LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.la.gov

Department of Investigations
Telephone: (504) 568-6820
FAX: (504) 568-5754

No. 14-I-485

CONSENT ORDER

IN THE MATTER OF:

BROOKE MALLORY BILLINGS, CLP-PHL
Applicant

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of Brooke Mallory Billings' application for licensure by the Board to practice as a clinical laboratory personnel-phlebotomist ("CLP-PHL") in this state. While it appears from information available as supplied by Ms. Billings' application and otherwise that she is generally qualified for issuance of such license, as acknowledged by her in her application, Ms. Billings self- reported that she was arrested for a shop lifting incident in 2014, and that she is currently completing a monitoring program with the District Attorney's office for first time offenders. Ms. Billings later reported several other incidents which occurred several years before. While such information would ordinarily implicate the Board's concern relative to the individual's honesty and truthfulness, Ms. Billings has informed the Board that she had no intention to deceive the Board but she was told by officials at her school that she did not have to disclose these prior actions. Subsequently, she has cooperated with this investigation by explaining each of the incidents and providing information and documents as requested. Ms. Billings is amenable to a license being issued on probationary status and has expressed a willingness, if licensed in Louisiana, to submit to on-going monitoring.

As evidenced by her subscription to this Order Ms. Billings acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and information could provide the Board with sufficient cause to deny her application pursuant to the Law respecting clinical laboratory personnel.[1]

Investigation of the captioned matter was assigned to the Investigating Officer ("I/O") herein for the Board. While it appears to the I/O that Ms. Billings is a conscientious and well-trained phlebotomist, the I/O's review and analysis of the matter confirms to her satisfaction that

[1]La. Rev. Stat. §37:1326.

sufficient cause exists to charge Ms. Billings with one or more violations of the Louisiana Clinical Laboratory Personnel Law (the "Law"), La. Rev. Stat. §§37:1311 *et. seq.* and/or the Board's rules respecting clinical laboratory personnel, La. Adm. C. 46XLV.3501 *et. seq.*

Recognizing her right to have notice of such allegations and charges asserted against her, to administrative adjudication of such charges, at which time she would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her 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.*, Ms. Billings, nonetheless, hereby waives her 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. Ms. Billings further acknowledges and waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et. seq.*, or which otherwise may be afforded to her by law to contest her agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By her subscription hereto Ms. Billings 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 she waives any objection to such disclosures under La. Rev. Stat. §49:960. Ms. Billings expressly acknowledges that the disclosure of 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 her 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. §37:1326, 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 La. Rev. Stat. §37:1326 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that a license is hereby issued on **PROBATION for nine (9) months** to Brooke Mallory Billings to practice as a Clinical Laboratory Personnel-Phlebotomist in the state of Louisiana, subject to her acceptance of and strict compliance with the following terms and conditions:

(1) **Participation in the Board's Allied Professionals Health Program.** Ms. Billings shall sign an agreement with the Board's Allied Professionals Health Program for a minimum of nine (9) months and shall fully comply with all terms, monitoring conditions and restrictions of the program. Ms. Billings shall authorize and cause to have submitted to the Board monthly reports of full compliance with all monitoring requirements of the Program.

(2) **Board Approval of Practice.** Following the effective date of this Order and for the duration of the probationary period, before continuing or accepting any employment with any clinic, hospital, physician or other entity providing health care services to patients, Ms. Billings shall obtain written approval of her employment

setting and shall provide any and all information that the Board may then require in connection with such approval. Ms. Billings shall not engage in CLP practice in any setting in advance of the Board's specific written approval of such practice setting.

(3) **Notification of Order; Authorization.** Prior to beginning or returning to work, Ms. Billings shall provide a copy of this Consent Order to each supervising physician, hospital, clinic, facility or other employer or prospective employer at which or for whom she provides services as a CLP in this state. In addition, upon request of the Board's probation officer, Ms. Billings shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records pertaining to Ms. Billings from any hospital, institution, physician or other health care entity where she is employed.

(4) **Self-Reporting of Violations.** Ms. Billings shall immediately self-report in writing to the probation officer any violation of or failure to adhere to the terms, conditions or restrictions of this Order. Furthermore, Ms. Billings shall immediately self-report in writing to the Board any personal action or inaction which constitutes a violation of the Act.

(5) **Pending Criminal Charges/Reservation of Rights.** The Board takes notice that the circumstances described hereinabove continue to be monitored by the District Attorneys office. By her subscription hereto, Ms. Billings understands and acknowledges that should she plead guilty, *nolo contendere* or be convicted of any criminal charges under state or federal law, that the Board reserves its right to pursue further administrative proceedings against her and to take such additional action against her license as it may deem appropriate, pursuant to the Louisiana Clinical Laboratory Personnel Practice Act, La. Rev. Stat. §37:1326.

(6) **Attendance at Approved Seminar/Course on Professionalism/Ethics.** Within six (6) months of the date of this Order Ms. Billings shall provide written confirmation that she has successfully completed a minimum of four (4) hours, acceptable to and pre-approved in writing by the Board, in the area of professionalism and ethical conduct of clinical lab personnel.

(7) **Cooperation with the Board's Probation and Compliance Officer.** Ms. Billings shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer and she shall cooperate on all matters and inquiries pertaining to her compliance with the terms and conditions of this Order. Ms. Billings is required to report in person to her probation officer at such times as may be directed. Ms. Billings is required immediately to complete all forms, fully and carefully, when received, and to present these to her probation officer at the first meeting or as directed. She shall immediately thereafter notify the Board's Probation and Compliance Officer of any changes in her current home and professional addresses and telephone numbers, and shall allow such access to her office, business practice or home and to patient medical records as may be necessary to her supervision.

(8) **Absence from State or Discontinuance of Practice - Effect on.** Should Ms. Billings at any time during the period of probation be absent from the state of Louisiana, or discontinue practicing as a CLP-PHL for a period of thirty (30) days or more, she will so advise the Board in writing. In such instance, the probationary term ordered herein shall be deemed interrupted and extended for no less than the period of time during which she was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed in the Board's discretion.

(9) **Effect of Violation/Sanction.** By her subscription hereto Ms. Billings acknowledges that her receipt of written notification from the Board that it has received any report which indicates her failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing her with any right to which she 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 her by law, constitute her irrevocable consent to the immediate suspension of her license to practice as a CLP-PHL in this state pending the issuance of a final decision by the Board following administrative adjudication of such charges.

(10) **Certification of Compliance with Probationary Terms/Personal Appearance before the Board.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Ms. Billings shall contact the Board and arrange for a personal appearance before the Board or its designee as its meeting preceding the expiration of the probationary term ordered herein. As a precondition to her request for termination of probation, Ms. Billings shall provide the Board with an executed affidavit certifying that she has complied with each of the terms of probation imposed upon her 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 Ms. Billings' compliance with the requirements of this provision.

(11) **Effective Date.** This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

IT IS FURTHER ORDERED that any violation of or strict compliance with any of the terms, conditions, or restrictions of this Order by Ms. Billings shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Billings' clinical laboratory license to practice in the state of Louisiana or for such other disciplinary action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1326.

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 18th day of August, 2014.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: _____
MARK H. DAWSON, M.D.
President

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STATE OF LOUISIANA
PARISH OF Orleans

ACKNOWLEDGMENT
AND CONSENT

I, BROOKE MALLORY BILLINGS, CLP-PHL, Applicant, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 31st day of July, 2014.

Brooke M. Billings
BROOKE MALLORY BILLINGS, CLP-PHL

WITNESSES:

Cathy M Storm
Signature

Cathy M Storm
Printed Name

630 Camp St. NOLA
Address

Vanissia Prout
Signature

Vanissia Prout
Printed Name

LSBME
Address

Sworn to and subscribed before me at New Orleans, Louisiana, this 31st day of ~~January~~ July 2014, in the presence of the two stated witnesses

Thania S. Elliott
Notary Public (Signature)

THANIA S. ELLIOTT Notary# 52333
Printed Name, Notary or Bar #