

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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**IN THE MATTER OF:
MATTHEW JOHN BOURG, LRT**
(Certificate No. LRT.000871)

No. 19-I-1086
CONSENT ORDER

The above-entitled matter was docketed for investigation by the Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board"). Matthew John Bourg, LRT. ("Mr. Bourg") is a respiratory therapist who at all times pertinent has been licensed and engaged in the practice of respiratory therapy in and around Baton Rouge, Louisiana.

Mr. Bourg came to the Board's attention when information was received indicating that Mr. Bourg, who has a history of chemical dependency, had a return to use. Mr. Bourg subsequently entered and successfully completed treatment at a Board approved treatment facility. At the completion of his treatment, Mr. Bourg was provided with recommendations, which included, among other conditions, execution of an Allied Health Professionals monitoring agreement, attendance at specified meetings and counseling. Provided that he adheres to their recommendations, it is the opinion of his treating professionals that Mr. Bourg is capable of returning to the practice of respiratory therapy with reasonable skill and safety to patients.

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 Mr. Bourg, charging him 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. Bourg acknowledges the accuracy of the foregoing information and that such acknowledgement and reported information would provide the Investigating Officer with probably cause for the institution of administrative proceedings

¹La. 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;' The Board's rules, also prescribe such conduct as well, La. Adm. C. §§46XLV:5519.A.5, and 13.

against his licensure pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing may establish grounds under the Act for the suspension or revocation of his license to practice as a Respiratory Therapist in the State of Louisiana, or for such other action as the Board might deem appropriate.

Recognizing his right to have an administrative adjudication of such charges, at which time Mr. Bourg 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. §§ 37:3358, Mr. Bourg, nonetheless, hereby waives his right to formal adjudication and, pursuant to La. Rev. Stat. §37:3358, consents to entry of the Order set forth hereinafter. Mr. Bourg also acknowledges that he hereby waives any right that he may have under the Louisiana Administrative Procedure Act, La. Rev. Stat. § 49:951, *et seq.*, or that he otherwise may be afforded by any 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. By his subscription hereto, Mr. Bourg 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. Bourg expressly acknowledges that the disclosure of such 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 approve this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:3011, La. Admin. C. §46:4921 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Matthew John Bourg, LRT, to engage in practice as a Respiratory Therapist in the State of Louisiana, as evidenced by Certificate No. 000871 shall be placed **ON PROBATION** for a period of three (3) years *provided, however*, that Mr. Bourg's license to practice and his continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms and conditions:

- 1. Participation in the Board's Allied Professionals Health Program.** Mr. Bourg shall sign an agreement with the Board's Allied Professionals Health Program for a minimum of three (3) years and shall fully comply with all terms, monitoring conditions and restrictions of the program. Mr. Bourg 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.** Mr. Bourg 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. Bourg 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.** Mr. Bourg shall, and does by his subscription hereto, authorize any physician or health care professional or any institution at which he 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 him, to provide the Board with copies of all medical reports relating to his history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Mr. Bourg 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.** Mr. Bourg 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. Mr. Bourg 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 him for treatment of a *bona fide* medical condition. In the event that Mr. Bourg should be diagnosed with a medical condition which necessitates the use of controlled or mood altering substances, Mr. Bourg hereby acknowledges that he shall voluntarily withdraw from practice 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 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. Bourg shall obtain the Board or its designee'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. Bourg 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, Mr. Bourg 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. Bourg 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. Bourg's professional competence as derived from such monitoring. In addition, upon request of the Board's probation officer, Mr. Bourg shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records from any hospital, institution, physician or other health care entity where Mr. Bourg is employed.
7. **Probation Monitoring Fee.** For each year of the probationary term, Mr. Bourg shall pay

the Board an annual 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.** Mr. Bourg 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. Bourg shall immediately self-report in writing to the Board any personal action or inaction which constitutes a violation of the Act.
9. **Self-Reporting of Other Investigations.** Mr. Bourg 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. **Cooperation with Board's Probation and Compliance Officer.** Mr. Bourg 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. Mr. Bourg may be 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. Bourg 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.
11. **Absence from State or Discontinuance of Practice - Effect on.** Should Mr. Bourg 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 term 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.
12. **Effect of Violation/Sanction/Resolution.** By his subscription hereto, Mr. Bourg acknowledges that his receipt of written notification that the Board has received apparently reliable information 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 as a respiratory therapist in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges.

13. **Certification of Compliance with Probationary Terms; Personal Appearance Before the Board.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Mr. Bourg shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order and he shall contact the Board and arrange for a personal appearance before the board or its designee at its meeting preceding the expiration of his probation term. The probationary term and all of its terms, conditions and restrictions, shall be and shall be deemed to be extended and continued in full force and effect pending Mr. Bourg's compliance with the requirements of this provision.

14. **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 strict compliance with any of the terms or conditions of this Order by Mr. Bourg shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Mr. Bourg's license to practice as a respiratory therapist 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. §37:3011.

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

New Orleans, Louisiana, this 17th day of February, 2020.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: _____


RODERICK V. CLARK, M.D.
President

*Acknowledgment and Consent
on the following page*

STATE OF Louisiana
PARISH OF LIVINGSTON

**ACKNOWLEDGMENT
AND CONSENT**

I, MATTHEW JOHN BOURG, LRT., 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 17th day of January, 2020.

[Signature]
MATTHEW JOHN BOURG, LRT

WITNESSES:

[Signature]
Signature
Dominick Ribando
Printed Name
10138 Florida Blvd.
Address
Walker LA 70185
City, State, Zip Code

nick ribando
Signature
Nick Ribando
Printed Name
10138 Florida Blvd.
Address
Walker LA 70185
City, State, Zip Code

Sworn to and subscribed before me this 17th day of January, 2020, in the presence of the two stated witnesses.

[Signature]
Notary Public (Signature and Seal)
Sabrina Hawkins 8168
Printed Name/Notary or Bar Number

