

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter of	:	No. 19-I-698
	:	
MARIANNS. CLEMONS, CLS	:	CONSENT ORDER
<i>(Certificate No. CLS.304295),</i>	:	FOR REPRIMAND
	:	
<i>Respondent</i>	:	_____
----- X	:	

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") regarding Mariann S. Clemons ("Ms. Clemons"), a CLS (Clinical Laboratory Scientist) who is, and was, at all times material to the facts and matters alleged herein, licensed by the Board as a CLS and employed and working as a CLS in the state of Louisiana pursuant to the Louisiana Clinical Laboratory Personnel Law, ("CLP Act"), La. Rev. Stat. §37:1311-1329. The investigation was initiated following the receipt of apparently reliable information indicating that Ms. Clemons accessed protected health information in the form of another individual's medical records for personal reasons, in violation of the federal law and regulation.

Ms. Clemons has cooperated with the Board, met with the Director of Investigations and acknowledged that the foregoing information could provide the Investigating Officer for the Board with probable cause to pursue formal administrative proceedings against her license for violations of the CLP Act, La. R.S. §37:1326(A) (2), (7), and the Board's rules, LAC 46:XLV.3501B,¹ constituting sufficient cause for the revocation, suspension or such other action against her license to practice in the state of Louisiana as the Board may determine appropriate.

Recognizing her right to notice and administrative adjudication of any charges that may be asserted against her in these proceedings, at which time Ms. Clemons 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

¹ Pursuant to La. R.S. §37:1326A The board, upon the recommendation of the committee, may deny, suspend, probate, restrict, or revoke the issuance or renewal of a license or certificate, after notice and an opportunity for a hearing pursuant to the Administrative Procedure Act, upon a preponderance of evidence showing any of the following when such activity is not authorized by the provisions of this Part: '(2) Demonstrating incompetence in the performance of the practice of clinical laboratory science;' (7) 'Violating or helping someone else violate any provision of this Part or any rule or regulation promulgated hereunder;' and LAC 46:XLV.3501B. of the Board's clinical laboratory practice rules, which were adopted to protect the public health, safety, and welfare of the people of Louisiana from improper performance of laboratory tests by clinical laboratory personnel.

findings of fact and conclusions of law pursuant to La. Rev. Stat. §49:955-965, Ms. Clemons, nonetheless, hereby waives her right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Ms. Clemons acknowledges that she hereby 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 may be afforded to her by any other law to contest or appeal her agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By her subscription hereto, Ms. Clemons also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this 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. Clemons 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 adjudication of an administrative complaint against her or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1326, La. Rev. Stat. §49:955(D).

IT IS ORDERED that Ms. Clemons is hereby ***OFFICIALLY REPRIMANDED*** for her conduct.

IT IS FURTHER ORDERED that Ms. Clemons shall, within one hundred and twenty (120) days of the date of this Order, pay to the Board a fine in the amount of Two Hundred and Fifty and No/100 (\$250.00) Dollars.

IT IS FURTHER ORDERED that Ms. Clemons shall, within one hundred and twenty (120) days of the date of this Order, provide confirmation that she has taken and successfully completed a course on medical ethics and professionalism that is acceptable to and approved by the Board.

IT IS FURTHER ORDERED that the license of Ms. Clemons to engage in practicing as a CLS in the State of Louisiana, as evidenced by Certificate No. CLS.304295, be and the same is hereby, placed **ON PROBATION** for a period of one (1) year (the "probationary period") provided however, that such license and Ms. Clemons' continuing exercise of rights and privileges thereunder shall be conditioned upon her acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Limitation of Practice.** During the probationary period, Ms. Clemons shall only engage in practicing as a CLS in a clinical setting or location as the Board, in its sole discretion, has preapproved in writing.
- (2) **Notification to Employers.** Ms. Clemons shall provide a complete copy of this Consent Order to each hospital, institution or other clinical setting at which or for whom she provides services as a CLS in this state.

(3) Probation Monitoring Fee. Ms. Clemons shall pay the Board a probation monitoring fee of **Three Hundred Dollars And No/100 (\$300.00)** for the year of her probationary term. Payment of the initial fee shall be due not later than thirty (30) days after this Order is signed.

(4) Absence from State/Practice/Effect on Probation. Should Ms. Clemons at any time during the period of probation ordered herein be absent from being employed in the state of Louisiana, or discontinue practicing as a CLS for a period of thirty (30) days or more, or fail to renew her license to practice in this state, she shall advise the Board in writing. In such instance, the probationary period ordered herein and all terms, conditions and restrictions thereof, shall be deemed interrupted and extended and shall not commence to run until Ms. Clemons notifies the Board in writing that she has resumed practicing as a CLS in the state of Louisiana, or renewed her Louisiana license. In such instance, Ms. Clemons shall not receive credit toward completion of the probationary period for the time during which she was not engaged in or licensed to practice as a CLS therapy in this state.

(5) Sanction. By her subscription hereto, Ms. Clemons acknowledges that her receipt of written notification from the Board that it has received any report or other apparently reliable information which indicates her failure to comply with the requirements set forth by this Order in any respect shall, without need for formal hearing or 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 CLS in this state pending issuance of a decision and final resolution by the Board of administrative proceedings resulting from such report or information; alternatively, by the Board's approval of a Consent Order or other disposition respecting such report or information.

(6) Additional Probationary Terms. In addition to such other terms and conditions as are placed upon any reinstated license to practice as a CLS by this Order, Ms. Clemons 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 her license and/or additional restrictions as to the nature, scope, location, supervision, monitoring of her 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 her request for reinstatement.

(7) Cooperation with Board's Probation and Compliance Officer. Ms. Clemons shall immediately notify the Board's Probation and Compliance Officer of any change in her current home and professional addresses and telephone numbers. She shall direct all matters required by this Order to the attention of the Probation and Compliance Officer, with whom she shall cooperate on all inquiries and requests pertaining to her compliance with the terms, conditions and restrictions of this Consent Order.

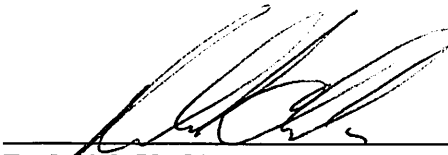
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Ms. Clemons shall be deemed

adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Ms. Clemons' license to practice as a CLS 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.

Signed in New Orleans, Louisiana, and effective on this 14th day of December, 2020.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: 
Roderick V. Clark, MD, MBA
President

Acknowledgment and Consent on Following Page.

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF Louisiana
PARISH OF Calcasieu

I, MARIANN S. CLEMONS, CLS, 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 5th day of November, 2020.

Mariann S. Clemons
MARIANN S. CLEMONS, CLS

WITNESSES:

Charles M. Calhoon Jr.
Signature

Signature

Charles M. Calhoon Jr.
Printed Name

Printed Name

1340 Rothwood Dr
Address

Address

Lake Charles, La 70611
City/State/Zip Code

City/State/Zip Code

Sworn to and subscribed before me this 5th day of November, 2020
in the presence of the two stated witnesses.

Melody C. Calhoon
Notary Public (Signature)

Melody C. Calhoon, #029501
Printed Name & Notary or Bar Number

my commission expires at death