

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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**In the Matter of:**

**No. 18-I-218**

**SCOTT MICHAEL ANDREWS, RRT**

*(Certificate No. RRT.L01514)*

*Respondent*

**CONSENT  
ORDER**

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information which revealed that in February of 2018 Scott Michael Andrews, RRT ("Mr. Andrews"), a Respiratory Therapist licensed and at all pertinent times engaged in the practice of respiratory therapy in and around Shreveport, Louisiana, violated the Respiratory Therapy Practice Act ("the Act"), La. R.S. §37:3358A (2), (9), (17), (19), when he changed a patient's ventilator setting in contradiction to a physician's orders and then inaccurately charted the patient's ventilator settings.<sup>1</sup> Mr. Andrews was subsequently terminated on March 2, 2018, by the hospital where these activities occurred.

Without admitting the accuracy of the information described hereinabove or any violation of the Act or the Board's rules, as evidenced by his subscription hereto Mr. Andrews, nonetheless, acknowledges that the reported information would provide the Investigating Officer for the Board with probable cause to pursue formal administrative proceedings against him pursuant to La. Rev. Stat. §37:3358B<sup>2</sup> for violation of the Act.

Recognizing his right to have notice of allegations and charges asserted against him 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

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<sup>1</sup> Pursuant to La. Rev. Stat. §37:3358A, "the Board may deny, refuse to renew, 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: (2) Violating the code of ethics adopted and published by the American Association for Respiratory Therapy; ... (9) making or submitting false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company, indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value; ... (17) Practicing or otherwise engaging in any conduct or functions beyond the scope of respiratory therapy as defined by this Chapter or the board's rules; ... (19) Violation of any rules and regulations of the board or any provisions of this Chapter."

<sup>2</sup> La. Rev. Stat. §37:3358B, provides that "Denial, refusal to renew, suspension, or revocation of a license, or the imposition of probationary conditions upon a licensee may be ordered by the board in a decision made after a hearing in the manner provided by the policies which shall be adopted by the board or by consent of the parties. Any license suspended, revoked, or otherwise restricted may be reinstated by the board."

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. Andrews nonetheless hereby waives his 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. By his subscription hereto Mr. Andrews also 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 this document in any court or forum relating to the matters referred to herein. By his subscription hereto Mr. Andrews 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 under La. Rev. Stat. §49:960. Mr. Andrews 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 administrative charges against him or to the Board's capacity to adjudicate such charges 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. §37:3358(B) and La. Rev. Stat. §49:955(D):

**IT IS ORDERED** that Mr. Andrews's license to practice respiratory therapy in this state, as evidenced by certificate number RRT.L01514 is hereby **SUSPENDED** for a minimum period of **Six (6) MONTHS**, commencing on the day that he was terminated from his employment as a Respiratory Therapist, March 2, 2018.

**IT IS FURTHER ORDERED** that the reinstatement of Mr. Andrews' license shall be subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (a) **Continuing Medical Education.** Mr. Andrews shall complete twenty (20) hours of educational course work to include five (5) hours in ethics and professionalism and fifteen (15) hours in critical care specifics in ventilator management and risk management to be completed prior to his re-instatement.
- (b) **Payment of Fine.** Mr. Andrews shall, as a condition to the reinstatement of his license, pay to the Board a fine in the amount of Five Hundred and no/100 (\$500.00) Dollars.
- (c) **Certification of Compliance with Probationary Terms.** Mr. Andrews' eligibility for reinstatement of licensure is predicated upon his compliance with the above terms, conditions and restrictions. Mr. Andrews shall accompany any request for reinstatement with documentation evidencing satisfaction of the items specified in this Order prerequisite to reinstatement, as well as an affidavit certifying such compliance.
- (d) **Personal Appearance.** In connection with a request for reinstatement, Mr. Andrews shall personally appear before the Board or its designee to permit the Board to consider his compliance with the terms, conditions and restrictions of this Order and to advise the Board of his intentions with respect to the practice of respiratory therapy.

**IT IS FURTHER ORDERED** that upon Mr. Andrews' compliance with and satisfaction of the terms, conditions and restrictions hereinabove set forth, his license to practice respiratory therapy in the state of Louisiana shall be reinstated by the Board on **PROBATION** for ONE (1) YEAR; *provided, however*, that such reinstatement of license and his 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) **Restriction of Practice.** Following reinstatement, and during the one (1) year probationary period, Mr. Andrews shall only engage in the practice of respiratory therapy in a clinical setting approved by the Board in writing.

(2) **Monitoring of Practice.** Mr. Andrews' practice shall be supervised by another respiratory therapist approved by the Board, who shall monitor his practice to determine whether Mr. Andrews is practicing consistently with accepted standards. Mr. Andrews shall authorize and cause such respiratory therapist, not less frequently than monthly during term of his probation, to submit to the Board written reports as to his or her determinations concerning Mr. Andrews' professional and medical competence as derived from such monitoring.

(3) **Notification to Employers.** Mr. Andrews shall provide a complete copy of this Consent Order to each hospital, institution or other clinical setting at which or for whom he provides services as a respiratory therapist in this state.

(4) **Probation Monitoring Fee.** For the term of his probationary term, Mr. Andrews shall pay the Board a probation monitoring fee of **Three Hundred Dollars And No/100 (\$300.00)**. Payment of the initial fee shall be due not later than thirty (30) days following reinstatement of his license.

(5) **Absence from State/Practice/Effect on Probation.** Should Mr. Andrews at any time during the minimum 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 respiratory therapy for a period of thirty (30) days or more, or fail to renew his license to practice in this state, he shall advise the Board in writing. In such instance, the minimum probationary period ordered herein and all terms, conditions and restrictions thereof, shall be deemed interrupted and extended and shall not commence to run until Mr. Andrews notifies the Board in writing that he has returned to, relocated or taken up residency in, resumed the practice of respiratory therapy in the state of Louisiana or renewed his Louisiana license. In such instance, Mr. Andrews shall not receive credit toward completion of the minimum probationary period for the time during which he was absent from the state of Louisiana or while he was not engaged in or licensed to practice respiratory therapy in this state.

(6) **Sanction.** By his subscription hereto, Mr. Andrews acknowledges that his receipt of written notification from the Board that it has received any report or other apparently reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without need for formal hearing or 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 issuance of a decision and final resolution by the Board of administrative proceedings resulting from such report or information.

**(7) Additional Probationary Terms.** In addition to such other terms and conditions as are placed upon any reinstated license to practice respiratory therapy by this Order, Mr. Andrews hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length and nature thereof including, but not limited to, the continued suspension of his license and/or additional restrictions as to the nature, scope, location, supervision, monitoring of his practice, reports, and evaluations, which the Board in its sole discretion may then deem necessary or appropriate following a review of the reports submitted in connection with his request for reinstatement.


**(8) Cooperation with Board's Probation and Compliance Officer.** Mr. Andrews shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers. He shall direct all matters required by this Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all inquiries and requests pertaining to his compliance with the terms, conditions and restrictions of this Consent Order.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Mr. Andrews shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Mr. Andrews' license to practice respiratory therapy in the state of Louisiana, or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:3358A.

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

Signed in New Orleans, Louisiana, and effective on this 14<sup>th</sup> day of January, 2019.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By:   
\_\_\_\_\_  
Christy Valentine, M.D.  
President

*Acknowledgement and Consent  
Follows on Next Page*

**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA  
PARISH OF Bossier

I, SCOTT MICHAEL ANDREWS, RRT, hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order 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 Order without duress and of my own free will and accord, this 28 day of December, 2018.

Scott Michael Andrews  
SCOTT MICHAEL ANDREWS, RRT

WITNESSES:

Dawn Lair  
Signature

Dawn Lair  
Printed Name

300 Riverside Drive  
Address

Bossier City, LA 71111  
City, State, Zip Code

Stephine Duren  
Signature

Stephine Duren  
Printed Name

300 Riverside Drive  
Address

Bossier City, LA 71111  
City, State, Zip Code

Sworn to and subscribed before me at Bossier City, Louisiana, this 28 day of December, 2018, in the presence of the two stated witnesses.

Scotti Sullivan  
Notary Public (Signature)

Scotti Sullivan 153807  
Printed Name/Notary or Bar Number