

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of
:
CURTIS DWAYNE PALMER, RRT
:
(Certificate No. L00244),
Respondent
:
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No. 07-I-337

CONSENT ORDER FOR OFFICIAL REPRIMAND

An investigation conducted on behalf of the Louisiana State Board of Medical Examiners (the "Board") indicates that Curtis Dwayne Palmer, RRT ("Mr. Palmer"), who was at all times pertinent was and is licensed to practice respiratory care in this state, voluntarily left a position of employment following an inquiry by his employer into a work-related event. While the facts relative to Mr. Palmer's severance of employment have been explained to the satisfaction of the Investigative Officer, the investigation also reveals that Mr. Palmer failed to inform the Board of the inquiry or his departure on his 2008-09 renewal application for his license. Investigation of the captioned matter was assigned to Cecilia Mouton, M.D., Investigating Officer (the "I/O"), for the Board. In connection with this matter, Mr. Palmer met with the I/O and offered an explanation why he did not believe that he was required to report the matter on his renewal application. He also advised that his failure to report was unintentional and expressed a commitment to insure that his responses to future application renewals would be completely forthcoming and accurate.

While it appears to the I/O that Mr. Palmer is a conscientious and well-trained respiratory therapist, Dr. Mouton's review and analysis of the matter confirms to her satisfaction that her investigation could establish grounds under the Louisiana Respiratory Therapy Practice Act (the "Act") and the Board's rules and regulations pertaining to respiratory therapists for action against his license to practice respiratory care in the state of Louisiana or for such other action as the Board might deem appropriate, pursuant to La. Rev. Stat. §37:3358A(5) and the Board's Rules, La. Admin. Code §§46:5519A(3).¹

¹ Pursuant to La. Rev. Stat. §37:3358A(5), the Board may refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions if the licensee has been found guilty of ' . . . [O]btaining a license by . . . misrepresentation, or concealment of material facts.' La. Rev. Stat. The Board's rules also provide the same provision, La. Admin. Code §46:5519A(3).

Without admitting any transgressions of the Act or the Board's rules Mr. Palmer, nonetheless, acknowledges the substantial accuracy of the foregoing information and that such information and acknowledgement could provide the I/O with probable cause to pursue formal administrative proceedings against him for violation of the Act, constituting sufficient cause for action against his license to practice respiratory care in this state. Recognizing his right to have an administrative adjudication of any charges that may be asserted against him, at which time he 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. Rev. Stat. §§49:951, *et seq.*, Mr. Palmer, nonetheless, hereby waives his right to formal charges and adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Mr. Palmer also acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, *et seq.*, or which he otherwise may be afforded by any law to contest his agreement to or the force and effect of this document in any court or other forum. By his subscription hereto, Mr. Palmer also hereby authorizes the I/O 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. Palmer expressly acknowledges that the disclosure of such information to the Board by the I/O shall be without prejudice to the I/O's authority to proceed with the filing and 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.

Based upon the information provided, accordingly, and upon the recommendation of the I/O assigned to this matter 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. §37:3351, 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. §49:955D;

IT IS ORDERED that Curtis Dwayne Palmer, RRT, who is licensed to engage in the practice of respiratory care in the state of Louisiana, as evidenced by License No. L00244, is *officially reprimanded* for the conduct identified hereinabove.

IT IS FURTHER ORDERED that within six (6) months from the effective date of this Order that Curtis Dwayne Palmer, RRT shall pay the Board a fine in the amount of two hundred fifty (\$250) dollars.

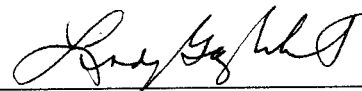
IT IS FURTHER ORDERED that any violation of this Order by Curtis Dwayne Palmer, RRT shall, upon proof of such violation, be deemed adequate and sufficient cause for such further action against his license to practice respiratory care in this state as the Board may deem appropriate, as if such violation 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 12 day of January,
2009.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY:



LINDA GAGE-WHITE, M.D., Ph.D.


President

*Acknowledgment and Consent
follows this page*

STATE OF Mississippi
Lowly
PARISH OF Forrest

**ACKNOWLEDGMENT
AND CONSENT**

I, CURTIS DWAYNE PALMER, RRT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 18th day of December, 2008.


CURTIS DWAYNE PALMER, RRT

WITNESSES:


Signature

Morrisa Barnes
Typed Name

4358 Lincoln Rd Ste 30
Address

Hattiesburg MS 39402
City, State, Zip Code

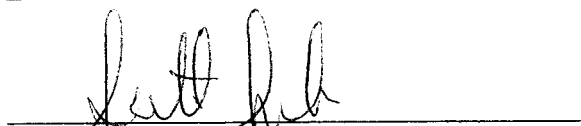

Signature

Jonathan Robertson
Typed Name

4358 Lincoln Rd Ste. 30
Address

Hattiesburg MS 39402
City, State, Zip Code

Sworn to and subscribed before me at Natchez, Mississippi, this 18th day of December, 2008, in the presence of the two stated witnesses.


Notary Public (Signature)

Scott Smith
Printed Name/Notary No.

