

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter of:

STACY JEAN MILLER, CRT
(License No. LT 2387)

No. 04-I-001

CONSENT ORDER

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An investigation conducted on behalf of the Louisiana State Board of Medical Examiners (Board) has developed apparently reliable information indicating that Stacey Jean Miller, CRT (Mrs. Miller), who was at all times pertinent licensed to practice respiratory care in the state of Louisiana,¹ currently suffers and for some time has suffered from dependency to controlled or mood-altering substances. Such information indicates, more particularly, that Ms. Miller's dependency has interfered with the performance on her duties on at least one occasion, that she was arrested by deputies of the Mandeville Police Department, Mandeville, Louisiana, for her acknowledged forgery of a prescription for a controlled substance obtained from her employer, and that she failed to submit to an examination to determine her competency to practice when ordered to do so by the Board or to provide the Board with a release for her medical records relating to her condition.

Predicated on the foregoing the Investigating Officer assigned to this matter, John B. Bobear, M.D., has determined that probable cause exists for recommending to the Board that an Administrative Complaint be filed in this matter charging Ms. Miller with violation of the Louisiana Respiratory Therapy Practice Act and the Board's Rules and Regulations pertaining to Respiratory Therapists.²

¹Ms. Miller's license expired December 31, 2003. Although she has not renewed her license for 2004, by virtue of the fact that she is entitled to do so for a period of two (2) years from the date of last renewal provides the Board with continuing jurisdiction. La. Adm. C. 46:XLV§2545.

²Pursuant to La. Rev. Stat. §37:3358A and La. Adm. C. §46:5519A(5), (13), (16), (17) and (19), respectively, the Board may refuse to issue, suspend or revoke a license to practice respiratory therapy as the result of: (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;' (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;' (16) '[R]efusal to submit to examination and

As evidenced by her subscription hereto, Ms. Miller acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing would establish sufficient cause for the suspension, revocation or imposition of such other terms and conditions on Ms. Miller's license and/or her right to renewal or reinstatement of such license as the Board may deem appropriate pursuant to the Louisiana Respiratory Therapy Practice Act, La. Rev. Stat. §37:3358.

On the basis of information provided to the Board with Ms. Miller's knowledge and consent, the Board is persuaded that the conditions from which she suffers may be susceptible to continued effective treatment resulting in restoration of her ability to engage in the practice of respiratory therapy with reasonable skill and safety to patients, provided that Ms. Miller strictly observes and complies with reasonable and appropriate restrictions on her license. In consideration of this finding, accordingly, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:3358(A), will be effectively served by entry of the Order set forth hereinafter by consent.

Recognizing her right to have administrative adjudication of the above charges, at which time she would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her 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., Ms. Miller, nonetheless, hereby waives her right to formal charges and adjudication and consents to entry of the Order set forth hereinafter. By her subscription hereto Ms. Miller also acknowledges that she waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, et seq., or which otherwise may be afforded to her by law, to contest her 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 La. Rev. Stat. §37:3358 and La. Rev. Stat. §49:955D;

IT IS ORDERED that the right to renewal or reinstatement of the license of Stacey Jean Miller, CRT, to practice respiratory care in this state, as evidenced by License No. LT 2387 be, and the same is hereby, **INDEFINITELY SUSPENDED**.

IT IS FURTHER ORDERED that the renewal or reinstatement of Ms. Miller's license to practice respiratory care in the state of Louisiana shall be subject to her acceptance of and strict compliance with the following terms and conditions:

inquiry by an examining committee of physicians appointed by the board to inquire into the licensee's physical and/or mental fitness and ability to practice respiratory care with reasonable skill or safety to patients;' (17) '[V]iolation of the code of ethics adopted and published by the American Association for Respiratory Therapy;' and (19) '[V]iolation of any rules and regulations of the board, or any provisions of the Act, as amended, La. Rev. Stat. §37:3351-3361.'

(a) Residential Treatment; Notice of Discharge; Records and Reports. Ms. Miller shall successfully undergo and complete residential treatment at a treatment facility (the "Treatment Facility") acceptable to the Board until discharged with the consent of her treating physicians and/or health care professionals. Within ten (10) days of her discharge from the Treatment Facility Ms. Miller shall give written notice of discharge to the Board and authorize and cause the Treatment Facility and her treating physicians and/or health care professionals at such facility to provide the Board with a complete copy of her medical records at such facility together with a written report by her treating physician as to her discharge diagnosis and prognosis and the prescriptions or recommendations for continuing outpatient and/or aftercare treatment, therapy and monitoring.

(b) Outpatient Treatment and Aftercare. Prior to or concurrently with her discharge from the Treatment Facility, Ms. Miller shall enter into and execute a treatment contract with the Treatment Facility providing for such outpatient treatment and aftercare monitoring as may be prescribed or recommended for her. Within ten (10) days of her discharge from the Treatment Facility Ms. Miller shall furnish a true copy of such contract to the Board and notify it of the name and address of her treating and monitoring physicians and/or health care professionals.

(c) Reinstatement. Ms. Miller shall not practice respiratory care in any form in the state of Louisiana until and unless the Board issues and serves on her a written order reinstating her license to practice respiratory care. As express conditions to the consideration of such order, in addition to such other conditions as are set forth hereinabove, Ms. Miller shall have been discharged from the Treatment Facility upon the recommendation of her treating physicians and the Board shall have received the opinion of two (2) physicians acceptable to the Board that her prognosis for continued abstinence from the use of mood-altering substances is good and that Ms. Miller is then capable of practicing respiratory care with reasonable skill and safety to patients, based upon their personal examination, evaluation and diagnosis of her.

(d) Personal Appearance before The Board. In connection with a request for reinstatement of her license, Ms. Miller shall personally appear before the Board or its designee to permit it to consider her compliance with the terms of this Order and to advise the Board of her intentions with respect to the practice of respiratory care.

IT IS FURTHER ORDERED that upon Ms. Miller's compliance with and satisfaction of the terms and conditions hereinabove set forth, her license to practice respiratory care in the state of Louisiana shall be reinstated by the Board, on probation, for three (3) years from the date of reinstatement; provided, however, that such reinstatement of license and her continuing exercise of rights and privileges thereunder shall be subject to her acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Continuing Monitoring, Treatment and Therapy; Reports to Board. Ms. Miller shall submit to ongoing treatment and therapy by a physician or other health care professional approved in writing by the Board, whose recommendations for monitoring, treatment and therapy she shall abide by and strictly adhere. Ms. Miller 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 her then-current treatment diagnosis, course of treatment, prognosis, maintenance of abstinence from controlled or other mood-altering substances and her fitness and ability to practice respiratory care with reasonable skill and safety to patients.

(2) Board Access to Treatment Records and Reports. By her subscription hereto Ms. Miller 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 she has or may subsequently receive treatment for chemical dependency, as well as any physician under whose care she may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor her, to provide the Board with copies of all medical reports relating to Ms. Miller's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. By her subscription hereto Ms. Miller acknowledges that she shall immediately execute any written authorization necessary for the Board to obtain the above records or reports. Ms. Miller 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 her that permits the Board access to such records.

(3) Participation in the Board's Allied Professionals Health Program. Ms. Miller shall enroll in the Board's Allied Professionals Health Program and submit to witnessed urine, saliva, hair collection or other screens to detect the presence of alcohol or other mood-altering substances throughout the probationary term. Such screenings shall occur weekly during the first six (6) months, bi-monthly for the next eighteen (18) months and every third week during the final twelve (12) months of her probationary term, or at such other times or intervals as may be directed by the Board's Probation and Compliance Officer. Ms. Miller shall authorize and cause all reports of the results of such drug screens to be promptly submitted to the Board.

(4) Maintenance of Complete Abstinence. For as long as she maintains a license to practice respiratory care in this state Ms. Miller shall maintain complete and total abstinence from the use of alcohol and any controlled or mood-altering substance except as may be prescribed by a treating physician for a bona fide medical condition. Ms. Miller shall personally inform her 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 her for treatment of a bona fide medical condition. In the event that Ms. Miller should be diagnosed with a medical condition which necessitates the ongoing use of controlled substances, Ms. Miller hereby acknowledges that she shall voluntarily withdraw from the practice of respiratory care until and unless permitted to resume in that capacity following the evaluation and determination of a physician designated by the Board that she is then capable of practicing respiratory care with reasonable skill and safety to patients.

(5) Notification to Employers. Ms. Miller shall provide a copy of this Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom she provides respiratory care in this state.

(6) Sanction. By her subscription hereto Ms. Miller acknowledges that her receipt of written notification from the Board that it has received any report which indicates her failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing her with any right to which she 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 her by law, constitute her irrevocable consent to the immediate suspension of her license to practice respiratory care 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. Ms. Miller shall immediately notify the Board's Probation and Compliance Officer of any change in her current home and professional addresses and telephone numbers and she shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms, conditions and restrictions hereof. Ms. Miller shall also make herself 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 her compliance with the terms of this Order.

(8) Absence from State - Effect on Absence. Should Ms. Miller 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, she will so advise the Board in writing. In such instance the probationary period ordered herein and all terms and conditions thereof, shall be deemed interrupted and extended and shall not commence to run until Ms. Miller notifies the Board in writing that she has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance Ms. Miller shall not receive credit toward the

probationary period for the time during which she was absent from the state of Louisiana.

(9) Term of Probation, Certification of Compliance, Termination of Probation.

Prerequisite to consideration for termination of the probationary terms and conditions of this Order Ms. Miller shall provide the Board with an affidavit certifying that she 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 Ms. Miller's compliance with the requirements of this provision.

IT IS FURTHER ORDERED that any violation of or strict compliance with any of the terms, conditions or restrictions of this Order by Stacey Jean Miller, CRT, shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of her license to practice respiratory care 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 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 this 19th day of April, 2005.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY: K E LeBlanc MD
KIM EDWARD LEBLANC, M.D., PH.D.
President

*Acknowledgement and Consent
on Following Page*

STATE OF Louisiana
PARISH OF Jefferson

ACKNOWLEDGMENT
AND CONSENT

I, Stacey Jean Miller, CRT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 14 day of March, 2005.

Stacey Jean Miller, CRT
STACEY JEAN MILLER, CRT

WITNESSES:

Maxine John
Signature
MAXINE John
Printed Name
Gretna, LA 70056
Address
City, State, Zip Code

Denise Ansley
Signature
DENISE Ansley
Printed Name
Gretna LA 70056
Address
City, State, Zip Code

Sworn to and subscribed before me at 14, MARCH, on this 2005
Jefferson Parish LA
day of _____, 2005, in the presence of the two stated witnesses.

Theodore W Nass
Notary Public
Theodore W Nass
Notary Printed Name

Notary #

Bar # 09897