

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

**NUMBER: 16-A-014
IN THE MATTER OF:**

**JAMES "TREY" FOSTER, III, CRT
(Certificate No. CRT.LT3136)**

**ADMINISTRATIVE HEARING
HELD ON MAY 8, 2017**

DECISION AND ORDER

This matter comes before the Louisiana State Board of Medical Examiners ("Board") pursuant to an Administrative Complaint, which charges Respondent James "Trey" Foster, III, CRT, with violating the Louisiana Respiratory Therapy Practice Act La. Rev. §37:3354A and §37:3358 (A)(B), by practicing Respiratory Therapy without a license.

A formal hearing was held on May 8, 2017, in the offices of the Board. The matter was heard before a panel consisting of Doctors Amusa, Dawson, Howell, Winstead and Farris presiding. Also present was the Board's Independent Executive Counsel, Judge Glennon Everett (Retired). Although properly notified, Respondent was not present and was not represented.

In the administrative complaint, Respondent is charged with the following:

Pursuant to Louisiana Therapy Practice Act, La. Rev. Sat. §37:3354A. 'No person shall practice respiratory therapy as defined in this Chapter in this state unless licensed in accordance with the provisions of this Chapter.'

Pursuant to La. Rev. Stat. 37:3358(A)(19), the Board may take action against a respiratory therapist as a result of: '(19), "Violation of any rules and regulations of the board or any provisions of this Chapter.'

Pursuant to the Board's rules, LAC 46:XLV.5505(A) '[N]o person shall engage in the practice of respiratory care in the state of Louisiana unless he has in his possession a current license, a temporary license (examination permit), or a temporary permit duly issued by the board under Subpart 2 of these rules.'

FINDINGS OF FACT

At the hearing, evidence was presented through live testimony and exhibits that were properly received. Consistent with the evidence presented, the following facts were proven to the satisfaction of the Board:

1. Although licensed to practice Respiratory Therapy in Louisiana, Respondent allowed his license to lapse without renewing same on or before February 28, 2013.
2. Thereafter, on March 21, 2014, Respondent attempted to renew his license electronically on line. And while initially indicating this was a correct procedure, the Board later the same day informed the Respondent this procedure was improper. He was also provided all information necessary to seek a valid license renewal. A second notice with the same information was sent by email on August 11, 2014.
3. On August 6, 2014, the Board received an inquiry from a third person to determine if a wallet card confirming the Respondent was licensed through February 28, 2015, was valid. It was not. No updated wallet card was issued to Respondent.
4. Respondent later informed the Board he personally provided all necessary information and renewal material to the Board offices on August 8, 2014, and later forwarded a renewal request by mail. The latter was never received and there is no record of the alleged personal appearance.
5. To date, no request for renewal has been received by the Board.

CONCLUSIONS OF LAW

After careful review of the evidence presented, the Board unanimously finds that Respondent James "Trey" Foster has practiced Respiratory Therapy in the State of Louisiana without a license in violation of La. Rev. Stat. 37:3358(A).

SANCTIONS

In view of the foregoing Findings of Fact and Conclusions of Law, the following sanctions are imposed:

IT IS HEREBY ORDERED that James "Trey" Foster's license to practice Respiratory Therapy in the State of Louisiana is **REVOKED**.

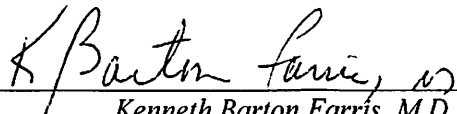
IT IS FURTHER ORDERED that any future request for renewal will require that cost of these proceedings be paid along with a fine of \$1000.00.

IT IS FURTHER ORDERED that a personal appearance before the Board will be required before any action on the request is considered.

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

New Orleans, Louisiana, this 12th day of June, 2017.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

BY: 
Kenneth Barton Farris, M.D.
President