

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In the Matter of:

SUSAN CAROLINE GUNBY, CLP-TCH
(Certificate No. CLP.311093 TCH)
Respondent

No. 19-I-208

CONSENT ORDER

This matter is before the Louisiana State Board of Medical Examiners (the "Board") in connection with an ongoing investigation conducted by the Investigating Officer of the Board regarding Susan Caroline Gunby, CLP-TCH ("Ms. Gunby"), who at all pertinent times has been licensed and engaged in practice as a Clinical Laboratory Specialist-Technician in and around Opelousas, Louisiana. Apparently, reliable information gathered to date indicates that Ms. Gunby who has a history of substance use, reported a return to use in February 2019 while under a monitoring agreement with the Board. Ms. Gunby subsequently completed an evaluation with a Board approved provider and was determined by the evaluating addictionist to be able to return to practice with reasonable skill and safety to patients. On July 25, 2019, Ms. Gunby tested positive for alcohol. Per her previous evaluation, Ms. Gunby has enrolled in an outpatient treatment program.

Predicated upon the information outlined above, the Investigating Officer has determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Ms. Gunby charging her with violation of the Louisiana Clinical Laboratory Practice Act and the Board's Rules and Regulations pertaining to Clinical Laboratory Personnel.¹

Recognizing her right to have notice of such allegations and charges asserted against her, to administrative adjudication of such 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. Gunby, nonetheless, hereby waives her right to notice of charges and formal adjudication and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Ms. Gunby further acknowledges and 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 this document in any court or other forum relating to the matters referred to herein.

¹ La. Rev. Stat. §37:1326(A) provides that the board may take action against the license of a clinical laboratory scientist for "(2) Demonstrating incompetence in the performance of the practice of clinical laboratory science."

By her subscription hereto Ms Gunby also hereby authorizes the I/O 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. MS. Gunby expressly acknowledges that the disclosure of information to the Board by the I/O shall be without prejudice to the I/O's authority to file a formal Administrative Complaint against her or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the foregoing information, as well as the recommendation of the I/O, 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. §37:1326, will be effectively served by entry of the order set forth hereinafter by consent. 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. §49:955(D);

IT IS ORDERED that the license of Susan Caroline Gunby, to engage in the practice as a clinical laboratory scientist-technician in the State of Louisiana, as evidenced by Certificate No. CLP.311093 TCH, be and the same is hereby, placed **ON PROBATION** for a period of three (3) years (the "probationary period") *provided, however*, that Ms. Gunby's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to her acceptance of and strict compliance with the following terms and conditions and restrictions:

1. **Participation in the Board's Allied Professionals Health Program.** Ms. Gunby shall sign a three (3) year agreement with the Board's Allied Professionals Health Program and shall fully comply with all terms, monitoring conditions and restrictions of the program. Ms. Gunby shall authorize and cause to have submitted to the Board monthly reports of full compliance with all monitoring requirements of the Program.
2. **Participation in Drug Screening.** Ms. Gunby shall submit to periodic, unannounced blood, urine, saliva, hair collection or other screens, including EtG, EtS, 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. Ms. Gunby 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.** Ms. Gunby shall, and does by her subscription hereto, authorize any physician or health care professional or any institution at which she undergoes treatment for chemical abuse or dependency or any other condition from which he may suffer or be diagnosed, as well as any health care professional under whose care he 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 her history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Ms. Gunby expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and shall immediately execute any authorization or release that may be necessary to permit the Board access to such records.

4. **Maintenance of Complete Abstinence.** For as long as she maintains a license to engage in the practice of clinical laboratory science in this state, Ms. Gunby shall maintain complete and total abstinence from the use of any alcohol or mood-altering substances except as may be prescribed by a treating physician for a *bona fide* medical condition. Ms. Gunby shall personally inform the Board 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. Gunby should be diagnosed with a medical condition which necessitates the use of controlled or mood altering substances which may affect her ability to practice safely, Ms. Gunby hereby acknowledges that she shall voluntarily withdraw from the practice of clinical laboratory science 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 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, Ms. Gunby 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. Gunby shall not engage in health care practice 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, Ms. Gunby shall provide a copy of this Order to each hospital, clinic, facility, physician or other employer or prospective employer at which or for whom she provides health care services in this state. Thereafter, Ms. Gunby shall authorize and cause the supervisors, or other designees approved by the Board, to submit to the Board quarterly written reports of their determination concerning Ms. Gunby's professional competence as derived from such monitoring. In addition, upon request of the Board's probation officer, Ms. Gunby shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records pertaining to Ms. Gunby

from any hospital, institution, physician or other health care entity where Ms. Gunby is employed.

7. **Continuing Medical Education.** Ms. Gunby 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, Ms. Gunby shall cause to be submitted to the Board written certification of the CME programs and credits completed during the preceding twelve (12) months.
8. **Probation Monitoring Fee.** For each year of the probationary term, Ms. Gunby 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.
9. **Self-Reporting of Violations.** Ms. Gunby 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, Ms. Gunby shall immediately self-report in writing any personal action or inaction, which constitutes a violation of the Act.
10. **Self-Reporting of Other Investigations.** Ms. Gunby 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. **Cooperation with the Board's Probation and Compliance Officer.** Ms. Gunby shall direct all matters required pursuant to this Order to the attention of the Probation and Compliance Officer and she shall cooperate on all matters and inquiries pertaining to her compliance with the terms and conditions of this Order. Ms. Gunby is required to report in person to her probation officer at such times as may be directed. Ms. Gunby is required immediately to complete all forms, fully and carefully, when received, and to present these to her probation officer at the first meeting or as directed. Ms. Gunby shall immediately thereafter notify the Board's Probation and Compliance Officer of any changes in her current home and professional addresses and telephone numbers, and shall allow such access to her office, business practice or home and to patient medical records as may be necessary to her supervision.
12. **Absence from State or Discontinuance of Practice - Effect on.** Should Ms. Gunby 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 in health care, for a period of thirty (30) days or more, she 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 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.

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. Gunby 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. Gunby 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 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 Ms. Gunby's compliance with the requirements of this provision.
14. **Effect of Violation/Sanction.** By her subscription hereto Ms. Gunby acknowledges that her receipt of written notification from the Board that it has received any report 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 as a clinical laboratory science technician in this state pending the issuance of a final decision by the Board following administrative adjudication of such charges. Should this provision be activated, Ms. Gunby will not be eligible to request reinstatement for a period of one (1) year.
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.

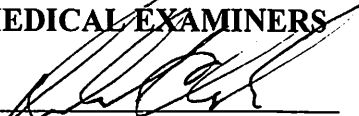
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Ms. Gunby shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Ms. Gunby's license to practice as a clinical laboratory science technician 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. §37:1326.

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

New Orleans, Louisiana, this 14th day of October, 2019.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:



RODERICK V. CLARK, M.D.
President

*Acknowledgement and Consent
on Following Page*

STATE OF LOUISIANA

PARISH OF St. Landry

**ACKNOWLEDGMENT
AND CONSENT**

I, SUSAN CAROLINE GUNBY, CLP-TCH, 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 26 day of September, 2019.

Susan Caroline Gunby CLP-TCH
SUSAN CAROLINE GUNBY, CLP-TCH

WITNESSES:

Alicia C Hebert
Signature

Alicia C Hebert
Printed Name

613 S. Main St.
Address

Opelousas, LA 70570
City, State, Zip Code

Charlotte Hudel
Signature

Charlotte Hudel
Printed Name

613 S. Main St.
Address

Opelousas LA 70570
City, State, Zip Code

Sworn to and subscribed before me at Opelousas, Louisiana, this 26th day of September, 2019, in the presence of the two stated witnesses.

Cathy Perkins
Notary Public (Signature & Seal)

Cathy Perkins - Cert no 54596
Printed Name/Notary or Bar Number (or Stamp)