

¹ Pursuant to La. Rev. Stat. §37:2867A, The Louisiana State Board of Medical Examiners may refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions in the event the licensee or applicant for license has been found guilty of unprofessional conduct which endangers or is likely to endanger the health, welfare or safety of the public. Such unprofessional conduct shall include: (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts. ... (3) Being convicted of a crime or pleading nolo contendere to a crime other than a misdemeanor in any court in the event the acts for which he was convicted or pled nolo contendere are found by the Louisiana State Board of Medical Examiners to have a direct bearing on whether he should be entrusted to serve the public in the capacity of a polysomnographic technologist.

Recognizing his right to have an administrative adjudication of any charges that may be alleged at which time Mr. Curtis 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. Curtis, nonetheless, hereby waives his right to formal adjudication and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Mr. Curtis also acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, *et seq.*, or to which he otherwise may be afforded by any law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By his subscription hereto Mr. Curtis also hereby authorizes the Investigating Officer 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. Finally, Mr. Curtis expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order. Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that a license as a polysomnographic technician in the state of Louisiana shall be issued to Ryan M. Curtis, and such license is hereby **ON PROBATION** on the effective date of this Order for one (1) year, *however*, the issuance of such license, and Mr. Curtis' continued exercise of the rights and privileges thereunder shall be conditioned upon and subject to his acceptance and compliance with the following terms and conditions:

- (1) **Drug Screens.** During the pendency of probation, Mr. Curtis shall submit to periodic, unannounced blood, urine, saliva and/or hair collection as frequently as may be requested for testing for the presence of alcohol, controlled or other mood-altering substances by the Allied Professional Health Program ("APHP"), a treating professional, or his or her designee. Unless and until this condition is modified or rescinded by the Board, Mr. Curtis shall authorize and cause such physician and/or the APHP to report the results of such drug screens to the Board not less frequently than quarterly throughout the probationary period.
- (2) **Employers; Quarterly reports.** Mr. Curtis shall provide the Board with information identifying his place(s) of employment as a polysomnographic technician. Mr. Curtis shall provide a copy of this Order to each employer at which or for whom Mr. Curtis provides polysomnographic technician services. Thereafter, Mr. Curtis shall authorize and cause his supervisor, or another designee, approved by the Board, to provide the Board with quarterly written reports, and verbal reports should the Board desire, respecting Mr. Curtis' fitness to practice as a polysomnographic technician.

(3) **Payment of Fine.** Mr. Curtis shall pay a fine of One Hundred Fifty (\$150.00) Dollars to the Board, which payment shall be made within ninety (90) days of the acceptance of this Order by the Board; and

(4) **Probation Monitoring Fee.** For each year that this Order remains in effect, Mr. Curtis shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days following the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(5) **Immediate Notification of Resolution of Criminal Matters.** Mr. Curtis shall immediately notify the Board's Probation and Compliance Officer of the resolution of any pending criminal charges, whether such resolution is by dismissal, conviction, plea or otherwise.

(6) **Absence from State/Practice/Effect on Probation.** The probationary term of this Order shall be extended for any period of time that (i) Mr. Curtis subsequently resides or practices outside the State of Louisiana or (ii) Mr. Curtis' license is subsequently cancelled for nonpayment of licensure fees. If Mr. Curtis leaves Louisiana to live or practice elsewhere, he shall immediately notify the Board in writing of the dates of his departure from and subsequent return to Louisiana. When the period of extension ends, Mr. Curtis shall be required to comply with the terms of this Order for the period of time remaining on the extended probationary term of this Order. Mr. Curtis shall pay all fees for reinstatement or renewal of a license covering the period of extension.

(7) **Cooperation with Board's Probation and Compliance Officer.** Mr. Curtis shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Order.

(8) **Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Mr. Curtis shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Mr. Curtis' compliance with the requirements of this provision.

(9) **Effect of Violation/Sanction.** By his subscription hereto, Mr. Curtis acknowledges that his receipt of written notification that the Board has received apparently reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise 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, constitute his irrevocable consent to the immediate suspension of his license to practice as a polysomnographic technician in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges.

IT IS FURTHER ORDERED that any violation of the foregoing terms and conditions set forth hereinabove shall be deemed adequate and/or sufficient cause, upon proof of such violation or failure, for the suspension and/or revocation of the polysomnographic technician license of Ryan M. Curtis, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:2867.

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

This Order was signed in New Orleans, Louisiana, and became effective on the 20 day of June, 2011.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY: Mark Henry Dawson
Mark Henry Dawson, M.D.
President

*Acknowledgement and Consent
Follows on Next Page*

In the Matter Of
Ryan M. Curtis

CONSENT ORDER FOR
ISSUANCE OF LICENSE ON PROBATION

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ACKNOWLEDGMENT
AND CONSENT

STATE OF LOUISIANA

PARISH/COUNTY OF ST. TAMMANY

I, RYAN M. CURTIS, hereby acknowledge, approve, accept and consent to entry of the
above and foregoing Order, this 9th day of JUNE, 2011.

[Signature]
RYAN M. CURTIS

WITNESSES:

[Signature]
Signature

A. Dutel
Printed Name

360 Emerald Forest Blvd D.
Address Covington LA 70433

[Signature]
Signature

Vicki Connors
Printed Name

360 Emerald Forest Blvd D.
Address Covington LA 70433

Sworn to and subscribed before me at Covington, Louisiana, this 9th day of
JUNE, 2011, in the presence of the two stated witnesses.

[Signature]
Notary Public (signature)

LOUIS G. DUTEL 66415
Printed Name/Notary #

