

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
www.lsbme.la.gov



Telephone: (504) 568-6820

FAX: (504) 568-8893

Writer's Direct Dial:

(504) _____

In the Matter of:

No. 19-A-014

DANIEL MELDER, CRT
(Certificate No CRT.200233)

CONSENT ORDER

Respondent

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 Daniel Melder, CRT ("Mr. Melder"), who at all pertinent times has been licensed and engaged in practice as a respiratory therapist in and around Alexandria, Louisiana. Apparently reliable information gathered to date indicates that Mr. Melder, who has a history of drug related arrests and has been on a confidential monitoring agreement with the Board since February 2018, has tested positive for a prohibitive substance. Mr. Melder was required by the terms of his Monitoring Agreement to undergo an evaluation to determine the appropriate level of care required for the noncompliance, but he was unable to comply with this directive. He did however, agree to the interim suspension of his license by consent order. Once a consent order was mailed to him, though, he refused to sign it or to further cooperate with the Board in resolving the issues surrounding his noncompliance with the Monitoring Agreement and the underlying substance use issues. Due to Mr. Melder's substance use issues, inability to comply with his Monitoring Agreement, subsequent refusal to comply with his Monitoring Agreement, and ultimate refusal to enter into an interim consent order or to engage in further dialogue with Board investigators, the Board was left with no choice but to take emergency action and summarily suspend Mr. Melder's license on October 10, 2018, in order to safeguard the public health, safety, and welfare

A formal Administrative Complaint was filed against Mr. Melder on August 1, 2019, charging him with violations of the Louisiana Respiratory Therapy Practice Act and the Board's Rules and Regulations pertaining to Respiratory Therapists.¹

¹ La. 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;'

(15) 'Inability to practice respiratory therapy with reasonable competence, skill, or safety to patients because of mental or physical illness, condition, or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol.'

As evidenced by his subscription hereto, Mr. Melder acknowledges the right to have written notification of any charges that may be asserted, as well as the right to have evidence of such charges asserted during an administrative hearing at which time he will be entitled to be represented by legal counsel, to call witnesses and to present evidence 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.* While maintaining such rights Mr. Melder, nonetheless, hereby consents to the indefinite suspension of his license to practice respiratory therapy in this state, with reinstatement thereof subject to the terms and conditions of this Order. By his subscription hereto, Mr. Melder authorizes the Investigating Officer designated by the Board with respect hereto to present this Interim Consent Order to the Board for its consideration and to fully discuss with and disclose to the Board the nature and extent of such charges and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Mr. Melder expressly acknowledges that disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to prosecute the abovementioned charges and/or any additional administrative charges that may be filed in this matter or to the Board's capacity to adjudicate such charges.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. § 37:3358 and La. Rev. Stat. § 49:955(D);

IT IS ORDERED that the license of Daniel Melder, to engage in the practice of respiratory therapy in the State of Louisiana, as evidenced by Certificate No. CRT.200233, be and the same is hereby, effective as of the date hereof, **INDEFINITELY SUSPENDED**.

IT IS FURTHER ORDERED that Daniel Melder, CRT, shall not practice respiratory therapy in any form in the state of Louisiana until and unless the Board issues and serves a written decision reinstating his license to practice following: (1) receipt of satisfactory documentation supporting that Mr. Melder has successfully completed a mental and physical examination, including substance abuse evaluation to rule out impairment, that he is in compliance with any treatment recommendations, and that his treating physicians have determined that he is capable of returning to practice with skill and safety to patients; **and** (2) receipt of satisfactory documentation of education or remediation or training sufficient to demonstrate to the Board that he is competent to return to practice as a respiratory therapist with skill and safety; **and** (3) a meeting at the Board office with the Director of Investigations or designee; **and** (4) the conclusion of the pending investigation by administrative hearing and final decision of the Board on any charges that may be filed in these proceedings including, but not limited to, those identified in this Order; or alternatively, by the Board's acceptance of a Consent Order or other disposition of the pending investigation.

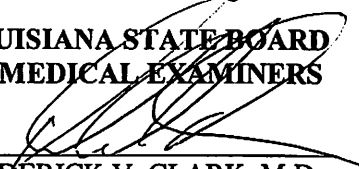
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Mr. Melder shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Mr. Melder's 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. §37:3358.

IT IS FURTHER ORDERED that this Interim 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:


ROBERICK V. CLARK, M.D.
President

STATE OF Louisiana
PARISH/COUNTY OF Orleans

**ACKNOWLEDGMENT
AND CONSENT**

I, DANIEL MELDER, CRT, 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 17 day of February, 2020.

[Handwritten Signature]

DANIEL MELDER, CRT

WITNESSES:

[Handwritten Signature]

Signature

Cathy Storm

Printed Name

630 Camp St, NOLA 70130
Address

[Handwritten Signature]

Signature

Lester R. Rye

Printed Name

630 Camp St NOLA 70130
Address

Sworn to and subscribed before me at New Orleans Louisiana, this 17th day of February, 2020, in the presence of the two stated witnesses.

[Handwritten Signature]
Notary Public

Print name Thadra Collette White

Bar/Notary No.: 22893 / 45207