

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



830 Union Street, Suite 100
Telephone: (504) 524-6763
New Orleans, LA 70112-1499

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In Re: :

Application of :
SHEILA SCHMIDT BREATH :
For Respiratory Therapy Technician :
Temporary Permit :

CONSENT ORDER
FOR ISSUANCE OF
TEMPORARY PERMIT

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This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Sheila Schmidt Breath (the "Applicant" or "Ms. Breath") for an eighteen-month temporary permit as a respiratory therapy technician, pursuant to La. Rev. Stat. § 37:3357(E)(1). While the Applicant is otherwise qualified for issuance of such permit, it appears from the application that, in March 1986 Ms. Breath was convicted of felony theft in the District Court for Jefferson Parish, Louisiana, relating to her embezzlement of funds from a friend's employer to support an addiction to narcotic analgesics, developed during her hospitalization for emergency surgery in March 1985. Such acknowledged abuse of controlled substances and criminal conviction would, if established in evidentiary hearing on Ms. Breath's application, provide sufficient legal cause for the Board to deny her application. La. Rev. Stat. § 37:3358(A)(2), (3).

The Board is advised, however, that since her surrender to authorities in July 1986 and her incarceration for seven weeks thereafter pending bail, Ms. Breath has successfully maintained abstinence from abuse of controlled substances. It also appears that Ms. Breath voluntarily submitted to intensive group and individual therapy for a period of six months between her initial release and her subsequent incarceration for over eight months upon her conviction. Following her release from the Jefferson Parish Correctional Center in late 1986, she has been steadily employed. In April 1989 she entered a respiratory therapy training program at the Jefferson Parish Vocational-Technical School, a program she completed in June 1990 with a grade point average among the highest in her class. Subject to the Board's favorable action on her application, she has been offered employment as a respiratory therapy technician at the West Jefferson Medical Center, under the supervision of Thomas H. Grimstad, M.D. The psychiatric social worker who conducted Ms. Breath's individual therapy from 1985 to 1986 has confirmed to the Board that the Applicant

remained drug-free throughout therapy and expressed her support for issuance of a temporary permit.[†]

Based on such information, and consistent with the recommendations of its Licensure Committee, the Board has concluded that the Applicant is currently capable of engaging in practice as a respiratory therapy technician with reasonable skill and safety to patients and that, accordingly, an 18-month temporary permit as a respiratory therapy technician may be issued to the Applicant, subject to appropriate, specified terms and conditions as hereinafter stipulated.

By her subscription hereto, Ms. Breath acknowledges the substantial accuracy of the foregoing statement of material facts, hereby waives hearing on her application pursuant to La. Rev. Stat. § 37:3358(B), and hereby consents to entry of the order set forth below. Accordingly,

IT IS ORDERED that, upon her completion of all applicable requirements and procedures and submission of all documentation requisite to application, and in the absence of other grounds appearing for denial, a temporary permit as a respiratory therapy technician, valid for a period of eighteen (18) months from the date hereof, shall be issued to Sheila Schmidt Breath, conditioned upon and subject to her acceptance of and strict and continuing compliance with the following terms and conditions:

(a) *Maintenance of Abstinence.* Ms. Breath shall maintain complete and total abstinence from the use of any and all mood-altering controlled substances, except as the same may be legitimately prescribed, ordered or dispensed to or for her by a physician.

(b) *Restriction, Supervision of Practice.* Ms. Breath shall engage in practice as a respiratory therapy technician solely and exclusively at, and in the employment of, the West Jefferson Medical Center ("WJMC"), or at such other institution as may be approved by the Board in writing, under the direction and supervision of Thomas H. Grimstad, M.D. ("Dr. Grimstad"), or such other physician as may be approved in writing by the Board.

(c) *Notice to Employing Institution, Physician; Reporting.* Ms. Breath shall, within 10 days of the date hereof, provide the Board with written documentation that she has furnished a copy of this Consent Order to WJMC and Dr. Grimstad. Ms. Breath shall further authorize WJMC and Dr. Grimstad to furnish the Board, from time to time as the Board may request during the effectiveness of the temporary permit issued hereby, with written reports regarding her performance as a respiratory therapy technician and her continuing compliance with the terms and conditions of this Consent Order

IT IS FURTHER ORDERED that any violation of or failure of strict compliance by Sheila Schmidt Breath with any of the conditions set forth by this Order shall be deemed adequate and sufficient cause for the immediate, summary and final revocation of Ms. Breath's temporary permit as a respiratory therapy technician and Ms. Breath, by her

[†]Letter, J. R. Williams, B.C.S.W. to La. State Bd. Med. Exam. (May 31, 1990).

subscription and consent hereto, agrees that she will not contest any such action by the Board.

New Orleans, Louisiana, this 4th day of August, 1990.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: Elmo J. Laborde, M.D.
President

**ACKNOWLEDGEMENT
AND CONSENT**

I, SHEILA SCHMIDT BREATH., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, and to the conditions of the respiratory therapy permit stated therein, this 3rd day of August, 1990.

Sheila Schmidt Breath
Sheila Schmidt Breath

Witness:

Paula M. Jensen