

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

Melissa Middleton Boughrara, RRT
(Certificate No. RRT.L00172)
Respondent

No. 15-I-1065
**CONSENT ORDER FOR
REINSTATEMENT OF LICENSE
ON PROBATION**

This matter is before the Louisiana State Board of Medical Examiners (the "Board") upon the request of Melissa Middleton Boughrara, RRT, ("Ms. Boughrara"), for the reinstatement of her license to practice respiratory therapy in this state. Ms. Boughrara, whose respiratory therapy license was issued in 1987 and has been inactive since April 2000, disclosed two DWI arrests (2007 and 2009) along with disciplinary action from the Louisiana State Board of Nursing (LSBN). She reported that LSBN suspended her license in 2012 for failure to comply with licensing board order. Since submitting her application, Ms Boughrara has met with an addictionologist and she has been found safe to practice. In addition, LSBN has reinstated her nursing license on probation. Ms. Boughrara has cooperated with this investigation by providing all records as requested and she is amenable to a license being issued on probationary status and has expressed a willingness, if licensed as a respiratory therapist, to submit to on-going monitoring.

As evidenced by her subscription hereto, Ms. Boughrara 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 violation of the Louisiana Respiratory Therapy Practice Act and the Board's Rules and Regulations pertaining to Respiratory Therapists constituting sufficient cause for the suspension, revocation or imposition of such other terms, conditions or restrictions on her license to practice as a respiratory therapist in the State of Louisiana as the Board may determine to be appropriate.¹

On the basis of apparently reliable information, however, the Board is persuaded that the condition from which Ms. Boughrara suffers may be susceptible to effective medical treatment, resulting in the maintenance of her capacity to engage in the practice of respiratory therapy with reasonable skill and safety to patients, provided that she strictly observes and complies with appropriate restrictions on and conditions to maintenance of her license. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has

¹ La. Rev. Stat. §37:3358(A) provides that the board may deny, refuse to renew a license, may suspend, revoke, or impose probationary conditions on a license if the licensee or applicant for license has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include:

(7) 'Habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;' (15) 'Inability to practice respiratory therapy with reasonable competence, skill, or safety to patients because of mental or physical illness, condition, or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol.' The Board's rules, also prescribe such conduct as well. La. Adm. C. §§46XLV:5519.A.5. and 13.

concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of respiratory therapy, La. Rev. Stat. §37:3351, will be effectively served by entry of the Order set forth hereinafter by consent.

Recognizing her right to have administrative adjudication of the charges which have been asserted, 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. Boughrara nonetheless, hereby waives her right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By her subscription hereto, Ms. Boughrara also acknowledges that she waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, *et seq.* 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 other forum relating to the matters referred to herein. By her subscription hereto, Ms. Boughrara also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as her legal counsel assisting her in connection herewith, 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 to the Board under La. Rev. Stat. §49:960. Ms. Boughrara expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or her legal counsel shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against her or to the Board's capacity to adjudicate such charges, should the Board decline to accept this Consent Order. In the event the Board declines to accept this Consent Order, any waiver or other agreement that has been set forth in this proposed Consent Order shall be considered null and void, with no legal effect, and Ms. Boughrara shall have the right to pursue a formal administrative hearing and subsequent legal action.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:3355 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Melissa Middleton Boughrara, RRT, to practice as a respiratory therapist in the state of Louisiana, as evidenced by Certificate No. 000172, be, and the same is hereby **reinstated ON PROBATION for three years (3) years** (the "probationary term"); *provided, however,* that such reinstatement of license and Ms. Boughrara's continuing exercise of rights and privileges thereunder shall be conditioned upon her acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Participation in the Board's Allied Professionals Health Program. Ms. Boughrara shall sign a secondary monitoring agreement with the Board's Allied Professionals Health Program and shall fully comply with all terms, monitoring conditions and restrictions of the program. Ms. Boughrara shall authorize and cause to have submitted to the Board reports of full compliance with all monitoring requirements of the Program.

(2) Drug Monitoring/Screens. Ms Boughrara shall submit to periodic, unannounced blood, urine, saliva, hair collection or other screens, including EtG and PEth levels, to detect the presence of alcohol or other mood-altering substances. Such screenings shall be random and shall occur at such intervals as may be directed by the Board's Probation and Compliance Officer or designee. Ms. Boughrara shall authorize and cause all reports of the results of such drug screens to be promptly submitted to the Board.

(3) Board Access to Treatment Records and Reports. By her subscription hereto Ms. Boughrara does hereby authorize any physician or other health care professional who currently or in the future may provide treatment or care or any institution at which she may be subsequently treated

for alcohol or chemical dependency, or any other condition from which she may suffer or be diagnosed, as well as any physician under whose care she may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor her, to provide the Board with copies of all medical reports relating to Ms. Boughrara's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. By her subscription hereto Ms. Boughrara acknowledges that she shall immediately execute any written authorization necessary for the Board to obtain the above records or reports. Ms. Boughrara expressly waives any privilege that may be afforded the disclosure of such records pursuant to state or federal law, and irrevocably agrees to immediately execute any necessary written authorization presented to her that permits the Board access to such records.

(4) Maintenance of Complete Abstinence. For as long as she holds a license to practice in this state, Ms. Boughrara shall maintain complete and total abstinence from the use of alcohol and any controlled or mood-altering substance except as may be prescribed by a treating physician for a *bona fide* medical condition. Ms. Boughrara shall personally inform her monitoring health care professional in writing within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by her for treatment of a *bona fide* medical condition. In the event that Ms. Boughrara should be diagnosed with a medical condition which necessitates the use of controlled or mood altering substances, Ms. Boughrara hereby acknowledges that she shall voluntarily withdraw from practice as a respiratory therapist until and unless permitted to resume in that capacity following the evaluation and determination of a physician designated by the Board that she is then capable of practicing as an respiratory therapist with reasonable skill and safety to patients.

(5) Board Approval of Practice Setting. Following the effective date of this Order and for the duration of the probationary period, before continuing or accepting any employment with any clinic, hospital, physician or other entity providing healthcare services to patients, Ms. Boughrara shall obtain the Board's written approval of her employment setting and shall provide any and all information that the Board may then require in connection with such approval. Ms. Boughrara shall not engage in practice as a respiratory therapist in advance of the Board's specific written approval of such practice setting. Ms. Boughrara shall not engage in the practice of respiratory therapy in the home health setting.

(6) Notification of Order; Reports from Supervisors; Authorization. Prior to beginning or returning to work, Ms. Boughrara shall provide a copy of this Consent Order to each hospital, clinic, facility, physician or other employer or prospective employer at which or for whom she provides health care services in this state. Thereafter, Ms. Boughrara shall authorize and cause the supervisor, or another designee approved by the Board, to submit to the Board quarterly written reports of her/his determination concerning Ms. Boughrara's professional competence as derived from such monitoring. In addition, upon request of the Board's probation officer, Ms. Boughrara shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records pertaining to her from any hospital, institution, physician or other health care entity where she is employed.

(8) Probation Monitoring Fee. For each year of the probationary term, Ms. Boughrara shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(9) Self-Reporting of Violations. Ms. Boughrara shall immediately self-report in writing to the probation officer any violation of or failure to adhere to the terms, conditions or restrictions of this order. Furthermore, Ms. Boughrara shall immediately self-report in writing any personal action or inaction which constitutes a violation of the Act.

(10) Self-Reporting of Other Investigations. Ms. Boughrara shall immediately self-report in writing to the probation officer any and all investigations, inquiries, charges, convictions, or disciplinary actions taken by any local, state or Federal agency, or any institution of facility.

(11) Continuing Medical Education. Ms. Boughrara shall obtain not less than twenty (20) credit hours per year for each of the years of the probationary term through attendance at and participation in continuing medical education ("CME") programs approved by the Board. On or before the anniversary date of the effective date of this Order and for each additional year of the probationary term, she shall cause to be submitted to the Board written certification of the CME programs and credits completed during the preceding twelve (12) months.

(12) Cooperation with the Board's Probation and Compliance Officer. Ms. Boughrara shall direct all matters required pursuant to this Order to the attention of the Probation and Compliance Officer and she shall cooperate on all matters and inquiries pertaining to her compliance with the terms and conditions of this Order. She is required to report, in person to her probation officer at such times as may be directed. Ms. Boughrara is required immediately to complete all forms, fully and carefully, when received, and to present these to her probation officer at the first meeting or as directed. She shall immediately thereafter notify the Board's Probation and Compliance Officer of any changes in her current home and professional addresses and telephone numbers, and shall allow such access to her office, business practice or home and to patient medical records as may be necessary to her supervision.

(13) Absence from State or Discontinuance of Practice - Effect on. Should Ms. Boughrara at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a Respiratory Therapist for a period of thirty (30) days or more, she will so advise the Board in writing. In such instance, the probationary period ordered herein shall be deemed interrupted and extended for no less than the period of time during which she was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed in the Board's discretion.

(14) Effect of Violation/Sanction. By his subscription hereto Ms. Boughrara acknowledges that her receipt of written notification from the Board that it has received any report which indicates her failure to comply with the requirements set forth by this Order in any respect, shall, without the need for formal hearing or for providing her with any right to which she may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to her by law, constitute her irrevocable consent to the immediate suspension of her license to practice respiratory therapy in this state pending the issuance of a final decision by the Board following administrative adjudication of such charges.

(15) Certification of Compliance with Probationary Terms; Personal Appearance Before the Board; Termination of Probation. At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Ms. Boughrara shall contact the Board and arrange for a personal appearance before the Board, or its designee at its meeting preceding the expiration of the probationary term ordered herein. As a precondition to her request for termination of probation, Ms. Boughrara shall provide the Board with an executed affidavit certifying that she has complied with each of the terms of probation imposed upon her by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Ms. Boughrara's compliance with the requirements of this provision.

(16) Effective Date. This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the restrictions set forth by this Order by Ms. Boughrara shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Ms. Boughrara's license to practice as a respiratory therapist in the state of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:3358.

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

New Orleans, Louisiana, this 5th day of December, 2016.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: 

J. MICHAEL BARBINE, M.D.
President

*Acknowledgment and Consent Follows
on Next Page*

STATE OF LOUISIANA
PARISH OF _____

**ACKNOWLEDGMENT
AND CONSENT**

I, MELISSA MIDDLETON BOUGHRARA, RRT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 19 day of October, 2016.

Melissa Middleton Boughrara
MELISSA MIDDLETON BOUGHRARA, RRT

WITNESSES:

Cathy M Storm
Signature

Cathy M Storm
Printed Name

630 Camp St
Address

NO, La 70130
City, State, Zip Code

Esparonzia B Spooner
Signature

Esparonzia B Spooner
Printed Name

630 Camp St.
Address

NOLA 70130
City, State, Zip Code

Sworn to and subscribed before me at New Orleans, Louisiana, this 19 day of October, 2016, in the presence of the two stated witnesses.

Jennifer M. Stolier
Notary Public (Signature)

Printed Name Jennifer M. Stolier

Bar/Notary No: 28240

JENNIFER MARTIN STOLIER
NOTARY PUBLIC
ID # 69507
State of Louisiana
Bar # 28240
My Commission is issued for Life.