

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

CHRISTOPHER W. MIZELL, LRT
(Certificate No. LRT.000076)
Respondent

No. 17-I-319

CONSENT ORDER

This matter is before the Louisiana State Board of Medical Examiners (the "Board"), relative to Christopher W. Mizell ("Mr. Mizell"), who at all times pertinent has been licensed to practice respiratory care in the state of Louisiana, as evidenced by Certificate No.LRT.000076, and engaged in practice in and around Hammond, Louisiana. The investigation was initiated when Mr. Mizell disclosed an arrest in November 2016 for possession of controlled substances and possession of a firearm. Mr. Mizell met in conference with the Investigating Officer and shared that shortly after the arrest he declined to appear at a meeting with hospital administration and he later tendered his resignation.

Mr. Mizell, who has not practiced respiratory therapy since November 2016, completed an evaluation and in the opinion of the evaluating psychiatrist, he is able to return to the practice of respiratory therapy with reasonable skill and safety to patients. Mr. Mizell is amenable to a license being issued on probationary status and has expressed a willingness to submit to on-going monitoring.

Predicated on the foregoing, the Director of Investigation has determined that probable cause exists for recommending to the Board that an Administrative Complaint be filed in this matter charging Mr. Mizell with violation of the Louisiana Respiratory Therapy Practice Act and the Board's Rules and Regulations pertaining to Respiratory Therapists.¹

As evidenced by his subscription hereto, Mr. Mizell 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

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 provide the same bases for Board action. La. Admin. Code tit.46, pt. XLV, § 5519A (5), (13).

proceedings against him 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.

On the basis of information provided to the Board with Mr. Mizell's knowledge and consent, the Board is persuaded that the conditions from which he suffers may be susceptible to continued effective treatment resulting in restoration of his ability to practice as a respiratory therapist with reasonable skill and safety to patients provided that he strictly observes and complies with reasonable and appropriate restrictions on his license. In consideration of this finding, accordingly, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to 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. Mizell 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. Mizell 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. Mizell 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. Mizell 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 Christopher W. Mizell, LRT, to practice as a respiratory therapist in the state of Louisiana, as evidenced by Certificate No. LRT.000076, be, and the same is hereby placed **ON PROBATION** for a period of three (3) years from the effective date of this Order (the "probationary term"); *provided, however*, that Mr. Mizell'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. Mizell 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. Mizell 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. Mizell 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. Mizell 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 his subscription hereto Mr. Mizell 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. Mizell'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. Mizell acknowledges that he shall immediately execute any written authorization necessary for the Board to obtain the above records or reports. Mr. Mizell 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.

(4) Maintenance of Complete Abstinence. During this probation period, Mr. Mizell 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. Mizell 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. Mizell should be diagnosed with a medical condition which necessitates the use of controlled or mood altering substances, Mr. Mizell 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.

(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, Mr. Mizell 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. Mizell shall not engage in practice as a respiratory therapist in advance of the Board's specific written approval of such practice setting.

(6) Notification of Order; Reports from Supervisors; Authorization. Prior to beginning or returning to work, Mr. Mizell 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. Mizell 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. Mizell's professional competence as derived from such monitoring. In addition, upon request of the Board's probation officer, Mr. Mizell 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.

(7) Probation Monitoring Fee. For each year of the probationary term, Mr. Mizell 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.

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

(9) Self-Reporting of Other Investigations. Mr. Mizell 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.

(10) Continuing Medical Education. Mr. Mizell 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.

(11) Cooperation with the Board's Probation and Compliance Officer. Mr. Mizell 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. Mizell 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.

(12) Absence from State or Discontinuance of Practice - Effect on. Should Mr. Mizell 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.

(13) Effect of Violation/Sanction. By his subscription hereto Mr. Mizell 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.

(14) 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. Mizell 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. Mizell 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. Mizell's compliance with the requirements of this provision.

(15) 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. Mizell shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Mr. Mizell'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 ORLEANS

**ACKNOWLEDGMENT
AND CONSENT**

I, CHRISTOPHER W. MIZELL, LRT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 13 day of December, 2017.


CHRISTOPHER W. MIZELL, LRT

WITNESSES:

Cathy M Storm
Signature

CATHY M STORM
Printed Name

630 Camp St.
Address

NOLA 70130
City/State/Zip Code

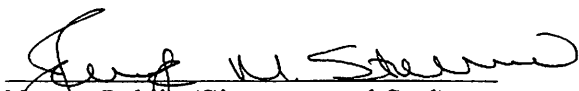
Esparonzia B. Spooner
Signature

Esparonzia B. Spooner
Printed Name

630 Camp St.
Address

NOLA 70130
City/State/Zip Code

Sworn to and subscribed before me this 13 day of December, 2017, in the presence of the two stated witnesses.


Notary Public (Signature and Seal)

JENNIFER M. STOLIER No 28240
Printed Name/Notary or Bar Number

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