

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In the Matter of:

No. 18-I-620

**THE APPLICATION OF
FLORI LEGER RHODES, PHLEBOTOMIST
(Applicant)**

**CONSENT ORDER FOR ISSUANCE OF
LICENSE WITH REPRIMAND**

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Flori Leger Rhodes ("Ms. Rhodes") for a license to practice as a phlebotomist in this state. While a review of the materials submitted in support of her application indicate that she satisfies the educational and other requirements necessary for licensure consideration, Ms. Rhodes reports that she has been working independently as a phlebotomist in Louisiana without state certification.

In connection with this matter, Ms. Rhodes admits that she worked as a phlebotomist in Louisiana for EMSI, a paramedical company that contracts with insurers. She has explained that she worked from January 2000 through January 2012 performing venipunctures in a mobile setting. She, and her employer, EMSI were unaware that a state certificate was required for the type of work that she was performing. The state rules went into effect in 1994. She has now submitted an application for licensure as a phlebotomist to the Board, and will not work independently as a phlebotomist until appropriately certified by the Board. She has already passed, in 2018, the certification examination of the American Society of Phlebotomy Technicians.¹ She further acknowledged that her prior understanding was in error. She accepts her responsibility to understand and comply with all rules and regulations regarding phlebotomy licensure in this state.

As evidenced by her subscription to this Order, Ms. Rhodes acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing could establish sufficient cause for the rejection or denial of her application for licensure in this state or such other action as the Board may deem appropriate, pursuant to the Law and/or the Board's rules respecting clinical laboratory personnel.²

¹ La. Admin. C. §§46 XLV:3509(F)(2)(c), allowing phlebotomy licensure certification after passing particular nationally recognized certification exams.

² La. Rev. Stat. §37:1311 *et seq.*; La. Adm. C. §§46XLV:3505.

Investigation of the captioned matter was assigned to the Investigating Officer ("I/O") for the Board. While it appears to the I/O that Ms. Rhodes is a conscientious and well-trained clinical laboratory assistant, the I/O's review and analysis of the matter confirms to the I/O's satisfaction that sufficient cause exists to charge Ms. Rhodes with one or more violations of the Louisiana Clinical Laboratory Personnel Law (the "Law"), La. Rev. Stat. §37:1318, 1326 and/or the Board's rules respecting clinical laboratory personnel, La. Adm. C. §§46XLV:3505.

Recognizing her right to have 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. Rhodes, nonetheless, hereby waives her right to notice of charges, formal adjudication and written decision and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter.

Moreover, by her subscription hereto, Ms. Rhodes also waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act³ 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 before any judicial or administrative agency or body, relating to the matters referred to herein.

By her subscription hereto, Ms. Rhodes 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 under La. Rev. Stat. §49:960.

Furthermore, Ms. Rhodes 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 pursue any Administrative Complaint filed against her or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order. Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1326 and La. Rev. Stat. §49:955D;

IT IS ORDERED that Flori Leger Rhodes is hereby **OFFICIALLY REPRIMANDED** for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that after completion of application requirements, a license to practice as a phlebotomist in the state of Louisiana shall be issued to Flori Leger Rhodes.

³ La. Rev. Stat. §49:951, *et seq.*

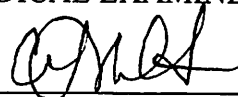
IT IS FURTHER ORDERED that within the next twelve (12) months of the date of this Order, Ms. Rhodes shall pay the Board a fine in the amount of Five Hundred (\$500.00) Dollars, which represents a penalty for failing to pay the phlebotomy licensure fees for twelve (12) years.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Ms. Rhodes shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1326.

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

Signed at New Orleans, Louisiana, and effective this 15th day of October,
2018.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: 

CHRISTY L. VALENTINE, M.D.
President

STATE OF Louisiana

PARISH OF St. Charles

ACKNOWLEDGMENT AND CONSENT

I, FLORI LEGER RHODES, PHLEBOTOMIST, APPLICANT, hereby acknowledge, that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this CONSENT ORDER FOR ISSUANCE OF LICENSE WITH REPRIMAND, and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept, and consent to entry of the above and foregoing CONSENT ORDER FOR ISSUANCE OF LICENSE WITH REPRIMAND without duress and of my own free will and accord, this 10 day of October, 2018.

Flori Rhodes
FLORI LEGER RHODES, PHLEBOTOMIST, APPLICANT

WITNESSES:

Isabel Zuniga
Signature

Isabel Zuniga
Printed Name

100 Melonie St
Address

Boutte LA 70039
City, State, Zip Code

Peggy R. MATHERNE
Signature

Peggy R. MATHERNE
Printed Name

100 Melonie St
Address

BOUTTE LA 70039
City, State, Zip Code

Sworn to and subscribed before me this 10 day of October, 2018, in the presence of the two stated witnesses.

Toni Richard
Notary Public (Signature and Seal)

Toni Richard 135221
Printed Name/Notary or Bar Number

My Commission is for at Death.

