

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Department of Investigations
Telephone: (504) 568-6820
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No. 14-I-210

IN THE MATTER OF:

GERALD LEE HOUSTON, POLY
Applicant

**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 Gerald Lee Houston, ("Mr. Houston") for issuance of a polysomnographic technologist license. While it appears from information available as supplied by Mr. Houston'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 technologist in this state without a permit or license.

On his own behalf, Mr. Houston advised the Board that in 2005, he lost his Louisiana application during Hurricane Katrina, and then became so busy he failed to complete the application process. Subsequently, he became certified by the Board of Registered Polysomnographic Technologist ("BRPT") in December 1999. Since 2008, Mr. Houston has worked in Mississippi as Director of Technical Services in a sleep lab, and he now wishes to begin working again as a polysomnographic technologist in Louisiana. He understands that licensure is required to practice polysomnography in this state, and he has accepted his responsibility to understand and comply with all laws and regulations regarding licensure and practice in this state.

As evidenced by his subscription to this Order Mr. Houston 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 technologists.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. Houston is a conscientious and well-

¹La. Rev. Stat. §37:2867, 2870.

trained polysomnographic technologist, the I/O's review and analysis of the matter confirms to his satisfaction that sufficient cause exists to charge Mr. Houston 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. Houston, 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. Houston 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. Houston 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. Houston 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 his 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 Gerald Lee Houston 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 Gerald Lee Houston.

IT IS FURTHER ORDERED that within six (6) months of the date of this Order Mr. Houston shall pay the Board a fine in the amount of Three Hundred (\$300.00) Dollars, which represents the licensure fees for two (2) years, plus a penalty of an equal amount.

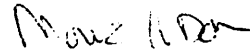
IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Mr. Houston shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such disciplinary action as the Board deems appropriate, as if such violations were enumerated among the 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 14 day of April 2014.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY:



MARK HENRY DAWSON, M.D.
President

***Acknowledgement and Consent
on Following Page***

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on Following Page***

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***Acknowledgement and Consent
on Following Page***

STATE OF LouisianaPARISH/COUNTY OF St. Tammany**ACKNOWLEDGMENT
AND CONSENT**

I, GERALD LEE HOUSTON, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 22 day of March, 2014.


GERALD LEE HOUSTON

WITNESSES:

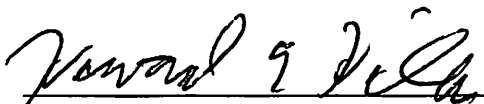

SignatureKaitlin Marshall
Printed Name153 Honeywood Dr. Slidell, LA
Address 70461
SignatureJennifer Houston
Printed Name153 Honeywood Dr
Address Slidell LA 70461

Sworn to and subscribed before me at Slidell, Louisiana, this 22 day of March, 2014, in the presence of the two stated witnesses.

HOWARD E. HILKER, JR., NOTARY PUBLIC #65487

MY COMMISSION EXPIRES WITH MY LIFE

Notary Public (Printed Name) and Seal


Notary (Signature) & Bar/Notary No.