

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Department of Investigations  
Telephone: (504) 568-6820  
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**No. 12-I-536**

**IN THE MATTER OF:**

**CONSENT ORDER**

**ELIZABETH NICOLE GUARINO, P.A.**

*(Certificate No. 200079)*

*Respondent*

The Louisiana State Board of Medical Examiners (the "Board") conducted an investigation of Elizabeth Nicole Guarino, P.A. ("Ms. Guarino"), who has been licensed in Louisiana since June 19, 2006 and practicing in the emergency room setting. The Board has developed reliable information indicating that Ms. Guarino exercised prescriptive authority beyond that authorized by law. In particular, the investigation revealed that Ms. Guarino prescribed an antibiotic for a friend's daughter without first taking a history or performing a physical examination, without maintaining a medical record and without the knowledge and consent of her supervising physician.

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. Guarino with violation of the Louisiana Physician Assistant Practice Act, La. Rev. Stat. §37:1360.33(3), ("the Act"),<sup>1</sup> and the Board's Rules pertaining to Physician Assistants, La. Adm. C. 46: XLV§4506.A.(2)<sup>2</sup>, La. Adm. C. 46: XLV§4511.A (4)<sup>3</sup>, La. Adm. C. 46: XLV§4513.A(19)<sup>4</sup>, and La. Adm. C. 46: XLV§1521(D)<sup>5</sup>.

<sup>1</sup>La. Rev. Stat. §37:1360.33(3) provides: "The Board may, exercising due process, discipline any physician assistant, as provided in R.S.37:1360.34, that :... ( 3 ) violates any provision of this Part or any regulation adopted by the Board pertaining to this Part."

<sup>2</sup> La. Adm. C. 46: XLV§4506.A (2) provides: "The medical record of any patient for whom the physician assistant has prescribed medication or a medication device, or delivered a bona fide medication sample, shall be properly documented, reviewed and countersigned in accordance with §4511.A (4)."

<sup>3</sup> La. Adm. C. 46: XLV§4511.A (4) provides: "The physician assistant and supervising physician shall insure that, with respect to each direct patient encounter, all activities, functions, services, treatment measures, medical devices or medication prescribed or delivered to the patient by the physician assistant are properly documented in written form in the patient's record by the physician assistant and that each such entry is countersigned by the supervising physician ...".

<sup>4</sup> La. Adm. C. 46: XLV§4513.A(19) provides: "The Board may refuse to issue, or may suspend, revoke or impose probationary or other restrictions on, any license issued under this Chapter, or issue a private or public reprimand for utilizing prescriptive authority in violation of any of the provisions of §§1501-1529 or 4501-4513 of the Board's rules".

<sup>5</sup> La. Adm. C. 46: XLV§1521(D) provides: "The Board may deny registration of prescriptive authority to an otherwise eligible physician assistant for any of the causes enumerated by R.S. 37:1360.33, or any other violation

As evidenced by her subscription hereto, Ms. Guarino acknowledges the substantial accuracy of the foregoing information and that proof of such information upon an administrative evidentiary hearing could constitute sufficient cause under the Act for the imposition of such terms, conditions, or restrictions on her license to practice as a physician assistant in the state of Louisiana as the Board may deem appropriate.

Recognizing her right to have administrative adjudication of the matters mentioned above, 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. Guarino nonetheless, hereby waives her right to notice, formal adjudication and written findings of fact and conclusions of law, and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By her subscription hereto, Ms. Guarino 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. Guarino 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. Guarino 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.

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. § 49:955(D);

**IT IS ORDERED** that the license of Elizabeth Nicole Guarino, P.A to engage in practice as a physician assistant in the state of Louisiana, as evidenced by Certificate No. 200079, be, and the same is hereby, given an **OFFICIAL REPRIMAND** and that Ms. Guarino's license to practice as a physician assistant and her continuing exercise of the rights and privileges granted to her thereby, shall be subject to her acceptance of and strict compliance with the following terms, conditions and restrictions:

- 1. Payment of Fine.** Ms. Guarino shall pay a fine of \$1,000.00 to the Board, which payment shall be made within six (6) months of the effective date of this Order.

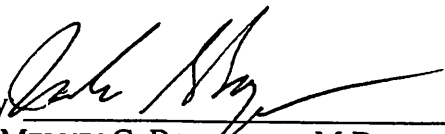
2. **Demonstration of Understanding-Board's Rules.** Within one hundred eighty (180) days of the effective date of this Order, Ms. Guarino shall provide evidence to the Board's satisfaction that she has gained an understanding of and is practicing in accordance with the law and the Board's rules and regulations respecting physician assistants.
3. **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 the terms and conditions set forth by this Order by Ms. Guarino shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Ms. Guarino's license to practice as a physician assistant in the state of Louisiana as the Board may deem appropriate, as if such violation was enumerated among the causes provided in La. Rev. Stat. §37:1360.33.

**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 on this 15<sup>th</sup> day of October, 2012.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By   
\_\_\_\_\_  
MELVIN G. BOURGEOIS, M.D.  
President

*Acknowledgment and Consent Follows  
on Next Page*

In the Matter of:

Elizabeth Nicole Guarino, P.A.

Consent Order

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STATE OF LOUISIANA

PARISH OF East Baton Rouge

**ACKNOWLEDGMENT  
AND CONSENT**

I, ELIZABETH NICOLE GUARINO, P.A., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 11 day of September, 2012.

Elizabeth Nicole Guarino, P.A.  
ELIZABETH NICOLE GUARINO, P.A.

WITNESSES:

Jessica K. Rutland  
Signature

Signature

Jessica Rutland

Typed Name

16021 Woodwick Ave. Baton Rouge

Address

LA 70814

Jenny Aldridge  
Signature

Signature

Jenny Aldridge

Typed Name

28324 Grand Turk Dr.

Address

Denham Springs, La. 70724

Sworn to and subscribed before me at Baton Rouge, Louisiana, this 11<sup>th</sup> day of September, 2012, in the presence of the two stated witnesses.

Laura Bergeron-Hart

Notary Public (Signature & Seal)

Laura Bergeron-Hart #87396

Printed Name/Notary #