

**BEFORE THE LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

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In the Matter Of	:	No. 92-I-16-X
CHRISTOPHER MCPHERSON, RRT	:	
(Certificate No. L00544)	:	CONSENT ORDER
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Information was provided to the Louisiana State Board of Medical Examiners ("Board") indicating that Christopher McPherson, RRT ("Mr. McPherson") a respiratory therapist licensed to practice respiratory therapy in the state of Louisiana, may suffer and for some time may have suffered from alcoholism, a disease which may have compromised his capacity to practice respiratory therapy with reasonable skill and safety to patients. Such information further indicates that Mr. McPherson has pled guilty to a charge of driving while intoxicated, third offense (two counts) and that, as of February 7, 1992 he was incarcerated for a period of up to three years with a minimum sentence of six months.¹

As evidenced by his subscription hereto, Mr. McPherson acknowledges the substantial accuracy of the foregoing information and that such acknowledgement and the reported information would provide the Investigating Officer herein with probable cause to initiate formal administrative proceedings against Mr. McPherson, charging him with "[c]onviction of a crime other than a minor offense in any court if the acts for which he was convicted are found by the Board to have direct bearing on whether he should be entrusted to serve the public in the capacity of a respiratory therapist or a respiratory therapy technician," constituting cause for suspension or revocation of the respiratory therapy's license to practice medicine in the state of Louisiana.²

On the basis of information provided to the Board and with Mr. McPherson's knowledge and consent, however, the Board is persuaded that the condition from which Mr. McPherson suffers may be susceptible

¹ Pursuant to correspondence of February 17, 1992, both Mr. McPherson and his legal counsel, Robert I. Thompson, III advised the Board of Mr. McPherson's incarceration for the DWI offense; corr., from Robert I. Thompson, III, to Mrs. Paula Menson, Administrative Services Assistant, La. St. Bd. Med. Exam. and corr. from Christopher McPherson to Mrs. Paula Menson, Feb. 1992.

² La. Rev. Stat. Ann. § 37:3358(A)(3), (West 1988).

to continued effective medical treatment, resulting in the maintenance or restoration of his capacity to engage in the practice of respiratory therapy with reasonable skill and safety to patients, provided that Mr. McPherson strictly observes and complies with appropriate restrictions on and conditions to maintenance of his respiratory therapy licensure. In consideration of this finding, accordingly, and on the recommendation of the Board's Medical Consultant/Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of respiratory therapy, La. Rev. Stat. § 37:3351, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to have notice of allegations and charges asserted against him, to administrative adjudication of such charges pursuant to La. Rev. Stat. §§ 49:955-958, and to a final decision rendered upon written findings of fact and conclusions of law, Mr. McPherson 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. By his subscription hereto, Mr. McPherson also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or counsel assisting the Investigating Officer 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 the results of the investigation and waives any objection to such disclosures under La. Rev. Stat. § 49:960. Mr. McPherson expressly acknowledges that the disclosure of information to the Board by the Investigating Officer and/or his counsel shall be without prejudice to the Investigating Officer's authority to file a formal administrative complaint against Mr. McPherson, or to the Board's capacity to adjudicate such complaint, should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. § 37:3358 and La. Rev. Stat. § 49:955(D);

IT IS ORDERED that the license of Christopher McPherson, to engage in the practice of respiratory therapy in the state of Louisiana, as evidenced by Certificate No. L00544, be and the same is hereby effective as of the date hereof, **SUSPENDED**; and

IT IS FURTHER ORDERED that the Board's reinstatement of Mr. McPherson's license to practice respiratory therapy in the state of Louisiana shall be subject to his acceptance of and strict compliance with the following terms and conditions:

(a) **Suspension of Practice/Reinstatement.** Mr. McPherson shall not practice respiratory therapy in any form in the state of Louisiana until and unless the Board issues and serves on Mr. McPherson a written order reinstating his certificate to practice respiratory therapy. As express conditions to the issuance of such order, Mr. McPherson shall: (1) have been released from incarceration which he is currently serving as a result of his plea of guilty to charges of driving while intoxicated; and (2) Mr. McPherson shall have received the opinion of two physicians acceptable to the Board, one of which who shall perform a substance abuse/alcohol evaluation, that Mr. McPherson's prognosis for continued abstinence from the use of alcohol is favorable and that Mr. McPherson is then capable of practicing respiratory therapy with reasonable skill and safety to patients, based on their personal examination, evaluation and diagnosis of Mr. McPherson; and (3) Mr. McPherson shall execute a written contract evidencing that he will comply with any treatment recommendations, prescriptions or orders of the two

physicians who examined him in conformity with the directive stated hereinabove until discharged by them.

IT IS FURTHER ORDERED that upon Mr. McPherson's compliance with and complete and continuing satisfaction of the terms and conditions hereinabove set forth, his license to practice respiratory therapy in the state of Louisiana may be reinstated by the Board, ON PROBATION, for a period of three (3) years from the date of reinstatement; *provided, however*, that such reinstatement of his certificate and Mr. McPherson's continuing exercise of the rights and privileges thereunder shall be conditioned upon his acceptance of and compliance with the following minimum terms, conditions and restrictions, which may be modified or supplemented by the Board based on the reports, recommendations and opinions furnished:

(a) **Continuing Treatment; Reports to Board.** Following the reinstatement of his certificate, Mr. McPherson shall continue under treatment, consistent with any prescription and recommendations of the two physicians who evaluated him as a condition to the reinstatement of his certificate to practice respiratory therapy. Mr. McPherson shall authorize and cause the treating physicians to submit to the Board, not less frequently than semi-annually, throughout the probationary period, written reports on Mr. McPherson's then-current treatment program, diagnosis, prognosis and his compliance with the terms, conditions and restrictions of this Order.

[b] **Supervising Physician/Reports to the Board.** Mr. McPherson shall provide the Board with the identity of a physician who shall agree to direct and supervise his practice of respiratory therapy ("supervising physician"); further, Mr. McPherson shall provide the supervising physician with a duplicate copy of this Consent Order and insure that the supervising physician provides written semi-annual reports to the Board throughout the probationary period set forth hereinabove, addressing Mr. McPherson's performance and ability to practice respiratory therapy with reasonable care and safety to patients. Mr. McPherson shall also insure that the supervising physician will respond to any written or verbal inquiries as the Board may pose to him as well.

(c) **Maintenance of Complete Abstinence.** Mr. McPherson shall, for the duration of his life, maintain complete and total abstinence from the use of alcohol or any other mood-altering substance except as may be prescribed by a treating physician for a *bona fide* medical condition.

(d) **Personal Appearance Before the Board.** Mr. McPherson shall personally appear before the Board at its meeting next following the reinstatement of his certificate to consider his compliance with the terms of the Order and to advise the Board, or its designated committee, of his intentions with respect to the practice of respiratory therapy. Mr. McPherson shall, in addition, personally appear before the Board at its meeting preceding the expiration of the probationary term ordered hereinunder.

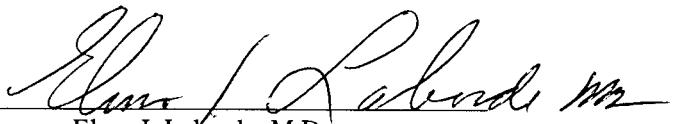
(e) **Cooperation with the Board's Probationary Officer.** Mr. McPherson shall immediately notify the Board's Probation Officer of any change in his current personal and professional addresses and telephone numbers and he shall direct all correspondence and

reports required pursuant to this Consent Order to the attention of the Probation Officer on all matters and on any inquiries to the conditions of his probation.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms, conditions or restrictions set forth in this Order by Mr. McPherson shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Mr. McPherson's license to practice respiratory therapy in the state of Louisiana.

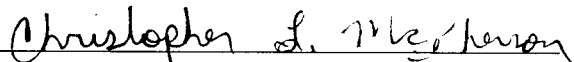
New Orleans, Louisiana, this 25th day of June, 1992.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: 
Elmo J. Laborde, M.D.
President

**ACKNOWLEDGEMENT
AND CONSENT**

I, CHRISTOPHER L. MCPHERSON, RRT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order this 14 day of June, 1992.


CHRISTOPHER L. MCPHERSON, RRT

Witness:

