



LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Phone: (504) 568-6820; Fax: (504) 324-0994
Web site: <http://www.lsbme.la.gov>

BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

No. 2022-I-730

IN THE MATTER OF:

KRISTY GRAY GRAHAM,
CLP-LAB
(Credential No. CLP. 201584-LAB),
Respondent

**STIPULATION AND AGREEMENT FOR
VOLUNTARY SURRENDER OF CLINICAL
LABORATORY SCIENCE-LABORATORY
ASSISTANT LICENSE**

This *Stipulation and Agreement* is made by Kristy Gray Graham (“Ms. Graham”), a clinical laboratory scientist-laboratory assistant licensed by the Louisiana State Board of Medical Examiners (the “Board”) to engage in the practice of clinical laboratory science in the State of Louisiana, as evidenced by Credential No. CLP. 201584-LAB. Ms. Graham’s Louisiana clinical laboratory scientist-laboratory assistant license was first issued on November 20, 2008, went inactive on January 1, 2021, and was reinstated on September 30, 2022. She does not have any past disciplinary history with the Board.

1. ***Acknowledgment and Stipulations.*** Ms. Graham hereby acknowledges, stipulates, and agrees that:

- (a) That Ms. Graham submitted a “Clinical Laboratory Personnel Initial Licensure Application” for reinstatement to the Board, with Ms. Graham signing the same on June 21, 2022, and with the same being submitted to the Board on or about July 22, 2022.
- (b) That as part of her application for reinstatement of her clinical laboratory scientist-laboratory assistant license, Ms. Graham executed sworn responses to questions on the Oath & Affirmation portion of the application, with Ms. Graham answering “yes” to Question #2: “In the 5 years prior to this application have you been referred to or obtained treatment for a substance abuse disorder including alcohol abuse?”
- (c) In an Oath & Affirmation Affidavit elaborating on her “yes” answer to Question #2, executed by Ms. Graham on July 21, 2022, she explained that she voluntarily checked herself into Palmetto Rehabilitation Center (“Palmetto”) for an alcohol use disorder on June 14, 2021, and was discharged upon successful completion of the program on or about July 2, 2021. As of July 21, 2022, Ms. Graham attested that she had maintained

sobriety since leaving Palmetto on or about July 2, 2021.

- (d) That Ms. Graham's "yes" answer prompted the opening of a case on or about September 12, 2022, due to concerns as to whether she would be safe to practice. It was determined that Ms. Graham would be safe to practice upon entering a two-year confidential monitoring agreement with the Allied Professionals Health Program (the "APHP").
- (e) Ms. Graham executed her confidential monitoring agreement with the APHP on or about September 20, 2022, with her CLP-LAB license being reinstated on or about September 30, 2022.
- (f) A pertinent provision of Ms. Graham's monitoring agreement with the APHP is complete abstinence from alcohol and mood-altering substances unless prescribed by a physician for a *bona fide* medical condition, with random screens for drugs and alcohol to ensure compliance.
- (g) On or about October 17, 2022, APHP reported that Ms. Graham had a positive EtG test, indicating that she consumed alcohol in contravention of her monitoring agreement, followed by two days of Ms. Graham missing required check-ins with FSSolutions/Vault.
- (h) Ms. Graham acknowledges that the foregoing information provides Lawrence H. Cresswell, III, D.O., J.D., Director of Investigations (the "Investigating Officer") and Investigating Officer for the Board with sufficient cause to pursue formal administrative proceedings against her and to revoke or impose restrictions on her Louisiana clinical laboratory science-laboratory assistant license pursuant to La. R.S. 37:1326(A)(10)(d), 37:1326(A)(10)(e) and 37:1326(A)(10)(f).¹

¹ See La. R.S. 37:1326(A)(10)(d) ("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: (10) Unprofessional conduct, which may be further defined and promulgated by the board in accordance with the Administrative Procedure Act, includes but is not limited to the following: (d) Failing to cooperate with the board, the committee, or both, providing false testimony before the board or the committee, or providing false sworn information to the board or the committee"); La. R.S. 37:1326(A)(10)(e) ("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: (10) Unprofessional conduct, which may be further defined and promulgated by the board in accordance with the Administrative Procedure Act, includes but is not limited to the following: Habitual or recurring abuse of drugs, alcohol, or mood-altering substances or those which affect the central nervous system or which are capable of inducing physiological or psychological dependence"); La. R.S. 37:1326(A)(10)(f) ("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

- (i) Ms. Graham indicates that she has no further desire to retain a clinical laboratory scientist-laboratory assistant license or otherwise practice clinical laboratory science in Louisiana. Accordingly, she wishes to resolve these proceedings through a stipulation for voluntary surrender of her clinical laboratory science-laboratory assistant license rather than undertaking an administrative hearing.
- (j) The Investigating Officer concurs that Ms. Graham should be permitted to voluntarily surrender her license to practice clinical laboratory science in this state pursuant to this public order.
- (k) Pursuant to the Louisiana Clinical Laboratory Personnel Law, La. R.S. 37:1311 *et seq.*, and the Louisiana Administrative Procedure Act, La. R.S. 49:950 *et seq.*, Ms. Graham understands that she would be entitled, prior to final disciplinary action against her clinical laboratory science license, to an administrative adjudication of such charges, pursuant to La. R.S. 49:975–77. At such hearing, Ms. Graham understands that she would be entitled to be represented by legal counsel, to have those charges proved against her by evidence, to appear and confront adverse witnesses, to call witnesses and present evidence on her own behalf in defense or in mitigation of the charges made, to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. R.S. 49:977, and to any other right to which she may be afforded by the Louisiana Administrative Procedure Act, La. R.S. 49:950 *et seq.* or otherwise.

2. ***Voluntary Surrender of License.*** Notwithstanding her right to an administrative hearing and a decision thereon, as provided by La. R.S. 49:950 *et seq.*, in recognition of the stipulations set forth hereinabove toward final disposition of the pending administrative complaint, Ms. Graham, nonetheless, acknowledges the substantial accuracy of the foregoing information and hereby voluntarily, knowingly, and intelligently waives her right to formal adjudication and voluntarily surrenders to the Board for cancellation her license to practice clinical laboratory science in the State of Louisiana, as evidenced by Credential No. CLP. 201584-LAB. By her subscription hereto, Ms. Graham also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Stipulation and Agreement for Voluntary Surrender of Medical License to the Board for its consideration and to fully disclose

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: (10) Unprofessional conduct, which may be further defined and promulgated by the board in accordance with the Administrative Procedure Act, includes but is not limited to the following: (f) An inability to practice within the licensee's respective scope of practice in accordance with this Part, with reasonable skill or safety due to mental illness or deficiency, including but not limited to deterioration through the aging process, the loss of motor skills, or excessive use or abuse of drugs, alcohol, or mood-altering substances or those which affect the central nervous system or which are capable of inducing physiological or psychological dependence.

to and discuss with the Board the nature and results of the investigation, and she voluntarily, knowingly, and intelligently waives any objection to such disclosures under La. R.S. 49:977.2.

3. ***Effect of Voluntary Surrender of License.*** Ms. Graham acknowledges, stipulates, and agrees that the voluntary surrender of her license affected hereby in the presence of an administrative investigation shall have, and shall be deemed by the Board to have, the same effect as if the Board had entered an order of revocation upon the conclusion of formal administrative proceedings. Further, Ms. Graham acknowledges, stipulates, and agrees that reinstatement of such license shall be at the sole discretion of the Board and upon whatever probationary terms, conditions, and restrictions that it may then determine to be appropriate. In addition, Ms. Graham acknowledges, stipulates and agrees that no request for reinstatement shall be considered by the Board until and unless she has: (i) attended a meeting at the Board office with the Director of Investigations; (ii) successfully completed all recommendations by the Director of Investigations to demonstrate to the Board that she is competent to return to the practice of clinical laboratory science with reasonable skill and safety; and (iii) otherwise complied with all applicable statutory and regulatory requirements for the reinstatement of an expired license. *See, e.g.,* La. R.S. 37:1321(D); La. Admin. Code tit. 46, pt. XLV, § 3527.

4. ***Termination of Proceedings.*** By the voluntary surrender of her clinical laboratory science license, and the attendant dismissal of the proceedings occasioned hereby Ms. Graham, moreover, acknowledges, stipulates and agrees that she hereby voluntarily, knowingly, and intelligently waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:950 *et seq.* or which otherwise may be afforded to her by any law, to contest her agreement to or the force and effect of this document in any court or other forum relating to the stipulations, agreements, acknowledgments and other matters referred to herein.

5. ***Advice of Counsel.*** Ms. Graham acknowledges that she has had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation and Agreement for Voluntary Surrender of Clinical Laboratory Science-Laboratory Assistant License and that all the terms, conditions, restrictions, and limitations contained herein have been explained to her and/or that she fully understands them.

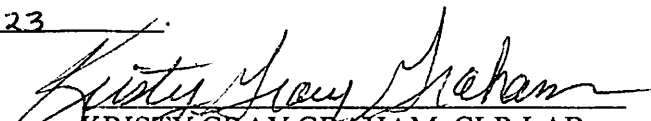
6. ***Public Record.*** Ms. Graham acknowledges, stipulates, and agrees that this Stipulation and Agreement for Voluntary Surrender of Medical License shall be, and shall be deemed to be, a **PUBLIC RECORD**, and shall likewise be reported on the Board's website, <https://www.lsbme.la.gov/>, under "Disciplinary Actions."

Stipulation and Agreement on Next Page

**STIPULATION
AND AGREEMENT**

STATE OF Louisiana
PARISH OF Franklin

I, KRISTY GRAY GRAHAM, CLP-LAB, hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation and Agreement for Voluntary Surrender of Clinical Laboratory Science-Laboratory Assistant License and that all 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 Stipulation and Agreement without duress, and of my own free will and accord, this 9th day of February, 2023.


KRISTY GRAY GRAHAM, CLP-LAB


WITNESSES:


Signature

Bridgette Turbeville
Typed Name

926 Hwy 857
Street Address

Baskin, La. 71219
City/State/Zip Code

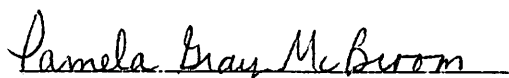

Signature

Sheri L. Gruchow
Typed Name

1706 Pine Street
Street Address

Winnboro La. 71295
City/State/Zip Code

Sworn to and subscribed before me
this 9th day of February,
2023, in the presence of the
two stated witnesses.


Notary Public (Signature)

Name: Pamela Gray Mc Broom

Notary/Bar No.: 11101

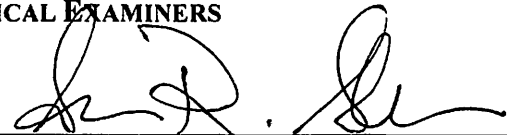
Commission expires: Death

ACCEPTANCE

CONSIDERING THE ABOVE AND FOREGOING, the Stipulation and Agreement for Voluntary Surrender of Clinical Laboratory Science-Laboratory Assistant License is hereby **APPROVED AND ACCEPTED** by the Louisiana State Board of Medical Examiners, at New Orleans, Louisiana, on this 27 day of March, 2023.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY: _____



TERRIE R. THOMAS, M.D.
Vice President