

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130  
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250  
[www.lsbme.org](http://www.lsbme.org)



Telephone: (504) 568-6820  
FAX: (504) 568-8893  
Writer's Direct Dial:

Ext. \_\_\_\_\_

## BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

**NUMBER: 04-A-012**

**IN THE MATTER OF:**

**DAVID CHRISTIAN PERVEL, CRT  
(CERTIFICATE NO. LT2271)**

\*\*\*\*\*

### OPINION

This matter comes before the Board pursuant to an Administrative Complaint which charges David Christian Pervel, CRT, with a number of violations of the Respiratory Therapy Act, R. S. 37:3351, et seq., the Rules of this Board, La. Admin. C. Section 46:5519A(3),(15), and (17), and the Code of Ethics adopted by the American Association for Respiratory Care. The matter was heard before a panel of the Board, consisting of Drs. Laborde, Ferdinand, and Amusa, Vice-president, presiding. Respondent, David Christian Pervel, CRT, despite proper notice, was neither present nor represented by Counsel.

From exhibits in the record, we learn that, in October, 1995, while employed by Lakeview Regional Medical Center, Respondent extubated a patient without an order from a physician, failed to document the procedure in the chart, and left without assessing the patient. As a result of this conduct, he was suspended for two days. It is alleged that this conduct goes beyond the scope of respiratory care, as defined by the Respiratory Therapy Practice Act, and the Board's Rules, which proscribe such activity without a written or verbal order from a physician, as well as the failure to document such activity in the patient's chart.

PERVEL, August 2004

The Code of Ethics of the American Association for Respiratory Care provides, *inter alia*, that a Respiratory Therapist shall: "Comply with state or federal laws which govern and relate to their practice", and "Perform only those procedures or functions in which they are individually competent and which are within the scope of accepted and responsible practice." It is alleged that the conduct of Respondent, outlined above violates each of the above provisions of the Code of Ethics.

We find that Respondent's conduct in the above respects does indeed violate both the law and our rules, as well as the Ethical provisions quoted above. He is therefore guilty of the first two counts of the Administrative Complaint.

The record further reveals that Respondent was terminated by Lakeview Regional Medical Center on March 15, 1996, for (1) slapping a patient; (2) not performing ordered respiratory treatments; (3) falsely documenting ventilatory rounds that he did not perform; (4) telling an alert intubated patient having respiratory difficulties to "go to Jesus" and "go to the light;" (5) making sexual remarks to nurses (harassment); (6) sleeping while on duty on two occasions; and (7) harassing a co-employee at home after suspended pending investigation.

On his application for renewal of his license for 1996-1997, he answered "No" to the question "Since your last renewal: 7. Were you the subject of disciplinary action or inquiry by a hospital or medical staff?"

R. S. 37:3358A(1) provides that the Board may discipline the license of a Respiratory Therapist if the licensee has been found guilty of "obtaining a license by means of fraud, misrepresentation, or concealment of material facts." R. S. 37:3358A(2) provides that the board may discipline the license of a Respiratory Therapist who has been found guilty of unprofessional conduct as defined by the policies established by the Board. The Board's Respiratory Therapy Rules, La. Admin. C., Section 46:5519A(3) defines unprofessional conduct as, among others, "perjury, fraud, deceit, misrepresentation or concealment of material facts in obtaining a license to practice respiratory care."

On his 1996-1997 application for renewal, Respondent failed to reveal either his 1995 suspension or his 1996 termination at Lakeview Regional Medical Center. He is clearly guilty of the third charge against him.

The fourth count against Mr. Pervel is that, while employed by Lakeland Hospital, in the year 2000, he was suspended and then terminated for various acts of misconduct, and failed to reveal this fact on his renewal application for 2001. Once again, he answered "No" to the question "Since your last renewal: Were you the subject of disciplinary action or inquiry by a hospital or medical staff?" Since he is in violation of the above quoted laws and rules, he is guilty of this charge against him.

Similarly, the fifth count involves his failure to disclose that he was terminated by IHS hospital in Slidell, Louisiana on October 2, 2001, on his application for renewal of his license for the year 2002. For the same reasons given above, he is guilty of this count.

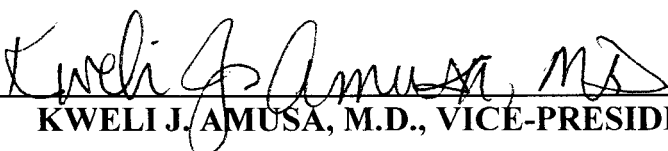
The sixth count involves his failure to reveal on his application for renewal for the year 2003 the fact that he was fired by St. Charles General Hospital on August 8, 2002, for threatening a co-worker with violence. For the same reasons given above, Respondent is guilty of this charge as well.

The seventh count against Respondent is that, because of the false and misleading answers given on his 1996-1997, 2001, 2002, and 2003 applications for renewal of his license, he is in violation of the following provisions of the Code of Ethics of the American Association for Respiratory Care, which provide that a Respiratory Therapist shall: "Demonstrate behavior that reflects integrity, supports objectivity, and fosters trust in the profession and its professionals;" and "Refuse to participate in illegal or unethical acts." We have no difficulty in concluding that Respondent is also guilty of this charge against him.

Accordingly, given Respondent's long history of misconduct and deception, we find that he is no longer fit to practice Respiratory Therapy in Louisiana, and IT IS ORDERED that his license to practice as such, as evidenced by Certificate No. LT2271, be and it is hereby **Revoked** and cancelled.

NEW ORLEANS, LOUISIANA, THIS 15<sup>th</sup> DAY OF AUGUST, 2004.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

  
BY: KWELI J. AMUSA, M.D., VICE-PRESIDENT