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No. 95-I-060

CONSENT ORDER

An investigation conducted by the Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board") has developed apparently reliable information which indicates that George B. Haynes, C.R.T. ("Mr. Haynes"), a certified respiratory therapy technician licensed to practice in the state of Louisiana, was charged by the Mississippi State Board of Health ("Mississippi Board"), which regulates respiratory therapists in the state of Mississippi, with dishonest or unethical conduct, aiding or abetting others in violation of the law and engaging in conduct considered by the Mississippi Board to be detrimental to the profession of respiratory care, all in violation of the laws of Mississippi (the "charges"). Such charges resulted from Respondent's alleged misappropriation of co-insurance funds from his former employer, Ambulatory Equipment Services, Inc., and falsification of documents during the course of his employment.¹ A hearing of such charges was scheduled on September 6, 1995.² In response to such charges, on August 25, 1995, Mr. Haynes entered into a Consent Agreement (hereinafter referred to as the "Agreement") with the Mississippi Board, suspending his license to practice respiratory care in the state of Mississippi for a period of two (2) years,

¹Corr., Rebecca L. Thames, Special Asst. Att. Gen., to George B. Haynes (Aug. 4, 1995).

²Notice of Hearing; *In the Matter of the Respiratory Care Practitioner License of George B. Haynes*, pending before the Miss. St. Bd. of Health (Aug. 25, 1995).

commencing September 1, 1995, and thereafter placing any reinstated license on probation for an additional period of two (2) years.³

Investigation of the captioned matter was assigned to John B. Bobear, M.D., the Medical Consultant/Director of Investigations for the Board. Dr. Bobear's review and analysis of the matter confirms to his satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Mr. Haynes, charging him with violations of the Louisiana Respiratory Therapy Practice Act (the "Act"), La. Rev. Stat. §§37:3351-61⁴ and the Board's Rules and Regulations concerning the practice of Respiratory Therapy, La. Admin. C. §§45:2501-5521.⁵

As evidenced by his subscription hereto, Mr. Haynes acknowledges the substantial accuracy of the foregoing information as recited hereinabove and, further, that proof of such information upon an administrative evidentiary hearing would establish grounds under the Act and the Board's Rules and Regulations concerning the practice of Respiratory Therapy, for the suspension, revocation or imposition of such other terms, conditions or restrictions as the Board might deem appropriate on his license to practice respiratory therapy in the state of Louisiana.

On the basis of the information provided to the Board, with Mr. Haynes' knowledge and consent, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of respiratory therapy, La. Rev. Stat. §37:3351 and La. Admin. Code §45:5517, will be effectively served by entry of the Order set forth hereinafter, by consent.

³Consent Agreement, *In the Matter of the Respiratory Care Practitioner License of George B. Haynes*, pending before the Miss. St. Bd. of Health (Aug. 25, 1995).

⁴Pursuant to La. Rev. Stat. §37:3358A(2), the Board may refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions on the license of a respiratory therapist as the result of '[B]eing found guilty of unprofessional conduct, as defined by the policies established by the board, or violating the code of ethics adopted and published by the American Association for Respiratory Therapy.'

⁵La. Admin. C. §45:5517 provides that the Board may take action against the license of a respiratory therapist 'if the licensee ... has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public'; §45:5519A(17) provides that the Board may take action against the license of a respiratory therapist as a result of '[v]iolation of the code of ethics adopted and published by the American Association for Respiratory Therapy.'

Recognizing his right to have notice of such allegations and charges asserted against him reduced to writing, to an administrative adjudication of such charges, at which time Mr. Haynes 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. §§49:955-965, Mr. Haynes, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Mr. Haynes acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Respiratory Therapy Practice Act, the Louisiana Administrative Procedure Act 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 relating to the matters referred to herein. By his subscription hereto, Mr. Haynes also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Mr. Haynes expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer, or his legal counsel, shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

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 the license of George B. Haynes to engage in the practice of respiratory therapy in the state of Louisiana, as evidenced by Certificate No. LT1085, be and the same is hereby, effective as of the date hereof, indefinitely **SUSPENDED**; and

IT IS FURTHER ORDERED that the above order of suspension be and the same is hereby stayed and Mr. Haynes' license placed **ON PROBATION** for a period of four (4) years from the effective date of this Order; *provided, however*, that Mr. Haynes' continuing exercise of the rights and privileges thereunder, shall be conditioned upon his acceptance of and strict compliance with the following minimum terms, conditions and restrictions:

- a) **Practice of Respiratory Therapy in Louisiana Prohibited During the Term of Probation.** Mr. Haynes shall not engage in the practice of respiratory therapy in the state of Louisiana during the term of the probationary period imposed hereunder.
- b) **Satisfaction of Terms and Conditions Imposed by the Mississippi Board.** As a prerequisite to relocating to Louisiana for the purpose of engaging in the practice of respiratory therapy in this state, Mr. Haynes shall have an unrestricted license to practice respiratory therapy in the state of Mississippi, having successfully completed his period of active suspension and each of the terms imposed upon his Mississippi license by the Mississippi Consent Agreement referred to hereinabove and/or any subsequent Order which may be issued by the Mississippi Board, all of which are incorporated herein by reference. Mr. Haynes shall, and does by his subscription hereto, authorize the Mississippi Board to provide the Board with written and verbal reports relative to the status of his license and his compliance with the terms and conditions imposed by the Order.
- c) **Notice of Relocation to Louisiana and Personal Appearance Before Board.** In the event that Mr. Haynes should decide to relocate to Louisiana for the purpose of practicing respiratory therapy, following the satisfaction of his probationary period and those terms set forth in paragraphs (a) and (b) above, he shall contact the Board at least sixty (60) days in advance of his return to Louisiana to arrange an appearance before the Board at its next regularly scheduled meeting. At such meeting, Mr. Haynes shall demonstrate his compliance with each and all of the terms imposed upon him by this Consent Order, and he shall discuss with the Board his intended plans for the practice of respiratory therapy in this state.
- d) **Verification of Compliance/Probation Officer.** Mr. Haynes shall immediately notify the Board's Compliance/Probation Officer of any change in his current home and professional addresses and telephone numbers, and he shall cooperate with the Compliance/Probation Officer on all matters or inquiries pertaining to

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the conditions of his probation or his continued practice of respiratory therapy.

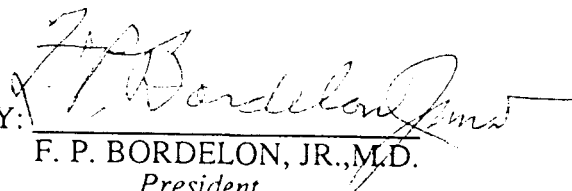
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions and restrictions of this Order as set forth hereinabove, shall be deemed adequate and/or sufficient cause, upon proof of such violation or failure, for the suspension and/or revocation of the license of George B. Haynes to engage in the practice of respiratory therapy in the state of Louisiana, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:3358 and La. Admin. C. §§45:5517 and 5519.

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

New Orleans, Louisiana, and effective on this 21 day of March 1996.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY:


F. P. BORDELON, JR., M.D.
President

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**ACKNOWLEDGMENT
AND CONSENT**

I, GEORGE B. HAYNES, CRT, HEREBY ACKNOWLEDGE, APPROVE,
ACCEPT AND CONSENT to entry of the above and foregoing Order, this 21 day of
February, 1996.



GEORGE B. HAYNES, CRT

WITNESS:

Christine