

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Department of Investigations
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IN THE MATTER OF:

JUSTIN MICHAEL BRAUD
Applicant

No. 13-I-207
CONSENT ORDER FOR
ISSUANCE OF POLYSOMNOGRAPHIC
TECHNOLOGIST LICENSE WITH
OFFICIAL REPRIMAND

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Justin Michael Braud, ("Mr. Braud") for issuance of a Polysomnographic Technologist license. While it appears from information available as supplied by Mr. Braud's 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 worked as a Polysomnographic Technician in this state without a permit or license.

On his own behalf, Mr. Braud advised the Board that he thought he could work as a technician without a permit if he was eligible for the Board of Registered Polysomnographic Technologists ("BRPT") examination, had completed all requirements of the Polysomnography Practice Act, and had submitted his application to the Board. When notified by the investigator that licensure in Louisiana was required to practice, he voluntarily stopped his practice as a Polysomnographic Technician. Mr. Braud has now successfully passed the BRPT examination and subsequently completed the application process. He has also 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. Braud 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 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 Mr. Braud is a conscientious and well-trained Polysomnographic Technologist, the I/O's review and analysis of the matter confirms to

¹La. Rev. Stat. §37:2867, 2870.

his satisfaction that sufficient cause exists to charge Mr. Braud with one or more violations of the Polysomnographic Practice Act ("the Law"), La. R.S. §§37:2870 and 37:2867A. (1).

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. Braud, 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. Braud 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. Braud 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. Braud 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. §37:2863, 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 Justin Michael Braud is hereby **OFFICIALLY REPRIMANDED** for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that licensure to practice as a Polysomnographic Technologist in the state of Louisiana shall be issued to Justin Michael Braud.

IT IS FURTHER ORDERED that within twelve (12) months of the date of this Order Mr. Braud shall pay the Board a fine in the amount of Four Hundred (\$400.00) Dollars, which represents the licensure fees for each of the past four (4) years, plus a penalty of an equal amount.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Mr. Braud 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 17th day of June
2013.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY:


MELVIN G. BOURGEOIS, M.D.
President

*Acknowledgement and Consent
on Following Page*

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STATE OF LOUISIANA
PARISH OF ORLEANS

**ACKNOWLEDGMENT
AND CONSENT**

I, JUSTIN MICHAEL BRAUD, POLY. APPLICANT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 6th day of June, 2013.

J. Braud
JUSTIN MICHAEL BRAUD

WITNESSES:

Dino Viera
Signature

Dino Viera
Printed Name

3329 Fla. Ave, Kenner, LA
Address

Cathy M Storm
Signature

Cathy M Storm
Printed Name

620 Camp St. NOLA
Address

Sworn to and subscribed before me at New Orleans, Louisiana this
6th day of June, 2013, in the presence of the two stated witnesses.

Thania S. Elliott
Notary Public (Signature)

THANIA S. ELLIOTT LA Bar# 20799
Notary (Printed Name) & Bar/Notary No.