

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Department of Investigations
Telephone: (504) 568-6820
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No. 13-I-022

IN THE MATTER OF:

TODD LYLE SIMONS, PEF
Applicant

**CONSENT ORDER FOR
ISSUANCE OF
PERFUSIONIST LICENSE**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of Todd Lyle Simons' application for licensure by the Board to practice as a Perfusionist ("PEF") in this state. While it appears from information available as supplied by Mr. Simons' application and otherwise that he is generally qualified for issuance of such license, as acknowledged by him in his application, he reported that he has been working as Perfusionist in Louisiana since 1993. Although the Louisiana Perfusion Licensure Act became effective in July 2003, and required all persons who practice perfusion to be licensed, Mr. Simons continued to work as a Perfusionist in Louisiana without Board licensure.

On his own behalf, Mr. Simons advised the Board that he was never advised that licensure was required for practice in Louisiana, and that he was never notified by employers or co-workers of this requirement. Nevertheless, in late 2012 when he discovered on his own that licensure by the Board is required to practice, he voluntarily submitted an application and fulfilled all requirements to become licensed in Louisiana. He has now acknowledged that his understanding was in error and has accepted his responsibility to understand and comply with all laws and regulations regarding licensure in this state.

As evidenced by his subscription to this Order Mr. Simons acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and information could provide the Board with sufficient cause to deny his application pursuant to the Law respecting the practice of Perfusion.¹

¹La. Rev. Stat. §37:1331, 1334, 1338, 1341.

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 Mr. Simons is a conscientious and well-trained Perfusionist, the I/O's review and analysis of the matter confirms to her satisfaction that sufficient cause exists to charge Mr. Simons with one or more violations of the Louisiana Perfusion Licensure Act (the "Law"), La. Rev. Stat. §37:1331, 1334 or 1341.

Recognizing his right to have notice of such allegations and charges asserted against him, to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his 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.*, Mr. Simons, nonetheless, hereby waives his 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. Mr. Simons further acknowledges and waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et. seq.*, or which otherwise may be afforded to him by law to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto Mr. Simons 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 he waives any objection to such disclosures under La. Rev. Stat. §49:960. Mr. Simons 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 him 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. §37:1331, 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. §37:1338 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Todd Lyle Simons is hereby **OFFICIALLY REPRIMANDED** for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that licensure for the practice of perfusion in the state of Louisiana shall be issued to Todd Lyle Simons.

IT IS FURTHER ORDERED that within six (6) months of the date of this Order Mr. Simons shall pay the Board an administrative fine in the amount of One Thousand (\$1,000.00) Dollars.

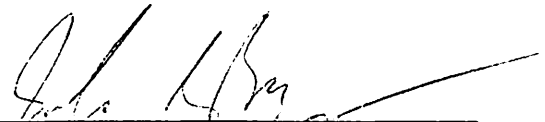
IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Mr. Simons shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1331 *et seq.*

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 18th day of February 2013.

**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, TODD LYLE SIMONS, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 22nd day of January, 2013.


TODD LYLE SIMONS, PEF APPLICANT

WITNESSES:

Tara Yelverton
Signature

Tara Yelverton
Printed Name

8055 Chickamauga Tr.
Address Shreveport, LA 71107


Signature

Beau Williams
Printed Name

6718 Spring Valley Dr.
Address Shreveport, LA 71107

Sworn to and subscribed before me at Shreveport, Louisiana this 22nd day of January, 2013, in the presence of the two stated witnesses.

Kristi D. Wagner
Notary Public (Printed Name) and Seal

Kristi D. Wagner # 7193
Notary (Signature) & Bar/Notary No.

Kristi D. Wagner
Notary Public, ID# 7193
Bossier Parish
State of Louisiana
Commissioned for Life