

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF :
OF : NO. 90-A-004
JOHN THOMAS MCGLOTHIN, LRT :
(Certificate No. L00462) :
Respondent : **DECISION**

An administrative hearing was convened before the Louisiana State Board of Medical Examiners (the Board) on Thursday, August 23, 1990, to adjudicate alleged violations of the Louisiana Respiratory Therapists Act by John Thomas McGlothlin, LRT (the Respondent). Present representing the Board was a quorum of its membership including Drs. Ferdinand, Kaplan, Bordelon and Muslow. Also present were Respondent's legal counsel, Mr. Victor Bradbury; Messrs. L. Thomas Styron and Phillip Bergeron, attorneys for the Board; and James J. Thornton, Independent Counsel for the Board. The Respondent was not personally present at the hearing. Dr. Laborde took no part in either the hearing or the decision of the Board.

After consideration of the evidence which consisted of documentary evidence and the sworn testimony of two witnesses, Messrs. A. Eric Kent and Ivan Hamilton, the Board renders the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. At all times pertinent to the allegations and charges brought by the Board, Respondent was licensed by the Board to practice respiratory therapy in the State of Louisiana pursuant to the Louisiana Respiratory Therapists Act, LSA-R.S. 37:3351-61, as evidenced by Certificate No. L00462.

2. At all times pertinent to the allegations and charges brought by the Board, Respondent was engaged in the practice of respiratory therapy in the State of Louisiana, principally in the New Orleans area.

2.

3. On the evening of December 20, 1989, as an employee of American Nursing Services, Inc., and while assigned to duties at Ochsner Foundation Hospital in New Orleans, Louisiana, Respondent recorded false entries on at least five patient charts documenting therapy allegedly performed when, in fact, no therapy had been performed.

4. Respondent was dismissed after an investigation disclosed that the entries were false. Respondent was relieved of his duties at the hospital and dismissed, and Respondent's employer was notified of his conduct.

5. On January 9, 1990, Respondent was assigned to duties at Children's Hospital in New Orleans for respiratory therapy services for the night shift by his employer, American Nursing Services, Inc. On this assignment, Respondent recorded false entries on at least four patient charts documenting therapy allegedly performed, when, in fact, no therapy had been performed.

6. Respondent was dismissed after an investigation disclosed that the entries were false. Respondent was relieved of his duties at the hospital and dismissed, and Respondent's employer was notified of his conduct.

7. In the summer of 1989 in an application to the Louisiana State Board of Medical Examiners for licensure as a respiratory therapist, Respondent, under oath, denied that he had ever been charged with or convicted of any criminal violations. In fact, in 1983, Respondent was convicted in Mississippi of one count of false pretense and five counts of forgery.

CONCLUSIONS OF LAW

1. Through his actions at Ochsner Foundation Hospital and Children's Hospital in New Orleans, in which he made false entries on at least nine patients' charts documenting therapy that he never performed, Respondent violated Section 3358A(2) of Title 37 of the Louisiana Revised Statutes (the Louisiana Respiratory Therapists Act) which prohibits unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public.

3.

2. Respondent's misrepresentation under oath in his application for licensure constitutes a violation of Section 3358A(1) of Title 37 of the Louisiana Revised Statutes (the Louisiana Respiratory Therapists Act) which prohibits obtaining a license by means of fraud, misrepresentation or concealment of material facts.

3. Lawful cause exists for the suspension or revocation of Respondent's license to practice respiratory therapy in the State of Louisiana pursuant to LSA-R.S. 37:3358.

DECISION

Considering the foregoing:

IT IS ORDERED that the license of John Thomas McGlothin, LRT, to practice respiratory therapy in the State of Louisiana, as evidenced by Certificate No. L00462 is revoked.

September 7, 1990

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

BY  