

BEFORE THE
LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS

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In The Matter Of	:	
	:	91-I-025
MICHAEL DAVID NIXON, RTT (Certificate No. LT 1249),	:	CONSENT ORDER
<i>Respondent.</i>	:	_____

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On March 3, 1990, Respondent submitted an application to the Louisiana State Board of Medical Examiners ("Board") seeking certification and licensure as a Respiratory Therapy Technician in the state of Louisiana. The application requested information concerning any prior criminal charges or convictions. An investigation conducted on behalf of the Board, however, has developed apparently reliable information which indicates that Mr. Nixon failed to report, and in fact denied under oath on his application, the existence of at least seven charges and/or convictions for a variety of offenses in violation of Louisiana and/or Florida state statutes.¹

Predicated on the information received during the course of the investigation, the above-entitled and numbered proceeding was noticed and docketed for hearing before the Board upon Administrative Complaint, specifying alleged violations of the Louisiana Respiratory Therapy Practice Act, LSA-R.S. §§37:3351-61, to-wit: "[o]btaining a license by means of fraud, misrepresentation, or concealment of material facts." LSA-R.S.

¹Information gathered in the investigation indicates: (1) On April 12, 1974, Respondent was arrested in Escambia County, state of Florida, and charged with the sexual offense of an unnatural lascivious act, in violation of Florida State Statute FL.800-42. Following adjudication of the charge, Respondent was placed on one (1) year probation with stipulated provisions; (2) On October 18, 1974, Respondent was arrested and charged with simple burglary in the city of New Orleans, state of Louisiana, in violation of Louisiana State Statute LSA-R.S. §14:62; (3) On November 26, 1974, Respondent was arrested, charged with and convicted of theft in the Parish of Orleans, state of Louisiana, in violation of Louisiana State Statute LSA-R.S. §14:67, and was given a three-month term of incarceration as his sentence; (4) On April 30, 1978, Respondent was arrested and charged with driving while intoxicated in the parish of Orleans, state of Louisiana, in violation of Louisiana State Statute LSA-R.S. §14:98; (5) On June 4, 1988, Respondent was charged a second time with driving while intoxicated in the parish of Orleans, state of Louisiana, in violation of Louisiana State Statute LSA-R.S. §14:98; (6) On July 29, 1988, Respondent failed to appear for an appointed court date with respect to his second charge of driving while intoxicated and a warrant was issued for his arrest. Bond in the amount of \$2,000.00 was set by the Court. Respondent has yet to respond to the arrest warrant which was issued; and (7) On December 19, 1989, Respondent was arrested in Escambia County, Florida, and charged with larceny, in violation of Florida State Statute FL.812-014.

§37:3358.²

Mr. Nixon has acknowledged receipt of the Administrative Complaint and Notice of Hearing. At the same time, he has advised the Board that he has no intention to engage in the practice of Respiratory Therapy as a Respiratory Therapy Technician in the state of Louisiana now or at any time in the future. As an alternative to formal adjudication, Mr. Nixon acknowledged that he would consent to the revocation of his license to practice as a Respiratory Therapy Technician in the state of Louisiana and any right or entitlement to reapply or seek reinstatement of such licensure in this state.

Mr. Nixon, recognizing his right to have the allegations and charges asserted in the aforesaid Administrative Complaint adjudicated, pursuant to LSA-R.S. §§49:955-58, and to a final decision rendered upon written findings of fact and conclusions of law, nonetheless, hereby waives his right to formal adjudication and, pursuant to LSA-R.S. §49:955D, consents to entry of the Order set forth hereinafter. By his subscription hereto, Mr. Nixon also hereby authorizes the Investigating Officer designated by the Board with respect hereto, personally and/or through legal counsel, to present this Consent Order to the Board or its designated hearing panel, for consideration and to fully disclose to and discuss with the Board and/or the hearing panel the nature and results of the investigation.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this State, pursuant to LSA-R.S. §37:1261 and §37:3351, et seq, 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 LSA-R.S. §37:3351, et seq, and LSA-R.S. §49:955D;

IT IS ORDERED that the licensure of Michael David Nixon, RTT, to practice as a Respiratory Therapy Technician in the state of Louisiana be, and the same is hereby REVOKED.

IT IS FURTHER ORDERED that Michael David Nixon, RTT, shall not hereafter have any right or entitlement to reinstatement or renewal of his license to practice as a Respiratory Therapy Technician in the state of Louisiana, and he shall not hereafter apply for or otherwise attempt to obtain any original, reinstated or renewal license to practice as a Respiratory Therapy Technician in the state of Louisiana.

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

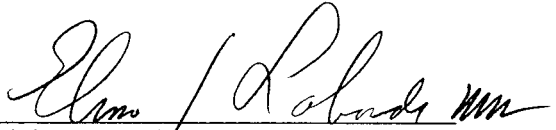
IT IS FURTHER ORDERED that the Administrative Complaint, be and the same

²See Administrative Complaint, *In the Matter of Michael David Nixon, RTT*, No. 91-A-015, before the La. St. Bd. of Med. Exams., July 10, 1991.

hereby DISMISSED.

New Orleans, Louisiana, this 30th day of October, 1991.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

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

ACKNOWLEDGMENT AND CONSENT

I, MICHAEL DAVID NIXON, RTT, hereby acknowledge, approve, accept, stipulate, agree and consent to entry of the above and foregoing Order, this 24 day of October, 1991.


MICHAEL DAVID NIXON, RTT