

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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No. 14-I-1065

IN THE MATTER OF:

JENNIFFR ANNE SMITH, CLP-SPE
Applicant

CONSENT ORDER FOR ISSUANCE OF LICENSE WITH REPRIMAND

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Jennifer Anne Smith ("Ms. Smith") for a license to practice as a Clinical Laboratory Personnel-Specialist ("CLP-SPE") in this state. While a review of the materials submitted in support of her application indicate that she satisfies the educational and other requirements necessary for licensure consideration, Ms. Smith reports that she has been working as a laboratory technician in Louisiana without licensure.

In connection with this matter, Ms. Smith admits that she has worked at a Genetics Biochemical Laboratory in Louisiana since 2005, prior to obtaining a license from the Board. She explained that she was unaware that such a license was required for the type of work that she was performing and her employers had not notified her of the need for state licensure; however, when she learned that licensure by the Board was required to practice, she immediately submitted an application for licensure to the Board. She further acknowledged that her prior understanding was in error and she now accepts her responsibility to understand and comply with all rules and regulations regarding licensure in this state.

As evidenced by her subscription to this Order, Ms. Smith acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing could establish sufficient cause for the rejection or denial of her application for licensure in this state or such other action as the Board may deem appropriate, pursuant to the Law and/or the Board's rules respecting clinical laboratory personnel.¹

Investigation of the captioned matter was assigned to the Investigating Officer ("I/O") for the Board. While it appears to the I/O that Ms. Smith is a conscientious and well-trained clinical laboratory scientist-specialist, the I/O's review and analysis of the matter confirms to her satisfaction that sufficient cause exists to charge Ms. Smith with one or more violations of the Louisiana Clinical Laboratory Personnel Law (the "Law"), La. Rev. Stat. §37:1318, 1326 and/or

¹La. Rev. Stat. §37:1318, 1326; La. Adm. C. §§46XLV:3505.

the Board's rules respecting clinical laboratory personnel, La. Adm. C. 46XLV.3505.

Recognizing her right to have administrative adjudication of the above 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. Smith, nonetheless, hereby waives her right to notice of charges, formal adjudication and written decision and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Moreover, by her subscription hereto, Ms. Smith also waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act² or which otherwise may be afforded to her by law, to contest her agreement to or the force and effect of this document in any court or before any judicial or administrative agency or body, relating to the matters referred to herein. By her subscription hereto, Ms. Smith 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 under La. Rev. Stat. §49:960. Furthermore, Ms. Smith 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 pursue any Administrative Complaint filed against her 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. §37:1326 and La. Rev. Stat. §49:955D;

IT IS ORDERED that Jennifer Anne Smith is hereby **OFFICIALLY REPRIMANDED** for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that after completion of application requirements, a license to practice as a clinical laboratory scientist-specialist in the state of Louisiana shall be issued to Jennifer Anne Smith.

IT IS FURTHER ORDERED that within nine (9) months of the date of this Order, Ms. Smith shall pay the Board a fine in the amount of One Thousand (\$1000.00) Dollars, which represents the licensure fees for nine years, plus a penalty of an equal amount.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Ms. Smith 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. §37:1326.

² La. Rev. Stat. §49:951, *et seq.*

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective this 9th day of February, 2015.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: Mark H. Dawson
MARK H. DAWSON, M.D.
President

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STATE OF Louisiana
PARISH OF Orleans

**ACKNOWLEDGMENT
AND CONSENT**

I, JENNIFER ANNE SMITH, CLP-SPE, APPLICANT, hereby acknowledge, approve, accept
and consent to entry of the above and foregoing Order, this 29 day of January, 2015.

Jennifer Anne Smith
JENNIFER ANNE SMITH, CLP-SPE, APPLICANT

WITNESSES:

Marcel Charbonnet
Signature
Marcel Charbonnet
Printed Name
1213 Curtis Street
Address
Harvey, LA 70058
City, State, Zip Code

Tianjian Chen
Signature
Tianjian Chen
Printed Name
1833 Kabel Dr.
Address
New Orleans, LA 70131
City, State, Zip Code

Sworn to and subscribed before me this 29th day of January, 2015, in
the presence of the two stated witnesses.

Sherry B. Noonan
Notary Public (Signature and Seal)

Printed Name/Notary or Bar Number

SHERRY B. NOONAN
NOTARY PUBLIC NO. 135449
Parish of Jefferson, State of Louisiana
My Commission is Issued for Life