

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of

DANIEL JUDE SAVOIE, R.T.

Applicant

No. 10-I-137

**CONSENT ORDER FOR
ISSUANCE OF RESPIRATORY THERAPY
LICENSE WITH OFFICIAL REPRIMAND**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board"), following the receipt of apparently reliable information indicating that Daniel Jude Savoie ("Mr. Savoie") had been working as a respiratory therapist for a durable medical supply company in or around Opelousas, LA for the past two (2) years. Although Mr. Savoie had graduated from an approved program in Louisiana in December 2007 with an A. S. Degree in Respiratory Therapy, which was reported to the Board by his Program Director, Mr. Savoie had never completed his application for licensure with the Board. His fingerprint cards for the criminal background check were rejected for clarity in April 2009. The Board was able to verify that he passed the National Board for Respiratory Care ("the N.B.R.C.") entry level exam on February 29, 2008.

On his own behalf, Mr. Savoie advised the Board that he understood that by passing the examination required to become a certified respiratory therapist (C.R.T), that this credential was his license and would allow him to work and hold himself out as a C.R.T. in Louisiana. He further explained that his fingerprints were returned as being unacceptably "smudged", due to excessive sweating in his hands. In February 2010, when notified that licensure by the Board is required for practice as a respiratory therapist, he discontinued his current practice with his employer, and submitted an application and written explanation to the Board.

As evidenced by his subscription to this Order, Mr. Savoie acknowledges the substantial accuracy of the forgoing information and that such acknowledgment and the reported information would provide the Board with sufficient cause to deny his application pursuant to the Law and/or the Board's rules respecting respiratory therapists.¹

¹ La. Rev. Stat. §37:3354.A. provides that "No person shall practice respiratory therapy as defined in this Chapter in this state unless licensed in accordance with the provision of this Chapter."

La. Rev. Stat. §37:3358.A. provides that "The board may deny, refuse to renew a license, may suspend, revoke, or impose probationary conditions on a license 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: (19) Violation of any rules and regulations of the board or any provisions of this Chapter."

Investigation of the captioned matter was assigned to the Directory of Investigations ("I/O") for the Board. While it appears to the I/O that Mr. Savoie is a well-trained respiratory therapist, the I/O's review and analysis of the mater confirms to her satisfaction that sufficient cause exists to charge Mr. Savoie with one or more violations the of the Louisiana Respiratory Therapy Law (the "Law"), La. Rev. Stat. §37:3354.A , §37:3358.A.(19), and/or the Board's rules respecting respiratory therapists, La. Adm. C. 46XLV. 2501.

Recognizing his right to have notice of such allegations and charges against him, to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951 *et seq.*, Mr. Savoie, nonetheless, hereby waives his right to notice of charges and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Mr. Savoie further acknowledges and waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to him by law 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. By his subscription hereto, Mr. Savoie also hereby authorizes the I/O designated by the Board with respect hereto, 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 he waives any objection to such disclosures under La. Rev. Stat. §49:960. Mr. Savoie expressly acknowledges that the disclosure of such information to the Board by the I/O shall be without prejudice to the I/O'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 foregoing information, as well as the recommendation of the I/O, the Board has concluded that its responsibility to ensure 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 forgoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:3351 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Daniel Jude Savoie is hereby **OFFICIALLY REPRIMANDED** for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that after successful completion of the licensure application process, a license to practice respiratory therapy shall be issued to Daniel Jude Savoie.

IT IS FURTHER ORDERED that within six (6) months of the date of this Order, Mr. Savoie shall pay the Board a fine in the amount of \$670, which represents the licensure renewal fees for the past two (2) years, and a penalty of \$500.00.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Mr. Savoie shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such 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.

Signed in New Orleans, Louisiana, and effective this 17 day of May,
2010.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

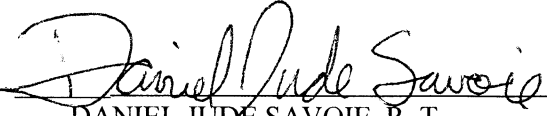
BY: MARK H. DAWSON
MARK H. DAWSON, M.D.
President

*Acknowledgement and Consent
On Following Page*

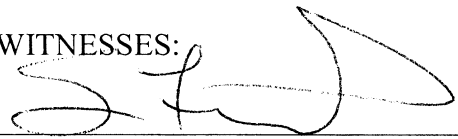
**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF St. Landry

I, DANIEL JUDE SAVOIE, R.T. Applicant., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 16th day of March, 2010.


DANIEL JUDE SAVOIE, R. T.

WITNESSES:


Signature

Shay Fontenot
Printed Name

2426 Hwy 178
Address

Sunset, LA 70584
City/State/Zip Code


Signature

Kenya L Roberson
Printed Name

1159 Little Tech Rd
Address

Opelousas LA 70520
City/State/Zip Code

Sworn to and subscribed before me this 16th day of March, 2010, in the presence of the two stated witnesses.


Notary Public (Signature and Seal)

James D. Brooks
Printed Name/Notary or Bar Number