



LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

No. 2024-I-027

IN THE MATTER OF:

ALTON ROSCOE NIX, LRT
(Credential No. LRT.00475),
Respondent

CONSENT ORDER

Alton Roscoe Nix, LRT (“Mr. Nix”) is a respiratory therapist licensed to practice in the State of Louisiana pursuant to the Louisiana Respiratory Therapy Practice Act (“the Act”), La. R.S. 37:3351 *et seq.*, as evidenced by Credential No. LRT.00475, who at all relevant times has been engaged in the practice of respiratory therapy in and around New Orleans, Louisiana. Mr. Nix has not been the subject of prior discipline by the Louisiana State Board of Medical Examiners (the “Board”).

Investigation of the captioned matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., the Director of Investigations for the Board (the “Investigating Officer” or “DOI”) following the receipt of apparently reliable information that Mr. Nix neglected to follow facility policies and orders requiring that rounds be made on the Patient every two hours. The complaint also alleged that Mr. Nix did not follow current cardiopulmonary resuscitation (“CPR”) guidelines when he found the Patient with their tracheostomy tube removed, resulting in his termination by his employer.

In his response to the Board, Mr. Nix claimed that on December 15, 2023, he went into the Patient’s room at approximately 9:30 p.m. to suction and remove mucus from the Patient’s tracheostomy tube. When he returned at around 11:45 p.m. and noticed that the Patient had removed their tube and was unresponsive, he stated he “went into action.” Mr. Nix stated that he immediately checked for a pulse, replaced the tube, and used an airbag to assist the Patient’s breathing. Mr. Nix claimed that he then called for help, after which a nurse came into the room and called 911. Mr. Nix stated that he then retrieved an oxygen tank from outside the Patient’s room to continue to bag the Patient. He stated that he “relied on the nurse to provide the chest compressions which she eventually did despite leaving for several minutes.”

The investigation revealed that on prior occasions, the Patient had removed their own tracheostomy tube in Mr. Nix’s care. Mr. Nix’s employer’s policy required that respiratory therapists complete rounds every two hours on patients with a history of removing their own tube. Documentation from Mr. Nix’s employer indicated that the frequency of rounds to the Patient were

supposed to be completed every two hours after the Patient removed their tube on December 12, 2023. Mr. Nix maintains that he was not made aware of this increased frequency in making rounds. The investigation also revealed that video footage depicted Mr. Nix leaving the Patient's room at 7:43 p.m. and returning at 11:45 p.m.

During a June 13, 2024 meeting with the DOI, Mr. Nix confirmed that he held an advance cardiac life support ("ACLS") certificate. He also confirmed that the proper ACLS procedures for CPR provided chest compressions should immediately begin when a patient is found unresponsive. He explained that he did not immediately begin chest compressions because the patient was on an inflated air mattress, and he was concerned that he would injure the patient if he attempted to move him onto the floor. Mr. Nix also admitted that he did not hit the emergency button in the patient's room and instead yelled for help.

As evidenced by his subscription hereto, Mr. Nix acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer with probable cause to pursue administrative proceedings against him for violations of the Act, La. R.S. 37:3358(A)¹, and that proof of such information upon administrative evidentiary hearing would establish sufficient cause to take action against his license to practice respiratory therapy in the State of Louisiana.

In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that the health, safety, and welfare of the citizens of this state against the unprofessional, unqualified, and unsafe practice of respiratory therapy will be effectively served by entry of the Order set forth hereinafter by consent. The Board has considered the guidelines for minimum and maximum disciplinary dispositions and the aggravating and mitigating circumstances apparent from the particular facts and circumstances of this matter.²

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Mr. Nix 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. R.S. 49:975 *et seq.*, Mr. Nix, nonetheless, hereby waives his right to notice and formal adjudication and, pursuant to La. R.S. 49:975(D), consents to entry of the Order set forth hereinafter. Mr. Nix acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:950 *et seq.*, or which may be afforded to him by any other law to contest or appeal his agreement to or the force and effect of the Board's investigation or this Consent Order in any court or other forum. By his subscription hereto, Mr. Nix 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

¹ La. R.S. 37:3358(A)(10), (11) ("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...(10) Cognitive or clinical incompetency...(11) Continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of respiratory therapy in this state.").

² See La. Admin. Code tit. 46, pt. XLV, §§ 9714; 9716.

investigation and he waives any objection to such disclosures under La. R.S. 49:977.2. Mr. Nix 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 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. R.S. 37:1326 and La. R.S. 49:975(D);

IT IS ORDERED that the license of Alton Roscoe Nix, LRT, to engage in the practice of respiratory therapy in the State of Louisiana, as evidenced by Credential No. LRT.000475, be and is hereby **OFFICIALLY REPRIMANDED** as of the date of this Order (the "Effective Date").

IT IS FURTHER ORDERED that Mr. Nix shall, within one hundred and twenty (120) days of the date of this Order, provide confirmation that he has enrolled in and successfully completed continuing professional education ("CPE") courses on professional standards of care that are acceptable to and have been approved by the Board or its designee in writing prior to scheduling or completing the CPE courses.

IT IS FURTHER ORDERED that, within one hundred and twenty (120) days of the effective date of this Order, Mr. Nix shall complete the free online course "Laws and Rules for Respiratory Therapists," which may be accessed through the following link, <https://www.lsbme.la.gov/content/board-orientations-online-courses>. Upon completion of the course, Mr. Nix shall complete the verification process and obtain a certificate of completion that will be submitted to the Board or its designee by the course provider within the same time period.

IT IS FURTHER ORDERED that Mr. Nix shall, within one hundred and twenty (120) days of the date of this Order, pay to the Board a fine in the amount of One Thousand and No/100 Dollars (\$1,000.00).

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms set forth by this Order by Mr. Nix shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Mr. Nix's license to practice respiratory therapy in the State of Louisiana as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. R.S. 37:3358.

IT IS FURTHER ORDERED that this Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

IT IS FURTHER ORDERED that this Consent Order 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," and shall be reported to the National Practitioner Data Bank ("NPDB").

New Orleans, Louisiana, this 27th day of January, 2025.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By:



RODERICK V. CLARK, M.D., MBA
President

Acknowledgment and Consent on Following Page

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA

PARISH OF Orleans

I, ALTON ROSCOE NIX, 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 2nd day of December, 2024.

Alton Roscoe Nix, LRT
ALTON ROSCOE NIX, LRT

WITNESSES:

Raven Burkart
Signature

Raven Burkart
Typed Name

1100 Poydras St. Ste 2950
Street Address

New Orleans, LA 70163
City/State/Zip Code

Jessica Smith
Signature

Jessica Smith
Typed Name

1100 Poydras St, Ste. 2950
Street Address

New Orleans, LA 70163
City/State/Zip Code

Sworn to and subscribed before me this
2nd day of December, 2024, in the
presence of the two stated witnesses.

Brian Capitelli
Notary Public (Signature)

Name: Brian Capitelli
Notary/Bar No.: La. Bar No. 27398
Commission expires: 2 death