

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NUMBER: 03-A-016

IN THE MATTER OF:

DONALD ROBINSON
(CERTIFICATE NO. N10534)

OPINION AND RULING

This matter comes before the Board pursuant to an Administrative Complaint to deny the application of Donald L. Robinson, Jr. for licensure as a Phlebotomist in Louisiana. Mr. Robinson has requested a hearing on the matter.

The record reveals that Mr. Robinson first applied for licensure as a Phlebotomist in February, 2002. The application was returned to him because of a number of technical defects, including his failure to include a notarized explanation of a "yes" answer to the question "Have you, either as a adult or juvenile, been cited, arrested, charged, convicted or pled nolo contendere to, violation of any State statute?"

In August, 2002, Mr. Robinson sent to the Board the following explanation of his "yes" answer, but without having it properly notarized:

"This correspondence is in reference to the incomplete application submitted for a phlebotomy license. The application was incomplete because there was not a response written in reference to the 'yes' response for a state statute conviction. In September of 2000, I pleaded nolo contendere for carnal knowledge. I received a sentence of three years of probation. I was advised by my attorney and judge to take this plea to expedite an expungement. The

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judge did in fact terminate the probation based on the weakness of the case. All matters have been resolved in this case. The case is closed and I am not on probation or incarcerated.”...

Thereafter, on February, 14, 2003, Mr. Robinson was notified of the Board’s intent to deny his application, based on information revealed by his criminal background check, and upon the recommendation of the Clinical Laboratory Personnel Committee. He was further advised that, unless he requested an evidentiary hearing within fourteen days of the date of the letter, the Board’s decision to deny licensure would become final as of March 14, 2003.

On July 16, 2003, Mr. Robinson once again sent an unsworn letter to the Board, containing substantially the same information as the letter quoted above.

On July 28, 2003, despite the fact that the decision to deny licensure had become final, the Board notified Mr. Robinson that it was deferring a decision on his request for licensure “until such time as a date can be determined for you to appear and provide the Board with information that will allow them the opportunity to make a more knowledgeable decision.” Apparently the Administrative Complaint herein was filed pursuant to that letter.

The evidence in this case shows that Mr. Robinson was arrested on March 29, 1999, for simple battery. No disposition of this charge was shown. On April 26, 2000, he was charged in a bill of information with carnal knowledge of a fourteen year old girl. On September 27, 2000, Mr. Robinson, represented by counsel, pled guilty to the charge. On October 12, 2000, he was sentenced to three years hard labor, which was suspended, and he was placed on three years active probation. On November 13, 2000, he was ordered to comply with the sex offender notification and registration requirements. On July 25, 2002, his probation was ordered terminated satisfactorily.

Other entries on Mr. Robinson’s record show an arrest for domestic violence in November, 2002, with no disposition; an arrest for disturbing the peace, in July, 2003, with no disposition; and an arrest for reckless operation of a motor vehicle in November, 2002, with no disposition. All of these offenses occurred after Mr. Robinson’s application was filed, but were never revealed to the Board by him during subsequent proceedings.

On the stand, testifying on his own behalf, Mr. Robinson stuck to his story that he has pled nolo contendere, and that his probation was terminated due to the weakness of the case against him. The police records in evidence herein reveal that the case against Mr. Robinson was quite strong.

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Although our denial of Mr. Robinson's application has been final since March 14, 2003, we have nonetheless re-examined the application and the accompanying exhibits. It is clear that Mr. Robinson misrepresented to the Board the circumstances of the case against him. His signature and initials on various documents in the record make it clear that he was fully aware of what he was doing. He says that his lawyer and the judge were the source of the information which he gave the Board. However, he also says that he is a senior in college, and we cannot believe that he did not understand what he was doing. As we have said on many occasions in the past, it is essential that applicants for licensure in this State be entirely candid with the Board in matters of this kind. It is not only the fact that he is a convicted felon, but his lack of candor with the Board that compel us to the conclusion that Mr. Robinson is not a suitable candidate for licensure as a Phlebotomist. We reaffirm our denial of his application.

NEW ORLEANS, LOUISIANA, this 27th day of March, 2004.

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BY: KIM E. LEBLANC, M.D., PRESIDENT