

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.la.gov



Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:

(504) _____

IN THE MATTER OF:

MARCEL FINUS CHARBONNET, CLP-LAB
(Certificate No. CLP.204292-LAB)
Respondent

No. 15-I-126

**CONSENT ORDER
FOR OFFICIAL REPRIMAND**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of apparently reliable information that Marcel Finus Charbonnet, CLP-LAB ("Mr. Charbonnet") practiced as a clinical laboratory technician in Louisiana prior to obtaining licensure.

In connection with this matter, Mr. Charbonnet explained that he was unaware that such a license was required for the type of work that he was performing and his employers had not notified him of the need for state licensure; however, when he learned that licensure by the Board was required to practice, he submitted an application and is now licensed as a Clinical Laboratory Personnel-Laboratory Assistant, Certificate No. CLP.204292-LAB. He further acknowledges that his prior understanding was in error and now accepts his responsibility to understand and comply with all rules and regulations regarding licensure in this state.

Investigation of the captioned matter was assigned to the Investigating Officer of the Board (the "I/O"). While it appears to the I/O that Mr. Charbonnet is a conscientious and well-trained clinical laboratory assistant, the I/O's review and analysis of the matter confirms to her satisfaction that sufficient cause exists to charge Mr. Charbonnet with one or more violations of the Louisiana Clinical Laboratory Personnel Law (the "Law"), and/or the Board's rules respecting clinical laboratory personnel.¹

As evidenced by his subscription hereto, Mr. Charbonnet acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer herein with probable cause to pursue formal

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

administrative proceedings against him for the suspension, revocation or imposition of such other terms, conditions or restrictions on his license to practice as a clinical laboratory assistant in the State of Louisiana as the Board may determine to be appropriate.

Recognizing his right to have notice of administrative charges, and 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. Charbonnet nonetheless hereby waives his right to formal charges and adjudication and, pursuant to La. Rev. Stat. §49:955(D), hereby consents to entry of the Order set forth hereinafter. By his subscription hereto, Mr. Charbonnet also acknowledges that he 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 the Board's investigation or this document in any court or other forum relating to the matters referred to herein.

By his subscription hereto, Mr. Charbonnet 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 he waives any objection to such disclosures to the Board under La. Rev. Stat. §49:960. Mr. Charbonnet 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 proceed with the filing and adjudication of an administrative complaint against him, or to the Board's capacity to adjudicate such complaint, should the Board decline to accept 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. § 49:955(D);

IT IS ORDERED that the license of Marcel Finus Charbonnet, CLP, to practice as a clinical laboratory scientist in the state of Louisiana, as evidenced by Certificate No. CLP.204292-I.AB shall receive an **OFFICIAL REPRIMAND** for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that within six (6) months of the date of this Order Mr. Charbonnet shall pay the Board a fine in the amount of Three Hundred Ninety (\$390.00) Dollars, which represents the licensure fee for three (3) years, plus a penalty of an equal amount.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with this Order by Mr. Charbonnet shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for such further action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1326.

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

New Orleans, Louisiana, this 16th day of March, 2015.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: Mark Henry Dawson
MARK HENRY DAWSON, M.D.
President

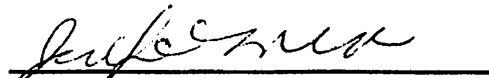
STATE OF LOUISIANA
PARISH OF _____

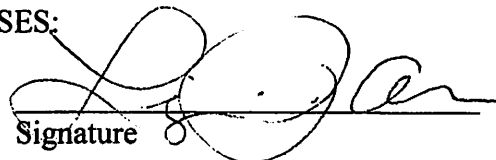
**ACKNOWLEDGMENT
AND CONSENT**

I, MARCEL FINUS CHARBONNET, CLS-LAB, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 3 day of March, 2015.

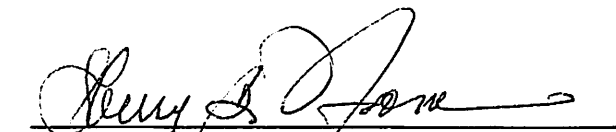

MARCEL FINUS CHARBONNET, CLS-LAB

WITNESSES:


Signature
Jennifer Smith
Printed Name
TUHSC
Address


Signature
Lygia Alvarez
Printed Name
TUHSC
Address

Sworn to and subscribed before me at New Orleans, Louisiana, this 3rd day of March, 2015, in the presence of the two stated witnesses


Notary Public (Signature)
SHERRY B. NOONAN

NOTARY PUBLIC NO. 135449
Parish of Jefferson, State of Louisiana
Printed Name/Notary/Bar #
My Commission is Issued for Life