

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
www.lsbme.la.gov



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

(504) _____

In the Matter of

No. 15-I-942

**THE APPLICATION OF
CATHLEEN J. REARICK, CLP-LAB
(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 Cathleen J. Rearick ("Ms. Rearick") for a license to practice as a Clinical Laboratory Personnel-Laboratory Assistant ("CLP-LAB") 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. Rearick reports that she has been working independently as a phlebotomist in Louisiana without state certification.

In connection with this matter, Ms. Rearick admits that she has worked as a phlebotomist in Louisiana for several different companies. She explained that she only worked periodically for these companies, she was unaware that such a certificate was required for the type of work that she was performing, and her employers had not notified her of the need for state certification; however, when she learned that certification by the Board was required to practice, she immediately ceased the practice. She has now submitted an application for licensure as a Laboratory Assistant to the Board, and will not work independently as a phlebotomist until appropriately certified by 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 CLP licensure in this state.

As evidenced by her subscription to this Order, Ms. Rearick 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. Rearick 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 Ms. Rearick with one or more violations of the Louisiana Clinical Laboratory Personnel Law (the "Law"), La. Rev. Stat. §37:1318, 1326 and/or the Board's rules respecting clinical laboratory personnel, La. Adm. C. 46XLV.3505.

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. Rearick, 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. Rearick 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. Rearick 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. Rearick 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 Cathleen J. Rearick 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 assistant in the state of Louisiana shall be issued to Cathleen J. Rearick.

IT IS FURTHER ORDERED that within nine (9) months of the date of this Order, Ms. Rearick shall pay the Board a fine in the amount of Four Hundred (\$400.00) Dollars, which represents the phlebotomy renewal fees for five (5) years, plus a penalty of an equal amount.

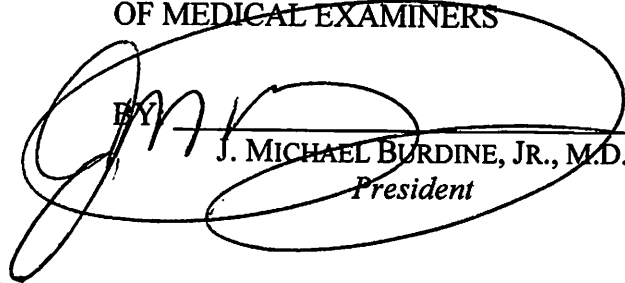
IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Ms. Rearick shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such disciplinary action as the Board deems appropriate, as if such violations were enumerated among the 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 11th day of JAN,
2016.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS


BY _____
J. MICHAEL BURDINE, JR., M.D.
President

*Acknowledgement and Consent
on following page*

*Acknowledgement and Consent
on following page*

*Acknowledgement and Consent
on following page*

*Acknowledgement and Consent
on following page*

STATE OF Louisiana
PARISH OF Iberion

**ACKNOWLEDGMENT
AND CONSENT**

I, CATHLEEN J. REARICK, CLP-LAB, APPLICANT, hereby acknowledge, approve, accept,
and consent to entry of the above and foregoing Order, this 7th day of January,
2016.

Cathleen Rearick
CATHLEEN J. REARICK, CLP-LAB, APPLICANT

WITNESSES:

Sylvia A. Daigle
Signature

SYLVIA A. DAIGLE

Printed Name

2341 Metairie Rd.
Address

Metairie, LA 70001
City, State, Zip Code

Nicole Cronin
Signature

Nicole Cronin

Printed Name

2341 Metairie Rd.
Address

Metairie, LA 70001
City, State, Zip Code

Sworn to and subscribed before me this 7th day of January, 2016, in
the presence of the two stated witnesses.

Aren C. McCroskey
Notary Public (Signature and Seal)

Aren C. McCroskey
Printed Name/Notary or Bar Number

