as the Board may deem appropriate, pursuant to the Louisiana Clinical Laboratory Practice Act La. Rev. Stat. §37:1326.¹

On the basis of information provided to the Board with Ms. Bayers' knowledge and consent, the Board is persuaded that any condition from which she suffers may be susceptible to continued effective treatment and/or monitoring resulting in her ability to engage in the practice of clinical laboratory science with reasonable skill and safety to patients, provided that Ms. Bayers strictly observes and complies with reasonable and appropriate terms and conditions on her license. In consideration of this finding the Board has concluded that its responsibility to

¹ Pursuant to La. Rev. Stat. §37:1326(A) the Board may deny or take action against the license of a clinical laboratory technician for: (2) Demonstrating incompetence in the performance of the practice of clinical laboratory science.

ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §§37:1311, *et seq.*, will be effectively served by entry of the Order set forth hereinafter by consent.

Recognizing her right to have administrative adjudication of the above 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. Bayers, nonetheless, hereby waives her right to notice of charges, formal adjudication and written decision and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Moreover, by her subscription hereto, Ms. Bayers also waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act² 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 before any judicial or administrative agency or body, relating to the matters referred to herein. By her subscription hereto, Ms. Bayers 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 under La. Rev. Stat. §49:960. Furthermore, Ms. Bayers 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 pursue any Administrative Complaint filed against her or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order. Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1326 and La. Rev. Stat. §49:955D;

IT IS ORDERED that a license is hereby issued on **PROBATION for three (3) years** to Elizabeth Ashley Bayers to practice as a clinical laboratory scientist-generalist in the state of Louisiana, subject to her acceptance of and strict compliance with the following terms and conditions:

- (1) **Participation in the Board's Allied Professionals Health Program.** Ms. Bayers shall sign an agreement with the Board's Allied Professionals Health Program for a minimum of three (3) years and shall fully comply with all terms, monitoring conditions and restrictions of the program. Ms. Bayers 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. Bayers 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. Bayers shall authorize and cause all reports of the results of such drug screens to be promptly submitted to the Board.

² La. Rev. Stat. §49:951, *et seq.*

- (3) **Maintenance of Complete Abstinence.** For as long as she maintains a clinical laboratory license in this state, Ms. Bayers shall maintain complete and total abstinence from the use of alcohol or any controlled or mood-altering substance except as may be prescribed by a treating physician for a bona fide medical condition. Ms. Bayers shall personally inform her probation officer 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. Bayers should be diagnosed with a medical condition which necessitates the use of controlled substances, Ms. Bayers hereby acknowledges that she shall voluntarily withdraw from clinical laboratory practice 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 with reasonable skill and safety to patients.
- (4) **Board Access to Treatment Records and Reports.** By her subscription hereto, Ms. Bayers does hereby authorize any physician or other health care professional who has or may hereafter evaluate, diagnose, treat or monitor her, or any institution at which she may subsequently receive treatment for chemical dependency, as well as any physician under whose care she may come at such an institution, to provide the Board with copies of all medical reports relating to Ms. Bayers' history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. By her subscription hereto Ms. Bayers acknowledges that she shall immediately execute any written authorization necessary for the Board to obtain the above records or reports. Ms. Bayers expressly waives any privilege, which may otherwise be afforded the disclosure of such records pursuant to state or federal law, and irrevocably agrees to immediately execute any necessary written authorization presented to her that permits the Board access to such records.
- (5) **Board Approval of Practice.** Following the effective date of this Order and for the duration of the probationary period, before continuing or accepting any employment with any clinic, hospital, physician or other entity providing health care services to patients, Ms. Bayers obtain written approval of her employment setting and shall provide any and all information that the Board may then require in connection with such approval. Ms. Bayers shall not engage in CLP-Gen practice in any setting 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. Bayers shall provide a copy of this Consent Order to each supervising physician, hospital, clinic, facility or other employer or prospective employer at which or for whom she provides services as a CLP-Gen in this state. Thereafter, Ms. Bayers 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. Bayer's professional competence as derived from such monitoring. In addition, upon request of the Board's probation officer, Ms. Bayers 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. Bayers from any hospital, institution, physician or other health care entity where she is employed.

- (7) **Continuing Medical Education.** Ms. Bayers shall obtain not less than twenty (20) 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, Ms. Bayers 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. Bayers 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. Bayers 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. Bayers shall immediately self-report in writing to the Board any personal action or inaction which constitutes a violation of the Act.
- (10) **Self-Reporting of Other Investigations.** Ms. Bayers 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 or facility.
- (11) **Cooperation with the Board's Probation and Compliance Officer.** Ms. Bayers shall direct all matters required pursuant to this Consent 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. Bayers 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. Bayers 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. She 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.

- (12) **Absence from State or Discontinuance of Practice - Effect on.** Should Ms. Bayers at any time during the period of probation be absent from the state of Louisiana, or discontinue practicing as a CLP-Gen 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.
- (13) **Effect of Violation/Sanction.** By her subscription hereto Ms. Bayers 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 CLP-Gen in this state pending the issuance of a final decision by the Board following administrative adjudication of such charges.
- (14) **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. Bayers 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. Bayers 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. Bayers' compliance with the requirements of this provision.
- (15) **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.

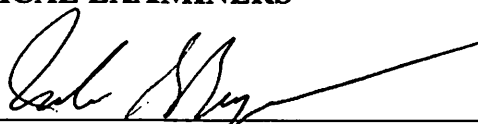
IT IS FURTHER ORDERED that any violation of or strict compliance with any of the terms, conditions, or restrictions of this Order by Ms. Bayers shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Bayers' clinical laboratory license to practice 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. §37:1326.

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

New Orleans, Louisiana, this 17th day of September, 2012.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: _____



MELVIN G. BOURGEOIS, M.D.

President

STATE OF LOUISIANA

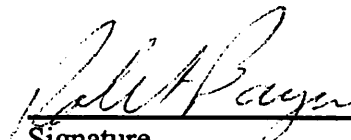
PARISH OF St. Charles

**ACKNOWLEDGMENT
AND CONSENT**

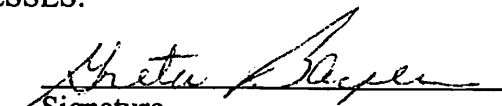
I, ELIZABETH ASHLEY BAYERS, CLP-GEN, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 21st day of August, 2012.


ELIZABETH ASHLEY BAYERS, CLP-GEN

WITNESSES:



Signature
Robert Bayers
Printed Name

318 St. Nicholas St. Luling, LA
Address


Signature
Giveta Bayers
Printed Name

318 St. Nicholas St.
Address Luling, LA 70070

Sworn to and subscribed before me at Luling, Louisiana, this 21st day of August, 2012, in the presence of the two stated witnesses


Notary Public (Signature and Seal)

FENWICK A. SWANN III
State of Louisiana
Attorney/Notary Public LSBA#25889
My Commission is for Life.

Fenwick A. Swann III LA Bar # 25889
Printed Name/Notary or Bar Number