

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:	:	No. 94-I-068-X
	:	
Kenneth Michael Lang, R.N., R.R.T.	:	
(Certificate No. L00432)	:	CONSENT
	:	ORDER
	:	_____

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board") following receipt of information which revealed that a comprehensive investigation was conducted by the Louisiana State Board of Nursing ("Nursing Board") into the nursing practice and conduct of Kenneth Michael Lang ("Mr. Lang"). The investigation, which commenced during the year 1993, indicates that Mr. Lang violated the Statute Governing the Practice of Nursing for the State of Louisiana, La. R.S. 37:911 et seq. and particularly La. R.S. 37:921 in that Mr. Lang was convicted of a felony, having pleaded guilty on August 20, 1993 in the Criminal District Court for the Parish of Orleans to a bill of information charging him with the crime of vehicular homicide, a violation of La. R.S. 14-32. The Nursing Board further found that on September 7, 1993 Mr. Lang had been sentenced to serve six (6) years at hard labor, suspended, and placed on active probation for five (5) years with Special Conditions.

In disposition of the investigation, the Nursing Board conducted a hearing on February 22, 1994 wherein evidence was taken and wherein Mr. Lang admitted his arrest and conviction in Orleans Parish of vehicular homicide. At the conclusion of the evidence and deliberation, the Nursing Board entered a Final Order on March 10, 1994 allowing Mr. Lang to retain his nursing license but placing him on probation with restrictions and

conditions, including - but not limited to - quarterly reports of compliance with the requirements of the court ordered probation during its term of probation, submission for comprehensive substance abuse evaluation, quarterly performance evaluation reports from nursing supervisors for a period of two (2) years.<sup>1</sup>

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. Lang, charging him with violation of the Louisiana Respiratory Therapy Practice Act (the "Act") pursuant to La. Rev. Stat. § 37:3358 A(3).<sup>2</sup>

As evidenced by his subscription hereto, Mr. Lang acknowledges the substantial accuracy of the foregoing information and, further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, revocation or such other action as the Board might deem appropriate against his license to practice respiratory therapy in the State of Louisiana, pursuant to La. Rev. Stat. §37:3385 A(3).

Recognizing his right to have notice of any allegation or charge asserted against him, to administrative adjudication of such allegation or charge, pursuant to La. Rev. Stat. §§49:955-58, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Mr. Lang, nonetheless, hereby waives his right to formal charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Mr. Lang acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act or to which otherwise may be afforded to him by law, to

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<sup>1</sup> Final Order, In the Matter of Kenneth M. Lang, Louisiana State Board of Nursing, New Orleans, Louisiana, March 10, 1994.

<sup>2</sup> La. Rev. Stat. §37:3358 A(3) reads as follows: "A. The board may refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions if the licensee or applicant for license has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include: (3) Conviction of a crime other than a minor offense in any court if the acts for which he was convicted are found by the board to have a direct bearing on whether he should be entrusted to serve the public in the capacity of a respiratory therapist or a respiratory therapy technician."

contest his agreement to, or the force and effect of the Board's investigation or this document in any court. Mr. Lang, furthermore, 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 Mr. Lang waives any objection to such disclosures under La. Rev. Stat. §49:960. Mr. Lang 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.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:3351, will be effectively served by entry of the Order set forth hereinafter, by consent.

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 Kenneth Michael Lang, to engage in the practice of respiratory therapy in the State of Louisiana, as evidenced by Certificate No. L00432, be, and the same is hereby, placed on **INDEFINITE PROBATION**, from the effective date hereof.

**IT IS FURTHER ORDERED** that Mr. Lang shall not practice respiratory therapy in any form in the State of Louisiana until and unless the Board issues and serves on him a written order permitting him to practice respiratory therapy.

**Satisfaction of Terms and Conditions Imposed by the Louisiana State Board of Nursing.** Mr. Lang shall satisfactorily comply with and complete all probationary terms, conditions and restrictions imposed upon his nursing license by the Louisiana State Board of Nursing. Should Mr. Lang seek to practice respiratory therapy, he shall provide the Louisiana State Board of Medical Examiners with satisfactory proof of such compliance and completion and that he holds a free and unrestricted nursing license with the Nursing Board.

**IT IS FURTHER ORDERED** that upon Mr. Lang's compliance with and complete and continuing satisfaction of the terms and conditions hereinabove set forth, he may, should he desire, seek permission to practice respiratory therapy in the State of Louisiana, **ON PROBATION**; *provided, however*, that permission to practice respiratory therapy shall be conditioned upon his acceptance of and strict compliance with the following minimum terms, conditions and restrictions:

- a) **Personal Appearance Before the Board.** He shall not practice respiratory therapy in any form in the State of Louisiana until he has personally appeared before the Board and has demonstrated to their satisfaction that he is in full, current compliance with the Nursing Board's Order.
- b) **Additional Probationary Terms.** Mr. Lang agrees to accept additional probation, additional terms, conditions or restrictions which in the sole discretion of the Board it may deem necessary in order for him to resume practice of respiratory therapy.

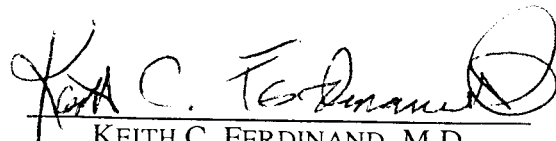
**IT IS FURTHER ORDERED** that any violation by or failure by Mr. Lang of strict compliance with any of the terms, conditions or restrictions set forth by this Order, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of his license to practice respiratory therapy in the State of Louisiana, as well as any right to renewal and/or reinstatement thereof, 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.

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

New Orleans, Louisiana, this 21 day of August, 1997.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY:



KEITH C. FERDINAND, M.D.  
PRESIDENT

**ACKNOWLEDGMENT  
AND CONSENT**

I, Kenneth Michael Lang, R.N., R.R.T., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 11th day of August, 1997.

Kenneth M Lang  
Kenneth Michael Lang, R.N., R.R.T.

**WITNESSES:**

Brett Prendergast  
Printed Name  
Brett Prendergast  
Signature  
Suite 1641, 210 BARRONNE, N.O., LA  
Address 70112

Carol Duchmann  
Printed Name  
Carol Duchmann  
Signature  
8951 Curran Blvd.  
Address

STATE OF LOUISIANA

PARISH OF

Orleans

Sworn to and subscribed before me Notary Public and in the presence of the two named witnesses, this 11th day of August, 1997, at New Orleans, Louisiana.

Leanne J. Munn  
Notary Public