

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In the Matter of

No. 17-I-087

**THE APPLICATION OF
BEVERLY ANN PIERCE,
CLP-LAB ASSISTANT
(Applicant)**

**CONSENT ORDER FOR ISSUANCE OF
LICENSE WITH REPRIMAND**

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Beverly Ann Pierce ("Ms. Pierce") for a license to practice as a Clinical Laboratory Personnel – Laboratory Assistant ("CLP-LAB") in this state. While a review of the materials submitted in support of her application indicates that she satisfies the educational and other requirements necessary for licensure consideration, Ms. Pierce reports that she has been working as an unlicensed laboratory assistant in Louisiana.

In connection with this matter, Ms. Pierce explained that she worked for several years as a laboratory assistant in a clinic in Mississippi where state licensure is not required. In 2016 she began performing the duties of a laboratory assistant for the first time in a clinic in Louisiana. She explained that when she began working in Louisiana, she was unaware that a state license was required for the type of work that she was performing and her employers had not notified her of the need for state licensure. When she learned that state licensure by the Board was required to practice in Louisiana, she immediately ceased practice, and began the application process for licensure with the Board. Ms. Pierce further acknowledged that her prior understanding was in error and she now accepts her responsibility to understand and comply with all rules and regulations regarding licensure in this state.

As evidenced by her subscription to this Order, Ms. Pierce acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing could establish sufficient cause for the rejection or denial of her application for licensure in this state or such other action as the Board may deem appropriate, pursuant to the Law and/or the Board's rules respecting clinical laboratory personnel.¹

Investigation of the captioned matter was assigned to the Investigating Officer ("I/O") for the Board. While it appears to the I/O that Ms. Pierce is a well-trained clinical laboratory assistant, the I/O's review and analysis of the matter confirms to her satisfaction that sufficient cause exists to charge Ms. Pierce with one or more violations of the Louisiana Clinical Laboratory Personnel Law (the "Law"), La. Rev. Stat. §37:1318, 1326 and/or the Board's rules respecting clinical laboratory personnel. La. Adm. C. 46XLV.3505.

¹La. Rev. Stat. §37:1318, 1326; La. Adm. C. §§46XLV:3505.

Recognizing her right to have administrative adjudication of the above 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. Pierce, nonetheless, hereby waives her right to notice of charges, formal adjudication and written decision and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Moreover, by her subscription hereto, Ms. Pierce also waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act² 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 before any judicial or administrative agency or body, relating to the matters referred to herein. By her subscription hereto, Ms. Pierce 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 she waives any objection to such disclosures under La. Rev. Stat. §49:960. Furthermore, Ms. Pierce expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to pursue any Administrative Complaint filed against her 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. §37:1326 and La. Rev. Stat. §49:955D;

IT IS ORDERED that Beverly Ann Pierce is hereby **OFFICIALLY REPRIMANDED** for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that after completion of application requirements, a license to practice as a clinical laboratory assistant in the state of Louisiana shall be issued to Beverly Ann Pierce.

IT IS FURTHER ORDERED that within six (6) months of the date of this Order, Ms. Pierce shall pay the Board a fine in the amount of Eighty Dollars (\$80.00), which represents the clinical laboratory assistant renewal fees for one (1) year, plus a penalty of an equal amount.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Ms. Pierce 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. §37:1326.

² La. Rev. Stat. §49:951. *et seq.*

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

Signed at New Orleans, Louisiana, and effective this 13th day of March,
2017.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: K. Barton Farris, M.D.
K. BARTON FARRIS, M.D.
PRESIDENT

*Acknowledgement and Consent
on Following Page*

*Acknowledgement and Consent
on Following Page*

*Acknowledgement and Consent
on Following Page*

STATE OF MISSISSIPPI
COUNTY
PARISH OF ADAMS

ACKNOWLEDGMENT
AND CONSENT

I, BEVERLY ANN PIERCE, CLINICAL LABORATORY ASSISTANT APPLICANT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 14th day of February, 2017.

Beverly Ann Pierce
BEVERLY ANN PIERCE
LABORATORY ASSISTANT APPLICANT

WITNESSES:

Elizabeth R. Hall
Signature
Elizabeth R. Hall
Printed Name
810 Lindberg Ave
Address
Natchez, MS 39120
City, State, Zip Code

[Signature]
Signature
Wesley Steckler
Printed Name
103 Mansfield Drive
Address
Natchez, MS, 39120
City, State, Zip Code

Sworn to and subscribed before me this 14th day of FEBRUARY, 2017, in the presence of the two stated witnesses.

Jeanette M. Webb
Notary Public (Signature and Seal)

Jeanette M. Webb
Printed Name/Notary or Bar Number

