

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:

KIMBERLY J. BUSH, CLP
(Certificate No. 00848-GEN),
Respondent

No. 11-I-926
CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board"), following receipt of an application from Kimberly J. Bush ("Ms. Bush") for renewal of licensure by the Board to practice as a Clinical Laboratory Scientist-General ("CLP-Gen"). Ms. Bush had failed to renew her Louisiana license on or before December 31, 2005, allowing her license to remain in an inactive status until her recent application for renewal. While it appears from information available as supplied by Ms. Bush's application and otherwise that she is generally qualified for renewal of such licensure, as acknowledged by her in her application, the Board has now learned that Ms. Bush failed to reveal several arrests on her renewal application related to issuing worthless checks, including a felony arrest and a fugitive charge. While such information would ordinarily implicate the Board's concern relative to the individual's honesty and truthfulness, Ms. Bush has informed the Board that she had no intention to deceive the Board concerning the arrests; she thought that by having her attorney expunge her criminal records, she did not have to disclose these prior actions.

Investigation of the captioned matter was assigned to the Investigating Officer ("I/O"). While it appears to the I/O that Ms. Bush is a qualified Clinical Laboratory Scientist-Generalist, the I/O's review and analysis of the matter confirms to her satisfaction that the actions identified hereinabove may implicate one or more violations of the Louisiana Clinical Laboratory Practice Act.¹

¹ Pursuant to La. Rev. Stat. §37:1326.A. the Board may take action against the license of a clinical laboratory scientist for: "(6) Fraud or deceit in procuring or attempting to procure a license or certificate to engage in the practice of clinical laboratory science." and "(7) Violating or helping someone else violate any provisions of this Part or any rule or regulation promulgated hereunder."

As evidenced by her subscription hereto, Ms. Bush 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 clinical laboratory science in the State of Louisiana as the Board may determine to be appropriate.

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. Bush 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. Bush 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. Bush 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. Bush 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 Kimberly J. Bush, CLP-Gen, to practice as a clinical laboratory scientist in the state of Louisiana, as evidenced by Certificate No. G00848-GEN, be, and the same is hereby placed **ON PROBATION** for a period of three (3) years from the effective date of this Order (the "probationary term"); *provided, however*, that Ms. Bush'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) Board Approval of Medical Practice. Following the effective date of this Order and for the duration of the probationary period, Ms. Bush 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 she intends to practice. Ms. Bush shall not engage in CLP-Gen practice in any setting in advance of the Board's specific written approval of such practice setting.

(2) Notification to Employers and Reports from Supervisors. Prior to beginning or returning to work, Ms. Bush 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. Bush shall authorize and cause the supervisor, or another designee approved by the Board, to provide quarterly reports to the Board on a Board approved form. The quarterly reports are due on or before the first of January, April, July and October of each year.

(3) Attendance at Approved Seminar/Course on Professionalism and Medical Ethics. Within one hundred eighty days (180) of issuance of this order, Ms. Bush shall provide written confirmation that she has attended and successfully completed one or more courses of study in the area of appropriate professionalism and medical ethics. All courses required by this provision shall be comprehensive in nature (greater than 20 credit hours) and shall be acceptable to and pre-approved in writing by the Board or its designee.

(4) Probation Monitoring Fee. For each year of the probationary term, Ms. Bush 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.

(5) Self-Reporting. Ms. Bush shall immediately self-report in writing to the Board any violation of or failure to adhere to the terms, conditions or restrictions of this order. Furthermore, Ms. Bush shall immediately self-report in writing to the Board any personal action or inaction which constitutes a violation of the Act.

(6) Payment of Fine. Within six (6) months of this order, Ms. Bush shall pay a fine of \$300. Ms. Bush acknowledges that the timely payment of the fine is her legal obligation and responsibility and she understands that she shall cease practicing as a CLP-Gen in this state if the fine is not paid within six (6) months as ordered.

(7) Cooperation with Board's Probation and Compliance Officer. Throughout the probationary term, Ms. Bush shall immediately notify the Board's Probation Officer of any change in her current home and professional addresses and telephone numbers and she shall direct all matters required pursuant to this Consent Order to the attention of the Probation Officer with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms, conditions and restrictions hereof. Ms. Bush shall also make herself available upon reasonable notice for personal interviews with the Director of Investigations or Probation Officer of the Board or their designated representatives for the purpose of discussing her then-current compliance with the terms of this Order.

(8) Absence from State or Discontinuance of Practice - Effect on. Should Ms. Bush 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

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.

(9) Sanction. By her subscription hereto Ms. Bush 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.

(10) Certification of Compliance with Probationary Terms; Personal Appearance Before the Board. At last sixty (60) days prior to the conclusion of the probationary term imposed herein, Ms. Bush shall provide the Board with an affidavit certifying that she has complied with each of the terms of probation imposed by this Order and she shall contact the Board and arrange for a personal appearance before the board or its designee at its meeting preceding the expiration of her probation term. The probationary term and all of its terms, conditions and restrictions, shall be and shall be deemed to be extended and continued in full force and effect pending Ms. Bush's compliance with the requirements of this provision.


(11) 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. Bush shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Bush's license to practice as a clinical laboratory scientist 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 16th day of April, 2012.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: 
MELVIN G. BOURGEOIS, M.D.
President

STATE OF LOUISIANA
PARISH OF Jefferson

**ACKNOWLEDGMENT
AND CONSENT**

I, KIMBERLY J. BUSH, CLP, hereby acknowledge, approve, accept and consent to entry of
the above and foregoing Order, this 10 day of APRIL, 2012.

Kimberly J. Bush
KIMBERLY J. BUSH, CLP

WITNESSES:

Ellen Bush
Signature

ELLEN BUSH
Printed Name

709 COOK ST
Address GRETN, LA

Irma Mae Bush
Signature

IRMA MAE BUSH
Printed Name

709 Cook St
Address Gretna, La

Sworn to and subscribed before me at Gretna, Louisiana, this 10th day of
April, 2012, in the presence of the two stated witnesses

[Signature]
Notary Public (Signature)

Ashley D. Nichols
Printed Name/Notary # 28703
LSA

ASHLEY D. NICHOLS
NOTARY PUBLIC
Parish of Jefferson, State of Louisiana
LSBA 28703
My Commission is issued for Life.