

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130

General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250

www.lsbme.org

Telephone: (504) 568-6820

FAX: (504) 568-8893

Writer's Direct Dial:



Ext. _____

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In The Matter of :
CINDY MARIE MALBROUGH, CRT :
(Certificate No. LT2320) :
: No. 07-1-812
: **INTERIM**
: **CONSENT ORDER**
:
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This matter is before the Louisiana State Board of Medical Examiners (the "Board") in connection with an ongoing investigation by the Investigating Officer of the Board of Cindy Marie Malbrough, CRT, ("Ms. Malbrough"), a respiratory therapist who at all pertinent times has been licensed and engaged in the practice of respiratory therapy in and around Houma, Louisiana.

Apparently reliable information gathered to date indicates that Ms. Malbrough was terminated from her position at a facility in Terrebonne Parish in July 2008 for allegations of unprofessional conduct and other derogatory information. Predicated upon such information, the Investigating Officer recommended, and Ms. Malbrough agreed, to discontinue practice and undergo a substance abuse evaluation and any recommended treatment and therapy. Ms. Malbrough was evaluated in August 2008, given a diagnosis of alcohol abuse/dependence and it was recommended that she complete an intensive outpatient substance abuse treatment program. Ms. Malbrough has not yet complied with this recommendation.

Predicated upon the information outlined above, the Investigating Officer has determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Ms. Malbrough, charging her with violation of the Louisiana Respiratory Therapy Practice Act and the Board's Rules and Regulations pertaining to Respiratory Therapists.¹

As evidenced by his subscription hereto, Ms. Malbrough acknowledges the right to have

¹ La. Rev. Stat. §37.3355(A) provides that ~the hoard may take action against the licensee or applicant who has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. La Adm. C. §46XLV.5519A(4), (5)and (13) define ~unprofessional conduct' as: (4) '[P]roviding false testimony before the Board or providing false sworn information to the Board; (5) '[H]abitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;' and (13) '[I]nability to practice respiratory care with reasonable competence. skill or safety to patients because of mental or physical illness, condition or deficiency, including but not limited to excessive use or abuse of drugs, including alcohol.'

written notification of any charges that may be asserted, as well as the right to have evidence of such charges asserted during an administrative hearing at which time she will be entitled to be represented by legal counsel, to call witnesses and to present evidence 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.* While maintaining such rights Ms. Malbrough, nonetheless, hereby consents to the indefinite suspension of her license to practice respiratory therapy in this state, with reinstatement thereof subject to the terms and conditions of this Order. By her subscription hereto, Ms. Malbrough authorizes the Investigating Officer designated by the Board with respect hereto to present this Interim Consent Order to the Board for its consideration and to fully discuss with and disclose to the Board the nature and extent of such charges and she waives any objection to such disclosures under La. Rev. Stat. §49:960. Ms. Malbrough expressly acknowledges that disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to prosecute the abovementioned charges and/or any additional administrative charges that may be filed in this matter or to the Board's capacity to adjudicate such charges.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:3358, La. Admin. C. §45:5519 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Cindy Marie Malbrough, CRT, to engage in the practice of respiratory therapy in the State of Louisiana, as evidenced by Certificate No. LT2320, be and the same is hereby, effective as of the date hereof, **INDEFINITELY SUSPENDED**.

IT IS FURTHER ORDERED that Cindy Marie Malbrough, CRT, shall not practice respiratory therapy in any form in the state of Louisiana until and unless the Board issues and serves a written decision reinstating his license to practice following: (1) receipt of satisfactory documentation that Ms. Malbrough has successfully completed any recommended treatment, is in compliance with any recommendations for therapy or monitoring offered or prescribed, and her treating physicians have determined that she is capable of resuming practice with skill and safety to patients; and (2) a meeting at the Board office with the Director of Investigations; and (3) the conclusion of the pending investigation by administrative hearing and final decision of the Board on any charges that may be filed in these proceedings including, but not limited to, those identified in this Order; or alternatively, by the Board's acceptance of a Consent Order or other order or recommendation respecting disposition of the pending investigation.

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. Malbrough shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Ms. Malbrough's license to practice respiratory therapy 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.

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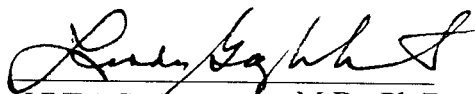
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IT IS FURTHER ORDERED that this Interim Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 16th day of March 2009.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:


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

*Acknowledgment and Consent
On Following Page*

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STATE OF LA

PARISH/COUNTY OF TERREBONNE

ACKNOWLEDGMENT
AND CONSENT

I, CINDY MARIE MALBROUGH, CRT hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 9th day of FEBRUARY, 2009.

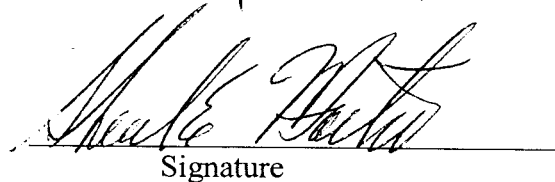

CINDY MARIE MALBROUGH, CRT

WITNESSES:


Signature

James M. Tingle
Typed Name

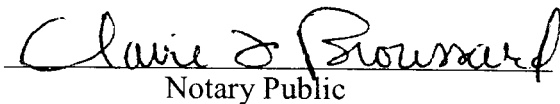
1414 BLVD ST. MARY CITY
Address LA 70380


Signature

Sherie E. Martin
Typed Name

420 LEOST PATTERSON, LA 70352
Address

Sworn to and subscribed before me at Mary City, Louisiana, this 9th day of February, 2009, in the presence of the two stated witnesses.


Notary Public

Print name _____

Bar/Notary No.: _____

