

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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

(504) _____

**NUMBER 14-A-009
IN THE MATTER OF**

**TALAYA NICOLE BATTISTE, CLP
*Applicant***

**ADMINISTRATIVE HEARING
HELD ON FEBRUARY 15, 2016**

DECISION AND ORDER

This matter came before the Louisiana State Board of Medical Examiners ("Board") on February 15, 2016 on an Administrative Complaint which charges Respondent, Talaya Nicole Battiste, (hereinafter "Ms. Battiste" or "Respondent"), an applicant for a clinical laboratory personnel ("CLP") license. The complaint charges Respondent with violations of the Louisiana Clinical Laboratory Personnel Law. The complaint alleges that Respondent's violations form a basis for the denial of her application for a CLP license. The matter was heard before a panel consisting of Drs. Clark, Farris, Valentine, Busby, Amusa, Dawson with Dr. Burdine presiding.

At the time scheduled for the hearing, neither the Respondent nor an attorney representing the Respondent appeared or had contacted the Board.

Complainant counsel, Adam Gulotta called Lillie Rodgers, Administrative Program Specialist, who testified that the Respondent had been sent the Notice of Complaint, the Administrative Complaint and the Order scheduling the hearing by certified mail at the address which she had provided to the Board on her applications for license. Ms. Rodgers testified that the certified mailings were returned to the Board with the notation "Unable to Forward", "Return to Sender" and "Not Deliverable as Addressed".

Based on the testimony of Ms. Rodgers and the exhibits she identified, the Board determined that Respondent's right to notice of these proceedings had been satisfied by the certified mailings.

The Complaint charges the Respondent with the following violations:

1. La. R.S. 37:1318 (A) (1) which prohibits an individual to act as or perform duties of a clinical laboratory scientist-specialist unless the individual possesses a current certificate;

2. La. R. S. 37:1326 (A) (1) by performing or attempting to perform, or permitting anyone to perform any clinical laboratory procedures or category of procedures not authorized by license or certificate, and

3. La. R. S. 37:1326 (A) (6) by fraud and deceit in procuring or attempting to procure a license or certificate to engage in the practice of clinical laboratory science.

The Complainant offered its Exhibit List and the testimony of Joseph Bonck, Board Investigator and Elaine Barberot, Licensing Analyst Supervisor. The Exhibit List and the testimony of these two witnesses were unchallenged and were accepted by the Board.

FINDINGS OF FACTS

The Board finds that Respondent applied to the Board for temporary licensure as a CLS Technician in October 2007 but did not complete the application process and no license was issued. Ms. Battiste applied to the Board again in April 2014 seeking licensure as a CLS Specialist, a license which requires a university B.S. degree. Again, Ms. Battiste did not complete the application process and the Board issued no license to Respondent.

Although Respondent had not obtained a license, she was employed by MedComp Sciences in August 2013 to perform data entry services. Later, in July 2014 Board Investigator, Joseph Bonck conducted a site visit at MedComp sciences with DHH. During a meeting with the lab administrator, Mr. Bonck obtained information that the Respondent had been holding herself out to her employer as a newly licensed CLP and, as of 2014, had been engaging in the practice of a clinical laboratory specialist. The laboratory director at MedComp Sciences provided the Board Investigator with the license (wallet card) obtained from the Respondent. The card, with the designation of CLS-Specialist, bore the Respondent's signature, her address and license #CLP.S10866-SPE, with an expiration date of 12/31/14.

After confirming that the Board had never issued such a license to anyone, including Ms. Battiste, the Board Investigator notified MedComp Sciences advising her employer that the license she presented was a fake. Ms. Barberot's testimony corroborated that of Mr. Bonck in regard to those issues.

CONCLUSIONS OF LAW

Pursuant to La. R. S. 49:955 (D) the Board Panel is authorized to make an adjudication of a complaint by default where the Respondent does not appear and does not participate in the hearing provided acceptable methods of notifying the Respondent were employed and competent and credible evidence, supporting the allegations contained in the Administrative Complaint, is presented. The Hearing Panel has concluded that notice to the Respondent was appropriate and competent and credible evidence was presented to support the allegations contained in the complaint.

Based on the preceding findings of fact, the panel concludes that Respondent violated La. R.S. 37:1318 (A) (1) which prohibits an individual to act as or perform duties of a clinical laboratory scientist-specialist unless the individual possesses a current certificate; La. R. S. 37:1326 (A) (1) by performing or attempting to perform, or permitting anyone to perform any clinical laboratory procedures or category of procedures not authorized by license or certificate, and La. R. S. 37:1326 (A) (6) by fraud and deceit in procuring or attempting to procure a license or certificate to engage in the practice of clinical laboratory science.

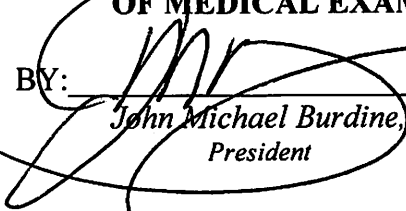
These violations provide a legal basis pursuant to the Louisiana Clinical Laboratory Personnel Law to deny or refuse an application for licensure.

SANCTIONS

Based on the Findings of Fact and Conclusions of Law, **IT IS ORDERED** that Respondent's applications for either CLP or CLS licensure are hereby **DENIED**. **IT IS FURTHER ORDERED** that any future application for any form of license available under the Louisiana Clinical Laboratory Personnel Law submitted by Talaya Nicole Battiste likewise be **DENIED**. **IT IS FURTHER ORDERED** that Respondent be assessed all cost of these proceedings and that this Decision and Order shall be and shall be deemed to be, a public record.

NEW ORLEANS, LA, this 14th day of March, 2016.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY: 
John Michael Burdine, M.D.
President