

# 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



Department of Investigations  
Telephone: (504) 568-6820  
FAX: (504) 568-5754

In The Matter Of

No. 14-I-985

**PATRICK DANIEL FITZSIMMONS, CLS-SPE**  
(Certificate No. CLP.204194-SPE)

**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 Patrick Daniel Fitzsimmons, CLS-SPE ("Mr. Fitzsimmons") practiced clinical laboratory science in Louisiana prior to obtaining licensure.

In connection with this matter, Mr. Fitzsimmons admits that he did work at the Renaissance RX clinical laboratory prior to obtaining a license from the Board. He explained that he was unaware that such a license was required for the type of work that he was performing; 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 Scientist-Specialist, Certificate No. CLP.204194-SPE. 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. Fitzsimmons 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 that sufficient cause exists to charge Mr. Fitzsimmons with one or more violations of the Louisiana Clinical Laboratory Personnel Law (the "Law"), and/or the Board's rules respecting clinical laboratory personnel.<sup>1</sup>

As evidenced by his subscription hereto, Mr. Fitzsimmons 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 administrative proceedings against him for the suspension, revocation or imposition of such other terms, conditions or restrictions on his license to practice clinical laboratory science 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

<sup>1</sup>La. Rev. Stat. §§37:1318, 1326; La. Adm. C. §46X1.V:3505.

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. Fitzsimmons 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. Fitzsimmons 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. Fitzsimmons 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. Fitzsimmons 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 Patrick Daniel Fitzsimmons, CLP, to practice as a clinical laboratory scientist in the state of Louisiana, as evidenced by Certificate No. CLP.204194-SPE shall receive an **OFFICIAL REPRIMAND** for the conduct asserted hereinabove.

**IT IS FURTHER ORDERED** that within three (3) months of the date of this Order Mr. Fitzsimmons shall pay the Board a fine in the amount of One Hundred Thirty (\$130.00) Dollars, which represents the licensure fee for one (1) year, 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. Fitzsimmons 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 16<sup>th</sup> 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 JEFFERSON

**ACKNOWLEDGMENT  
AND CONSENT**

I, PATRICK DANIEL FITZSIMMONS, CLS-SPE, hereby acknowledge, approve,  
accept and consent to entry of the above and foregoing Order, this 24 day of Feb  
, 2015.

Patrick Daniel Fitzsimmons  
PATRICK DANIEL FITZSIMMONS, CLS-SPE

WITNESSES:

Dawn M Fitzsimmons  
Signature  
DAWN M. FITZSIMMONS  
Printed Name  
10124 HYDE PL  
Address RIVER RIDGE, LA 70123

Kathleen N. Kinard  
Signature  
Kathleen N. Kinard  
Printed Name  
5860 Citrus  
Address HARRAHAN LA 70123

Sworn to and subscribed before me at HARRAHAN, Louisiana, this 24<sup>th</sup> day  
of Feb, 2015, in the presence of the two stated witnesses

[Signature]  
Notary Public (Signature)

James Ezell  
Printed Name/Notary/Bar #



OFFICIAL SEAL  
JAMES F. EZELL  
NOTARY PUBLIC - LOUISIANA  
NOTARY #53735  
PARISH OF JEFFERSON  
My Commission is For Life