

# 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](http://www.lsbme.org)



Telephone: (504) 568-6820

FAX: (504) 568-8893

Writer's Direct Dial:

Ext. \_\_\_\_\_

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**In The Matter of:** :

**The Application of** :  
**Wayne Douglas Green, RRT** :

**No. 03-I-058**

**CONSENT ORDER FOR** :  
**ISSUANCE OF LICENSE** :  
**ON PROBATION** :  
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This matter is before the Louisiana State Board of Medical Examiners (the "Board") upon the application of Wayne Douglas Green ("Mr. Green") for a license to practice as a registered respiratory therapist ("RRT") in this state. While a review of the materials submitted in support of this applicant indicates that he satisfies the educational and other requirements necessary for licensure consideration, Mr. Green reports that during the year 1999 he entered into a Consent Agreement with the Florida Department of Health. Pursuant to such Agreement Mr. Green's license to practice respiratory care in Florida was reprimanded and placed on probation for two (2) years conditioned, among other items, on his participation in and monitoring by the Physicians' Recovery Network, abstinence from the use of controlled substances unless prescribed by another practitioner for a medically justifiable purpose and payment of a \$1,000 fine. The Order was in disposition of administrative charges asserting that Mr. Green's entry of pleas of *nolo contendere* to possession of less than twenty grams of marijuana on two occasions and battery during the years 1996 and 1997, provided sufficient cause for action against his license to practice respiratory care in that state.<sup>1</sup> All available information indicates that Mr. Green has satisfied the probationary conditions imposed upon his license by the state of Florida.

As evidenced by his subscription hereto, Mr. Green acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing would establish sufficient cause for the rejection or denial his application for licensure as a respiratory therapist in this state or such other action as the Board may deem appropriate, pursuant to the Louisiana Respiratory Therapy Practice Act, La. Rev. Stat. §37:3358.<sup>2</sup>

<sup>1</sup>*Consent Agreement and Final Order*, Dept. of Health v. Wayne Douglas Green, R.T., Florida Dept. of Health, Case No. 1997-19887 (Dec. 10, 1999 and Apr. 18, 2000, respectively). As reflected therein, Mr. Green was charged with violating Florida law that provides authority to take action against a license to practice respiratory care as the result of the conviction of crimes directly related to one's ability to deliver respiratory care and possession of a controlled substance for other than a legitimate purpose. Florida Statutes, Sections 468.365(1)(c) and 468.365(1)(g).

<sup>2</sup>Pursuant to R.S. 37:3358A(3), the Board may refuse to issue, suspend or revoke a license to practice respiratory therapy as the result of '[C]onviction of a crime . . . in any court if the acts for which he was convicted are found by the board to have a direct bearing on whether he should be entrusted to serve the public in the capacity of a respiratory therapist or a respiratory therapy technician.'

On the basis of information provided to the Board with Mr. Green's knowledge and consent, the Board is persuaded that the conditions from which he suffers may be susceptible to continued effective treatment resulting in maintenance of the ability to engage in the practice of respiratory therapy with reasonable skill and safety to patients, provided that Mr. Green strictly observes and complies with reasonable and appropriate restrictions on his license. In consideration of this finding, accordingly, and on the recommendation of its Respiratory Therapy Advisory Committee respecting his pending application, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to LSA-R.S. 37:3358A, will be effectively served by entry of the Order set forth hereinafter by consent.

Recognizing his right to have administrative adjudication of the above charges, 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. Green nonetheless hereby waives his right to formal charges and adjudication and consents to entry of the Order set forth hereinafter. By his subscription hereto, Mr. Green also acknowledges that he 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 otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by LSA-R.S. 37:3358 and LSA-R.S. 49:955D;

**IT IS ORDERED** that a license is hereby issued on probation for a period of three (3) years from the date of this Order to Wayne Douglas Green to practice as a registered respiratory therapist in the state of Louisiana, subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

**(1) Continuing Monitoring, Treatment and Therapy; Reports to Board.** Mr. Green shall submit to evaluation by a physician or other health care professional approved in writing by the Board, whose recommendations for monitoring, treatment and therapy he shall abide by and strictly adhere. Mr. Green shall authorize and cause such individual to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports and/or verbal reports should the Board desire the latter on his then-current treatment diagnosis, course of treatment, prognosis, maintenance of abstinence from controlled or other mood-altering substances and his fitness and ability to practice respiratory care with reasonable skill and safety to patients.

**(2) Board Access to Treatment Records and Reports.** By his subscription hereto Mr. Green does hereby authorize any physician or other health care professional who currently or in the future provides treatment or care or any institution at which he has or may subsequently receive treatment for chemical dependency, as well as any physician under whose care he may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with copies of all medical reports relating to Mr. Green's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. By his subscription hereto Mr. Green acknowledges that he shall immediately execute any written authorization necessary for the Board to obtain the above records or reports. Mr. Green expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and irrevocably agrees to immediately execute any necessary written authorization presented to him that permits the Board access to such records.

**(3) Drug Screens.** Mr. Green shall submit to witnessed urine, saliva, hair collection or other screens to detect the presence of alcohol, controlled or other mood-altering substances as may be directed by his monitoring health care professional. Mr. Green shall authorize and cause such health care professional to report the results of such drug screens to be submitted to the Board not less frequently than quarterly throughout the probationary period.

**(4) Maintenance of Complete Abstinence.** For as long as he maintains a license to practice respiratory care in this state Mr. Green shall maintain complete and total abstinence from the use of alcohol or any controlled or mood-altering substance except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition. Mr. Green shall personally inform his monitoring health care professional in writing within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by him for treatment of a *bona fide* medical condition.

**(5) Notification to Employers.** Mr. Green shall provide a copy of this Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides respiratory therapy in this state.

**(6) Sanction.** By his subscription hereto Mr. Green acknowledges that his receipt of written notification from the Board that it has received any report that 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 respiratory therapy in this state by the Board pending the final resolution of an administrative hearing and issuance of a final decision by the Board with respect to the information made the basis of such report.

**(7) Cooperation with Board's Medical Consultant/Probation and Compliance Officer.** Mr. Green 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, conditions and restrictions hereof. Mr. Green shall also make himself available upon reasonable notice for personal interviews with the Medical Consultant or Probation Officer of the Board or their designated representatives for the purpose of discussing his then-current compliance with the terms of this Order.

**(8) Absence from State - Effect on.** Should Mr. Green at any time 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 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 and all of its terms and conditions shall be deemed interrupted and extended and shall not commence to run until Mr. Green notifies the Board in writing that he has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance Mr. Green shall not receive credit toward the probationary period for the time during which he was absent from the state of Louisiana.

**(9) Term of Probation, Certification of Compliance, Termination of Probation.** The probationary term of this Order shall remain in effect through December 2006. Prerequisite to consideration for termination of the probationary terms and conditions of this Order Mr. Green shall provide the Board with an affidavit certifying that he has complied with all terms and conditions of this Order. The probationary period and all of its terms and conditions shall be and shall be deemed to be extended and continued in full force and effect pending Mr. Green's compliance with the requirements of this provision.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions or restrictions of this Order by Mr. Green shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Mr. Green's license to practice respiratory therapy in the state of Louisiana or for such other disciplinary action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in LSA-R.S. 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 this 20 day of January, 2004.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY: 

**ELMO J. LABORDE, M.D.**  
*President*

*Acknowledgement and Consent  
on Following Page*

STATE OF Louisiana  
PARISH OF Caddo

ACKNOWLEDGMENT  
AND CONSENT

I, WAYNE DOUGLAS GREEN, RRT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 2nd day of December, 2003.

Wayne D. Green  
WAYNE DOUGLAS GREEN, RRT

WITNESSES:

Amber D Richardson  
Signature  
Amber D Richardson  
Printed Name  
9476 Kroetz Dr  
Address  
Shreveport La 71118  
City, State, Zip Code

Kathy Welch  
Signature  
Kathy Welch  
Printed Name  
120 Julie Lane  
Address  
Stonewall, La 71078  
City, State, Zip Code

Sworn to and subscribed before me at Shreveport Louisiana, this 2nd day of December, 2003  
2003, in the presence of the two stated witnesses.

Pat Neel  
Notary Public  
PAT NEEL, NOTARY PUBLIC  
CADDO PARISH  
MY COMMISSION IS FOR LIFE