

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

MARCUS PAUL GUILLORY, CRT

(Certificate No. CRT.LT3647)

Respondent

No. 17-I-632

CONSENT ORDER

This matter is before the Louisiana State Board of Medical Examiners (the "Board"), relative to Marcus Paul Guillory ("Mr. Guillory"), who at all times pertinent has been licensed to practice respiratory care in the state of Louisiana, as evidenced by Certificate No.CRT.LT3647, and engaged in practice in and around Lafayette, Louisiana. The investigation was initiated upon receipt of reliable information that Mr. Guillory had been arrested for a DWI in 2014 which, it was later discovered, he failed to disclose to the Board. During the course of the investigation it was also determined that Mr. Guillory had been terminated from employment from two healthcare facilities for unprofessional conduct.

In a subsequent meeting with the Investigating Officer, Mr. Guillory reported he successfully completed an inpatient program and has been sober since 2015. On his own behalf, he has cooperated with this investigation and has expressed a willingness to submit to on-going monitoring.

As evidenced by his subscription hereto, Mr. Guillory 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 him 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 his license to practice as a respiratory therapist in the State of Louisiana as the Board may determine to be appropriate.¹

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. §§46XI.V:5519.A.5, and 13.

On the basis of apparently reliable information, however, the Board is persuaded that the condition from which Mr. Guillory suffers may be susceptible to effective medical treatment, resulting in the maintenance of his capacity to engage in the practice of respiratory therapy with reasonable skill and safety to patients, provided that he strictly observes and complies with appropriate restrictions on and conditions to maintenance of his license. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has 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 his right to have notice of administrative charges, and to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his 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.*, Mr. Guillory nonetheless hereby waives his right to formal charges and adjudication and, pursuant to La. Rev. Stat. §49:955(D), hereby consents to entry of the Order set forth hereinafter. By his subscription hereto, Mr. Guillory also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.* or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum relating to the matters referred to herein

By his subscription hereto, Mr. Guillory 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 he waives any objection to such disclosures to the Board under La. Rev. Stat. §49:960. Mr. Guillory 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 proceed with the filing and adjudication of an administrative complaint against him, or to the Board's capacity to adjudicate such complaint, should the Board decline to accept this Consent Order.

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 Marcus Paul Guillory, CRT, to practice as a respiratory therapist in the state of Louisiana, as evidenced by Certificate No. CRT.LT3647, be, and the same is hereby placed **ON PROBATION** for a period of one (1) year from the effective date of this Order (the "probationary term"); *provided, however*, that Mr. Guillory's continuing exercise of rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Participation in the Board's Allied Professionals Health Program. Mr. Guillory shall sign an agreement with the Board's Allied Professionals Health Program and shall fully comply with all terms, monitoring conditions and restrictions of the program. Mr. Guillory

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. Mr. Guillory 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. Mr. Guillory shall authorize and cause all reports of the results of such drug screens to be promptly submitted to the Board.

(3) Maintenance of Complete Abstinence. During this probation period, Mr. Guillory 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. Mr. Guillory shall personally inform his 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 him for treatment of a *bona fide* medical condition. In the event that Mr. Guillory should be diagnosed with a medical condition which necessitates the use of controlled or mood altering substances, Mr. Guillory hereby acknowledges that he 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 he is then capable of practicing as an respiratory therapist with reasonable skill and safety to patients.

(4) Attendance at Approved Seminar/Course on Professionalism/Ethics. Within six (6) months of the date of this Order, Mr. Guillory shall provide written confirmation that he has successfully completed a minimum of four (4) hours, acceptable to and pre-approved in writing by the Board, in the area of professionalism and ethical conduct of respiratory therapists.

(5) Board Access to Treatment Records and Reports. By his subscription hereto Mr. Guillory 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 he may be subsequently treated for alcohol or chemical dependency, or any other condition from which he may suffer or be diagnosed, as well as any physician under whose care he may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with copies of all medical reports relating to Mr. Guillory's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. By his subscription hereto Mr. Guillory acknowledges that he shall immediately execute any written authorization necessary for the Board to obtain the above records or reports. Mr. Guillory 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 him that permits the Board access to such records.

(6) 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, Mr.

Guillory shall obtain the Board's written approval of his employment setting and shall provide any and all information that the Board may then require in connection with such approval. Mr. Guillory shall not engage in practice as a respiratory therapist in advance of the Board's specific written approval of such practice setting.

(7) Notification of Order; Reports from Supervisors; Authorization. Prior to beginning or returning to work, Mr. Guillory 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 he provides health care services in this state. Thereafter, Mr. Guillory shall authorize and cause the supervisor, or another designee approved by the Board, to submit to the Board quarterly written reports of his/her determination concerning Mr. Guillory's professional competence as derived from such monitoring. In addition, upon request of the Board's probation officer, Mr. Guillory shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records pertaining to him from any hospital, institution, physician or other health care entity whose he is employed.

(8) Probation Monitoring Fee. For each year of the probationary term, Mr. Guillory 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.

(9) Self-Reporting of Violations. Mr. Guillory 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, Mr. Guillory shall immediately self-report in writing any personal action or inaction which constitutes a violation of the Act.

(10) Self-Reporting of Other Investigations. Mr. Guillory 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. Mr. Guillory 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, he 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. Mr. Guillory shall direct all matters required pursuant to this Order to the attention of the Probation and Compliance Officer and he shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Order. He is required to report, in person to his probation officer, within thirty (30) days of receipt of notification that the opinion of the Board is final and at such other times as may be directed. Mr. Guillory is required immediately to complete all forms, fully and carefully, when received, and to present these to his probation officer at the first meeting or as directed. He shall immediately thereafter notify the Board's Probation and Compliance Officer of any changes in his current home and professional addresses and telephone numbers, and shall allow such access to his office, business practice

or home and to patient medical records as may be necessary to his supervision.

(13) Absence from State or Discontinuance of Practice - Effect on. Should Mr. Guillory 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, he 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 he 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 Mr. Guillory acknowledges that his receipt of written notification from the Board that it has received a credible report preliminarily confirmed by the Board to be valid which indicates his failure to comply with the requirements set forth by this Order in any respect, shall, without the need for formal hearing or for providing him with any right to which he 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 him by law, constitute his irrevocable consent to the immediate suspension of his license to practice respiratory therapy in this state pending the final resolution of an administrative hearing and issuance of a final decision by the Board with respect to the information made the basis of such report.

(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, Mr. Guillory 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 his request for termination of probation, Mr. Guillory shall provide the Board with an executed affidavit certifying that he has complied with each of the terms of probation imposed upon him 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 Mr. Guillory'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 of or strict compliance with any of the terms, conditions, or restrictions of this Order by Mr. Guillory shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Mr. Guillory's license to practice respiratory therapy in the state of Louisiana or for such other disciplinary 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 8th day of January, 2018.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: _____


CHRISTY L. VALENTINE, M.D.
President

*Acknowledgment and Consent Follows
on Next Page*

STATE OF LOUISIANA
PARISH OF E. Baton Rouge

ACKNOWLEDGMENT
AND CONSENT

I, MARCUS PAUL GUILLORY, CRT, hereby acknowledge, approve, accept and consent to entry of
the above and foregoing Order, this 30th day of NOVEMBER, 2017.

Marcus Paul Guillory
MARCUS PAUL GUILLORY, CRT

WITNESSES

Jamkia Manchester
Signature

Jamkia Manchester
Printed Name

5963 PLANK RD Baton Rouge
Address LA 70805

Pamela Ransom
Signature

Pamela Ransom
Printed Name

5963 PLANK RD BATON ROUGE
Address LA. 70805

Sworn to and subscribed before me at Baton Rouge, Louisiana, this 30th day of Nov, 2017,
in the presence of the two stated witnesses.

Gerald D Sneed
Notary Public (Signature)

GERALD D SNEAD
Printed Name/Notary #

GERALD D SNEAD #129816
PARISH OF EAST BATON ROUGE
MY COMMISSION IF FOR LIFE