

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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: In The Matter of :  
: :  
: :  
: BRANDEN PATRICK TYLUS, LRT :  
: (Certificate No. LRT.322755), :  
: :  
: Respondent :  
: :  
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No. 20-I-305  
  
CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information indicating that Branden Patrick Tylus, LRT ("Mr. Tylus"), a respiratory therapist licensed by the Board to engage in respiratory therapy in the state of Louisiana, as evidenced by Certificate No. LRT.322755, had not been actively practicing as a respiratory therapist, even though he was licensed as a respiratory therapist in the state of California, at the time of his licensure in Louisiana. While having been deemed to have the necessary education, qualifications, and experience to be licensed as a respiratory therapist in this state, the investigation revealed a gap in Mr. Tylus' practice necessitating the agreed upon Consent Order.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter determined reasonable cause existed such that a formal Administrative Complaint could be filed against Mr. Tylus, charging him with violations of the Louisiana Respiratory Therapy Practice Act, La. Rev. Stat. §§ 37:3351 et seq. ("the Act"), pursuant to La. Rev. Stat. § 37:3358(A)(18).<sup>1</sup>

Mr. Tylus acknowledges the substantial accuracy of the foregoing information and that proof of such information could provide the Investigating Officer for the Board with probable

<sup>1</sup> 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: ... (18) Refusal of the licensing authority of another state to issue or renew a license, permit, or certificate to practice respiratory therapy in that state, or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents, restricts, or conditions practice in that state, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate.

cause to pursue formal administrative proceedings against him for violation of the Act, La. Rev. Stat. § 37:3358(A)(18), and further, that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension, revocation, or imposition of such other terms, conditions, or restrictions on his license to practice as a respiratory therapist in the state of Louisiana as the Board may determine appropriate.

Recognizing his right to have notice of any allegation or charge asserted against him, to administrative adjudication of such allegations or charges pursuant to La. Rev. Stat. §§49:951 *et. seq.* and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Mr. Tylus, nonetheless, hereby waives his right to formal charges and formal adjudication, and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. By his subscription hereto Mr. Tylus acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Practice Act, La. Rev. Stat. §§49:951 *et. seq.* or otherwise may be afforded to him by law to contest his agreement to or the force and effect of the Board's investigation or this document in any court. Mr. Tylus, furthermore, 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. Tylus expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order. Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, 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. §37:3358 and La. Rev. Stat. §49:955(D);

**IT IS ORDERED** that the license of Branden Patrick Tylus, LRT to engage in the practice of respiratory therapy in the state of Louisiana, as evidenced by Certificate No. LRT.322755, is hereby placed **ON PROBATION** for six (6) months, on the effective date of this Order, provided, however, that such license and Mr. Tylus' 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) Practice Monitoring and Quarterly Reports.** Within sixty (60) days of the effective date of this Order, Mr. Tylus shall enter into an agreement with a Board- approved person ("practice monitor") to monitor and review Mr. Tylus' practice as a respiratory therapist. The practice monitor will work in conjunction with the Board to develop parameters for monitoring Mr. Tylus' practice, including a review of Mr. Tylus' patient records and charts. The practice monitor shall review no less than ten (10) records a quarter. The practice monitoring will provide quarterly reports to the Board that will include an opinion as to whether Mr. Tylus is practicing respiratory therapy with the prevailing standards of care.

This practice monitoring of Mr. Tylus shall conclude upon the Board's receipt of at least two (2) positive quarterly reports from the practice monitor. After the Board has received two (2) positive quarterly reports in which the practice monitor has opined that Mr. Tylus is practicing in accordance with the prevailing standards of care, the Board shall terminate this condition and issue an unrestricted license to practice respiratory therapy in this state. Mr. Tylus shall bear all costs, if any, associated with the practice monitor program.

**(2) Absence from the State/Practice/Effect on Probation.** Should Mr. Tylus at anytime 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 period 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 at the Board's discretion.

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

**(4) Effect of Violation/Sanction/Resolution.** Mr. Tylus acknowledges and stipulates that his receipt of written notification from the Board that it 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.

**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. Tylus shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Mr. Tylus' license to practice respiratory 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 Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 14<sup>th</sup> day Dec, 2020

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY: 

Roderick V. Clark, MD, MBA  
President

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**ACKNOWLEDGMENT AND CONSENT ON THE FOLLOWING PAGE**

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STATE OF LOUISIANA

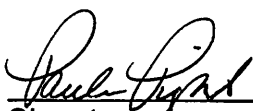
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**ACKNOWLEDGMENT  
AND CONSENT**

I, BRANDEN PATRICK TYLUS, 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 19<sup>th</sup> day of October, 2020.

  
BRANDEN PATRICK TYLUS, LRT

WITNESSES:

  
Signature

  
Signature

Paula Pigford  
Typed Name

Soiz C Bond Sr.  
Typed Name

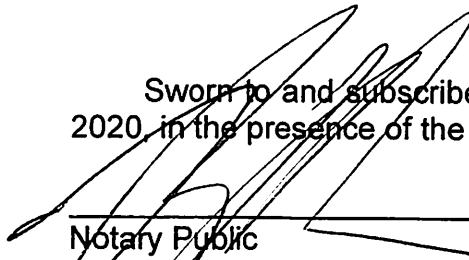
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City/State/Zip Code

Sworn to and subscribed before me this 19 day of October, 2020, in the presence of the two stated witnesses.

  
Notary Public

**RALPH H. WALL**  
Notary Public #41466  
Printed Name/Notary or Bar Number  
State of Louisiana

My Commission is issued for Life