

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:	:	Nos. 00-A-011
	:	99-I-035
ROBERT JOSEPH BRAZZEL	:	
(Certificate No. L00619)	:	STIPULATION AND
	:	AGREEMENT FOR
	:	VOLUNTARY SURRENDER
	:	OF RESPIRATORY THERAPY
	:	LICENSE

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This *Stipulation and Agreement* is made by Robert Joseph Brazzel ("Mr. Brazzel"), a respiratory therapist licensed to practice respiratory therapy in the state of Louisiana, with and in favor of the Louisiana State Board of Medical Examiners (the "Board").

1. *Acknowledgment and Stipulations.* Mr. Brazzel hereby acknowledges, stipulates and agrees that:

(a) The Board, through its Investigating Officer, undertook an investigation of Mr. Brazzel's respiratory therapy practice following receipt of information which reveals that Mr. Brazzel's employment at Schumpert Medical Center ("Schumpert") was terminated for violation of rules; more specifically, for improper medical documentation and billing practices. Investigation by the Board revealed that, in connection with the care and treatment provided to two (2) patients at Schumpert Medical Center ("Schumpert"), Mr. Brazzel documented in these patients' charts that he performed treatments on these patient even though he did not do so.

(b) Investigation of the captioned matter was assigned to the Medical

Consultant/Director of Investigations for the Board, whose review and analysis has confirmed to his satisfaction that just cause exists for charging Mr. Brazzel with violation of the Louisiana Respiratory Therapy Practice Act, La. Rev. Stat. §§ 37:3358A and 37:3358A(2), and the Board's rules respecting Respiratory Therapists, La. Adm. C. §§ 45.5517, 5519(7) and 5519(9).¹

(c) An administrative complaint is currently pending before the Board against his respiratory therapy license charging him with the above-mentioned actions and violations.

(d) Pursuant to the Louisiana Respiratory Therapy Practice Act and the Louisiana Administrative Procedure Act, Mr. Brazzel would be entitled, prior to final disciplinary action against his respiratory therapy license, to have notice of the allegations and charges asserted against him, and to administrative adjudication of such charges, pursuant to La. Rev. Stat. §§ 49:955-958. At such hearing, Mr. Brazzel would be entitled to be represented by legal counsel, to have those charges proved against him by evidence, to appear and confront adverse witnesses, to call witnesses and present evidence on his own behalf in defense or in mitigation of the charges made, 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 and to have any further hearing, as well as his rights to appeal the action of the Board or any other right to which he may be afforded by the Louisiana

¹ La. Rev. Stat. §37:3358A provides that the Board may take action against the license of a respiratory therapist as the result of being found guilty of "unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public." La. Rev. Stat. §37:3358A(2) provides that the Board may take action against 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...." La. Adm. C. § 45.5517 provides that the Board may take action against the license of a respiratory therapist as the result of "unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public." La. Adm. C. §45.5519(7) provides that the Board may take action against the license of a respiratory therapist as the result of "making or submitting false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value." La. Adm. C. §45.5519(9) provides that the Board may take action against the license of a respiratory therapist as the result of "continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of respiratory therapy practice in this state."

Administrative Procedure Act, La. Rev. Stat. §49:951, *et seq.*, or otherwise.

2. ***Voluntary Surrender of License.*** Without admitting the accuracy of the information received by the Investigating Officer in his investigation and, notwithstanding his right to notice of formal charges, administrative hearing and a decision thereon, as provided by La. Rev. Stat. § 49:955, in recognition of the stipulations set forth hereinabove toward final disposition of the investigation now pending in this matter and in lieu of the institution and prosecution of formal administrative proceedings, Mr. Brazzel, nonetheless, hereby waives his right to notice of charges and formal adjudication and hereby voluntarily surrenders to the Board, for cancellation, his license to practice respiratory therapy in the state of Louisiana, as evidenced by Certificate No. L00619. By his subscription hereto, Mr. Brazzel also hereby authorizes the Investigating Officer designated by the Board with respect hereto and/or his legal counsel assisting him in that capacity, to present this Stipulation and Agreement for Voluntary Surrender of Respiratory Therapy License 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.

3. ***Effect of Voluntary Surrender of License.*** Mr. Brazzel acknowledges, stipulates and agrees that the voluntary surrender of his respiratory therapy license effected hereby in the presence of an administrative investigation shall have, and shall be deemed by the Board to have, the same effect as if the Board had entered an order of revocation upon the conclusion of formal administrative proceedings. Mr. Brazzel further acknowledges, stipulates and agrees that as a result of the voluntary surrender of his respiratory therapy license effected hereby, he shall not have any right or entitlement to reinstatement or renewal of his license to practice respiratory therapy in the state of Louisiana nor shall he hereafter be entitled to apply for or otherwise attempt to obtain any original, reinstated or renewal license to practice respiratory therapy in the state of Louisiana. Mr. Brazzel further waives any right to which he may be entitled by law or otherwise to contest his agreement to, or the force and effect of, this document in any court or other forum relating to the matters referred to herein. Mr. Brazzel further stipulates that he has been provided the right

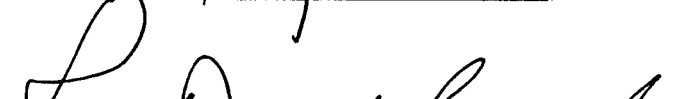
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4. *Termination of Proceedings.* By the voluntary surrender of his respiratory

5. **Public Record.** Mr. Brazzel further acknowledges, stipulates and agrees that

STATE OF LOUISIANA

I, ROBERT JOSEPH BRAZZEL, hereby stipulate, acknowledge, approve, accept and consent to entry of the above and foregoing Stipulation and Agreement for Voluntary Surrender of Respiratory Therapy License this 5th day of May, 2000.

05 day of May,

ROBERT JOSEPH BRAZZEL

Cheryl Davis
Signature

Cheryl Davis

Typed Name

8805 Line Avenue

Address Shreveport, La. 71106

Cindy L. Harris
Signature

Cindy G. Harris

Typed Name

8805 Line Avenue

Address Shreveport, La. 71106


Sworn to and subscribed before me at Bossier Parish, Louisiana,
this 5th day of May, 2000, in the presence of the two stated
witnesses.

Maureen L. Weeton
NOTARY PUBLIC

ACCEPTANCE

CONSIDERING THE ABOVE AND FOREGOING, the Stipulation and Agreement for Voluntary Surrender of Respiratory Therapy License is hereby **APPROVED AND ACCEPTED** by the Louisiana State Board of Medical Examiners, this 24th day of May, 2000.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

By: 
TRENTON L. JAMES, II, M.D.
VICE-PRESIDENT