

Louisiana State Board of Medical Examiners

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In The Matter of

ANTHONY CARROLL SCALIA, L.R.T.
(Certificate No. 000420)
Respondent

No. 10-I-735
INTERIM
CONSENT ORDER

This matter is before the Louisiana State Board of Medical Examiners (the "Board") in connection with an ongoing investigation by the Investigating Officer of the Board of Anthony Carroll Scalia, L.R.T., ("Mr. Scalia"), a respiratory therapist who at all pertinent times has been licensed and engaged in the practice of respiratory therapy in the state of Louisiana.

Apparently reliable information gathered to date indicates that Mr. Scalia has been receiving prescriptions for controlled substances, which has the potential for impairing his ability to practice respiratory therapy, and has failed to undergo an in-patient evaluation to assess his ability to practice respiratory therapy with skill and safety to patients. Such information further indicates that Mr. Scalia has had several criminal arrests or convictions involving alcohol related incidents, and although he agreed to be monitored by the Board, he has failed to maintain abstinence from the use of mood altering substances, and he has failed to accurately and timely notify the Board's Compliance Officer of his prescriptions. Predicated upon such information, the Investigating Officer recommended, and Mr. Scalia agreed, to discontinue practice until he undergoes substance abuse evaluation and any recommended treatment and therapy.

Predicated upon the information obtained to date, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists for filing an Administrative Complaint with the Board charging Mr. Scalia with violation of the Louisiana Respiratory Therapy Practice Act and the Board's Rules and Regulations pertaining to

Respiratory Therapists.¹ Investigation of the therapist's conduct is on going and continuing.

As evidenced by his subscription hereto, Mr. Scalia acknowledges the right to have written notification of any charges that may be asserted, as well as the right to have adjudication of such charges during an administrative hearing at which time he will be entitled to be represented by legal counsel, to call witnesses and to present evidence 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.* Irrespective of such rights Mr. Scalia, nonetheless, hereby consents to the indefinite suspension of his license to practice respiratory therapy in this state, with reinstatement thereof subject to the terms and conditions of this Order. Moreover, by his subscription hereto, Mr. Scalia authorizes the Investigating Officer designated by the Board with respect hereto to present this Interim Consent Order to the Board for its consideration and to fully discuss with and disclose to the Board the nature and extent of such charges and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Mr. Scalia expressly acknowledges that disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to prosecute any administrative charges that may be filed in this matter following completion of the current investigation or to the Board's capacity to adjudicate such charges. 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. §49:955(D);

IT IS ORDERED that the license of Anthony Carroll Scalia, L.R.T., to engage in the practice of respiratory therapy in the State of Louisiana, as evidenced by Certificate No. 000420, be and the same is hereby, effective as of the date hereof, **INDEFINITELY SUSPENDED**.

IT IS FURTHER ORDERED that Anthony Carroll Scalia, L.R.T. shall not practice respiratory therapy in any form in the state of Louisiana until and unless the Board issues and serves a written decision reinstating his license to practice following: (1) receipt of satisfactory documentation that Mr. Scalia has successfully completed a recent evaluation (within sixty (60) days), at a facility approved by the Board, is in compliance with any on-going treatment recommendations, and his treating physicians have determined that he is capable of returning to practice with skill and safety to patients; (2) a meeting with the Investigating Officer for the Board; and (3) the conclusion of the pending investigation by administrative hearing and final decision of the Board on any charges that may be filed in these proceedings including, but not limited to, those identified in this Order; alternatively, (4) by the Board's acceptance of a Consent Order or other Order or recommendation respecting disposition of such charges and investigation.

¹ La. Rev. Stat. §37.3358(A) provides that ~the board may take action against the licensee or applicant who has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public, to include: (7) 'Habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;' and (15) 'Inability to practice respiratory therapy with reasonable competence, skill, or safety to patients because of mental or physical illness, condition, or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol.' The Board's rules provide the same bases for Board action. La. Admin. Code Title46, Part XLV, § 5519.A. (5), (13).

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Mr. Scalia shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Mr. Scalia's license to practice respiratory therapy in the state of Louisiana or for such other 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 Interim Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana on and effective this 15th day of October, 2010.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: Mark Dawson MD
MARK H. DAWSON, M.D.
President

*Acknowledgment and Consent
On Following Page*

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STATE OF LOUISIANA

PARISH OF Orleans

**ACKNOWLEDGMENT
AND CONSENT**

I, ANTHONY CARROLL SCALIA, L.R.T., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 23rd day of Sept., 2010.

Anthony C. Scalia
ANTHONY CARROLL SCALIA, L.R.T.

WITNESSES:

Adrienne Garner
Signature

Annette Herrington
Signature

Adrienne Garner
Printed Name

Annette Herrington
Printed Name

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Address Monroe, La 71201

2116 Forsythe Ave Monroe, LA
Address

Sworn to and subscribed before me at Monroe, Louisiana, this 23rd day of Sept., 2010, in the presence of the two stated witnesses.

Notary Public (and Seal)

Print name C. BRYAN RACER
Notary Public State of Louisiana
Bar/Notary No.: No. 24196
Commission Expires at Death