

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In the Matter of:

No. 17-I-939

The Application of
MARQUITA J. CARTER, LRT
(Applicant)

**CONSENT ORDER FOR
ISSUANCE OF LICENSE
ON PROBATION**

This matter is before the Louisiana State Board of Medical Examiners (the "Board") upon the application of Marquita J. Carter ("Ms. Carter"), for a license to practice as a licensed respiratory therapist in this state. While a review of the materials submitted in support of her application indicate that she generally satisfies the educational and other requirements necessary for licensure consideration, Ms. Carter reports that during the year 2017 she entered into an Agreed Order with the Texas Board of Respiratory Care which, among other items, referred her to the Texas Physician Health Program. Ms. Carter complied with the terms and conditions of the Order, which was terminated on August 25, 2017.

Upon receipt of Ms. Carter's application, the Board conducted an investigation. The investigation revealed that Ms. Carter has a history of dependency to controlled or other mood-altering substances, has submitted to a rehabilitation program and remains under professional care. If permitted to practice in this state, Ms. Carter is amenable to issuance of her license on probationary status and has expressed a willingness to submit to on-going treatment, monitoring and the terms and conditions set forth herein.

As evidenced by her subscription hereto, Ms. Carter acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Board with probable cause to deny her application for licensure to practice as a respiratory therapist in the State of Louisiana pursuant to La. Rev. Stat. §37:3358(A).¹

On the basis of information provided to the Board, however, and with Ms. Carter's knowledge and consent, the Board is persuaded that the conditions from which she suffers may be susceptible to continued effective treatment resulting in her ability to practice as a respiratory therapist with reasonable skill and safety to patients provided that she strictly observes and

¹Pursuant to La. Rev. Stat. §37:3358(A) the Board may deny, refuse to renew, suspend, revoke, or impose probationary conditions on a license as a result of: (7) [H]abitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence; (15) [I]nability to practice respiratory therapy with reasonable competence, skill, or safety to patients because of . . . excessive use or abuse of drugs, including alcohol." The Board's rules provide the same bases for Board action, La. Adm. Code 46:XLV.5519A(5), (13).

complies with reasonable and appropriate terms and conditions on her 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 *et seq.*, will be effectively served by entry of the Order set forth hereinafter by consent.

Recognizing her right to notice and 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. Carter nonetheless hereby waives her right to notice of formal charges and adjudication and, pursuant to La. Rev. Stat. §49:955(D), hereby consents to entry of the Order set forth hereinafter. By her subscription hereto, Ms. Carter 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 the Board's investigation or this document in any court or other forum relating to the matters referred to herein.

By her subscription hereto, Ms. Carter 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 to the Board under La. Rev. Stat. §49:960. Ms. Carter 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 her, 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 a license is hereby issued on ***Probation*** for a period of three (3) years from the date of this Order ("the probationary term") to Marquita J. Carter to practice as a licensed respiratory therapist in the state of Louisiana, subject to her acceptance of and strict compliance with the following terms and conditions:

(1) Maintenance of Complete Abstinence. During the probationary term, Ms. Carter shall maintain complete and total abstinence from the use of controlled or other mood-altering substances except as may be prescribed by a treating physician for a *bona fide* medical condition. Ms. Carter 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. Carter should be diagnosed with a medical condition which necessitates the use of controlled or mood altering substances, Ms. Carter 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.

(2) Board Access to Treatment Records and Reports. By her subscription hereto Ms. Carter 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 dependency to controlled or other mood-altering substances, 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. Carter's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Ms. Carter 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.

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

(4) Drug Monitoring/Screens. Ms. Carter shall submit to periodic, unannounced blood, urine, saliva, hair collection or other screens, including EtG and PEth levels, to detect the presence of controlled 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 ("Probation Officer") or designee. Ms. Carter shall authorize and cause all reports of the results of such drug screens to be promptly submitted to the Board.

(5) Board Approval of Practice Setting. Before continuing or accepting any employment with any clinic, hospital, physician or other entity providing healthcare services to patients, Ms. Carter 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. Carter shall not engage in practice as a respiratory therapist in advance of the Board or its designee's written approval of such practice setting.

(6) Notification to Employers; Reports from Supervisor. Prior to beginning or returning to work, Ms. Carter 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 respiratory care services in this state. Thereafter, Ms. Carter shall authorize and cause her supervisor, or another designee approved by the Board, to submit to the Board quarterly written reports during year one (1) of the probationary term, semi-annually thereafter, of his/her determination concerning Ms. Carter's professional competence as derived from such monitoring.

(7) Probation Monitoring Fee. For each year of the probationary term, Ms. Carter 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. Ms. Carter shall immediately self-report in writing to the Probation Officer any violation of or failure to adhere to the terms and conditions of this Order. Furthermore, Ms. Carter shall immediately self-report in writing any personal action or inaction which constitutes a violation of the Act.

(9) Continuing Medical Education. Ms. Carter 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 or its designee. 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.

(10) Cooperation with the Board's Probation and Compliance Officer. Ms. Carter shall immediately notify the Probation Officer of any change in her current home and professional addresses and telephone numbers and she shall direct all matters required pursuant to this Consent Order to the attention of the Probation Officer with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms and conditions of this Order. Ms. Carter shall also make herself available upon reasonable notice for personal interviews with the Probation Officer for the purpose of discussing her then-current compliance with the terms and conditions of this Order.

(11) Absence from State or Discontinuance of Practice - Effect on. Should Ms. Carter at any time during the period of probationary term 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 term 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.

(12) Effect of Violation/Sanction. By her subscription hereto Ms. Carter acknowledges that her receipt of written notification from the Board that it has received a credible report preliminarily confirmed by the Board to be valid 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 final resolution of an administrative hearing and issuance of a final decision or other order by the Board with respect to the information made the basis of such report.

(13) 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. Carter 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. Carter 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 term 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. Carter's compliance with the requirements of this provision.

IT IS FURTHER ORDERED that any violation of or strict compliance with any of the terms or conditions of this Order by Ms. Carter shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Carter'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 12th day of March, 2018.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: _____


CHRISTY L. VALENTINE, M.D.
President

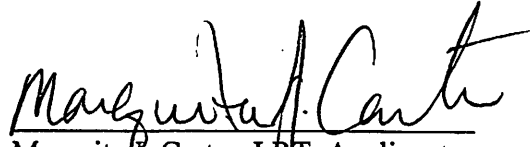
Acknowledgment and Consent Follows on Next Page

STATE OF LOUISIANA

PARISH OF East Baton Rouge

**ACKNOWLEDGMENT
AND CONSENT**

I, Marquita J. Carter, LRT Applicant, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 12 day of Feb, 2018.


Marquita J. Carter, LRT, Applicant

WITNESSES:


Signature


Signature

GIL SONNIER
Printed Name

Amber Handzel
Printed Name

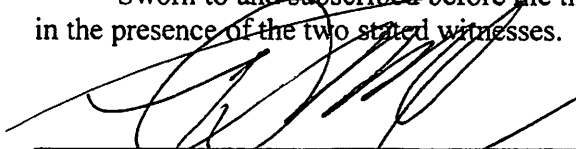
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Address

Baton Rouge LA. 70806
City/State/Zip Code

Baton Rouge LA. 70801
City/State/Zip Code

Sworn to and subscribed before me this 12 day of Feb, 2018, in the presence of the two stated witnesses.


Notary Public (Signature and Seal)

DARLENE MOUSSA - NOTARY ID#128978
EAST BATON ROUGE PARISH, LA
COMMISSIONED FOR LIFE
Printed Name/Notary or Bar Number