

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

MARY CATHERINE PHELAN, CLP-SPE
(Certificate No. CLP.204288-SPE)
Respondent

No. 15-I-076

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 Mary Catherine Phelan ("Ms. Phelan") practiced clinical laboratory science in Louisiana prior to obtaining licensure.

In connection with this matter, Ms. Phelan admits that she has worked at a Cytogenetics Laboratory in Louisiana since 2011, prior to obtaining a license from the Board. She explained that she was unaware that such a license was required in Louisiana 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 and is now licensed as a Clinical Laboratory Scientist-Specialist, Certificate No. CLP.204288-SPE. She further acknowledges 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.

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. Phelan 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. Phelan 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 her subscription to this Order, Ms. Phelan 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 her for the suspension, revocation or imposition of such other terms, conditions or restrictions on her license to practice clinical laboratory science in the State of Louisiana as the Board may determine to be appropriate.

¹La. Rev. Stat. §37:1318, 1326; 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. Phelan, 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. Phelan 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. Phelan 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. Phelan 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 the license of Mary Catherine Phelan, CLP-SPE, to practice as a clinical laboratory scientist in the state of Louisiana, as evidenced by Certificate No. CLP.204288-SPE 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, Ms. Phelan shall pay the Board a fine in the amount of Five Hundred Twenty (\$520.00) Dollars, which represents the licensure fees for four (4) 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. Phelan 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.

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

² La. Rev. Stat. §49:951, *et seq.*

Signed at New Orleans, Louisiana, and effective this 16th day of March,
2015.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

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

STATE OF Louisiana

PARISH OF Orleans

**ACKNOWLEDGMENT
AND CONSENT**

I, MARY CATHERINE PHELAN, CLP-SPE, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 12th day of February, 2015.

Mary Catherine Phelan
MARY CATHERINE PHELAN, CLP-SPE

WITNESSES:

Lulu Mao
Signature
LULU MAO.
Printed Name
222. E. Gatehouse Dr. Apt D.
Address
Metairie, LA, 70001.
City, State, Zip Code

Sufen Zheng
Signature
Sufen Zheng
Printed Name
4720 Gary Mike Ave
Address
metairie LA 70002
City, State, Zip Code

Sworn to and subscribed before me this 12th day of February, 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