

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE  
LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

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No. 2020-I-482

IN THE MATTER OF:

**JONATHAN CLAUDE CUTRER, LRT**  
*(Credential No. LRT.000480),*  
*Applicant for Reinstatement*

**CONSENT ORDER FOR  
REINSTATEMENT OF LRT  
LICENSE ON PROBATION**

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Jonathan Claude Cutrer ("Mr. Cutrer") for reinstatement of his license to practice as a Licensed Respiratory Therapist ("LRT") in the State of Louisiana. Mr. Cutrer initially was licensed by the Board on May 19, 2010, as evidenced by Credential No. LRT.000480. Mr. Cutrer allowed his license to lapse as of March 31, 2017.

Prior to the lapse of Mr. Cutrer's license, the Board was aware that Mr. Cutrer had been arrested for operating a vehicle while intoxicated in August 2014.<sup>1</sup> Mr. Cutrer participated in an intensive outpatient program, which he completed in February 2015, and then participated in a two-year monitoring program, which he completed in September 2017.

In March 2018, subsequent to the lapse of his license but prior to his reinstatement application, Mr. Cutrer self-admitted to an inpatient treatment for alcoholism and opioid abuse. He completed a 60-day inpatient program, followed by participation in an intensive outpatient program, which he completed in July 2018. The Board has reviewed correspondence from the treatment facility indicating compliance and establishing recommendations for his continued recovery.

On or about April 1, 2020, Mr. Cutrer submitted a formal application for licensure in accordance with the Board's rules regarding reinstatement. *See* La. Admin. Code tit. 46, pt. XLV, § 2545. Mr. Cutrer has likewise submitted written confirmation that he has attended and successfully completed thirty hours of Board-approved continuing professional education, paid to the Board a renewal fee of Eighty-Five (\$85.00) Dollars, and paid to the Board a reinstatement fee

<sup>1</sup> Specifically, the Board received apparently reliable information indicating that on or about August 21, 2014, Mr. Cutrer was arrested after being found in the driver's seat of his vehicle in his neighbor's driveway, with the vehicle heavily damaged.

of One Hundred Seventy (\$170.00) Dollars, as required by the Board's rules.<sup>2</sup> Mr. Cutrer does not intend to practice as a respiratory therapist in the State of Louisiana at this time, but wishes to maintain his license as active and current in the event he decides to return to practice in the future.

As evidenced by his subscription hereto, Mr. Cutrer acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing could establish sufficient cause to take action with respect to his license pursuant to the Respiratory Therapy Practice Act (the "Act"), La. R.S. 37:3358(A)(7); (15).<sup>3</sup>

Recognizing his right to have notice of such allegations and 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. R.S. 49:951 *et seq.*, Mr. Cutrer nonetheless, hereby waives his right to notice and formal adjudication and, pursuant to La. R.S. 49:955(D), consents to the entry of the Order set forth hereinafter. By his subscription hereto, Mr. Cutrer also acknowledges that he waives any right to which he may be entitled under the Louisiana Administrative Procedure Act, La. R.S. 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. Cutrer 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 and to discuss with the Board the nature and result of the investigation and waives any objection to such disclosures under La. R.S. 49:960. Mr. Cutrer expressly acknowledges that the disclosure of information to the Board by the Investigating Officer

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<sup>2</sup> See La. Admin. Code. tit. 46, Pt XLV, § 2545(B)(3) (requiring proof of ten hours of approved continuing professional education for each year that the license lapsed, up to a total of thirty hours); La. Admin. Code. tit. 46, pt. XLV, § 197 ("For processing an application for annual renewal of a respiratory therapist's license, a fee of \$85 shall be payable to the board."); La. Admin. Code. tit. 46, pt. XLV, § 2545(B)(5)(a) (providing that application for reinstatement must be accompanied by both a renewal fee and, if the application for reinstatement is made more than two years from the date of license expiration, a penalty that is equal to twice the renewal fee).

<sup>3</sup> The Board may deny 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, including "[h]abitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence" and "[i]nability to practice respiratory therapy with reasonable competence, skill, or safety to patients because of mental or physical illness, condition, or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol." La. R.S. 37:3358(7); (15); *see also* La. R.S. 37:3357.2 ("A [respiratory therapy] license that has expired without renewal may be reinstated by the board, provided the applicant is otherwise eligible under the provisions of this Chapter, pays the applicable fees, and satisfies the continuing education requirement and such other requirements as may be established by the board.").

shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against him or to the Board's capacity to adjudicate such charges should the Board decline to approve this Consent Order.

Based upon the foregoing information, and upon the recommendation of the Investigating Officer, the Board has concluded that, consistent with its mandate under La. R.S. 37:3358, the interests of public health, safety, and welfare 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. R.S. 37:3358 and La. R.S. 49:955(D);

**IT IS ORDERED** that the license of Jonathan Claude Cutrer, LRT, to practice as a respiratory therapist in the state of Louisiana, as evidenced by Credential No. LRT.000480, is hereby **REINSTATED**, provided, however, that such license shall be placed **ON INDEFINITE PROBATION** (the "probationary period"), conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions, and restrictions:

- (1) **Practice Reporting and Commencement of Active Practicing Period.** Mr. Cutrer may not petition the Board for relief from probation until he has completed a total of three years of probation while actively practicing respiratory therapy in Louisiana (the "active practicing period"). The active practicing period shall not commence until the Board or its designee has been notified in writing that Mr. Cutrer has begun practicing respiratory therapy in this state. Mr. Cutrer shall advise the Board or its designee in writing if at any time during the active practicing period he will be absent from the state of Louisiana or discontinue practicing as a respiratory therapist for a period of thirty (30) days or more. Should Mr. Cutrer cease to practice respiratory therapy in this state, the running of the active practicing period shall be suspended and extended, and shall commence again when Mr. Cutrer notifies the Board that he has resumed the practice of respiratory therapy in the state of Louisiana. Whether the active practicing period is running or suspended, Mr. Cutrer's license status shall reflect that his license is on probation from the Effective Date of this order until his probation has been terminated by the Board in a written order.
- (2) **Board Approved Practice Setting.** During the probationary period, before accepting any employment with any clinic, hospital, physician, or other entity providing healthcare services to patients, Mr. Cutrer shall obtain the Board's or its designee's written approval of his employment setting and shall provide any and all information that the Board or its designee may then require in connection with such approval. Mr. Cutrer shall not engage in practice as a respiratory therapist in advance of receiving written approval of such practice setting.
- (3) **Allied Professionals Health Program Agreement, Reports to Board.** During the active practicing period, Mr. Cutrer shall enroll in and continue to maintain a monitoring agreement with the Board's Allied Professionals Health Program. Mr. Cutrer shall continue in, abide by and strictly adhere to all recommendations for

ongoing treatment and monitoring which are contained in such agreement, as well as those recommended by his treating physicians and those prescribed by any other health care provider involved in his care to the extent that they continue to follow him. Mr. Cutrer shall, in addition, authorize and cause his treating and monitoring physicians or therapists to submit to the Board or its designee, not less frequently than quarterly, written reports and/or verbal reports, should the Board or its designee desire the latter, on his then-current treatment diagnosis, prognosis, course of treatment, his fitness and ability to practice respiratory therapy with reasonable skill and safety to patients, and his compliance with the terms, conditions and restrictions of this Order and his monitoring agreement.

- (4) **Approved Outpatient Therapy.** During the active practicing period, in addition to his monitoring agreement with the Board, Mr. Cutrer shall enroll and continue in outpatient therapy on an individual basis with therapist approved by the Board or its designee for continued treatment. Such pre-approved therapist shall provide written reports to the Board on an annual basis to confirm compliance with this condition.
- (5) **Drug Screens.** During the active practicing period, Mr. Cutrer shall, at least on a weekly basis, at a time designated by his outpatient therapist, submit to blood, urine, saliva and/or hair collection for testing for the presence of alcohol and/or controlled and other mood-altering substances by the Board-approved outpatient therapist or its designee. Unless and until this condition is modified or rescinded by the Board or its designee, Mr. Cutrer shall authorize and cause such testing facility and/or the Board-approved outpatient therapist to report the results of such drug screens to the Board or its designee not less frequently than quarterly throughout the active practicing period.
- (6) **Maintenance of Complete Abstinence.** During the probationary period, Mr. Cutrer shall maintain complete and total abstinence from the use of alcohol, controlled and any mood-altering substance except as may be prescribed by a treating physician for a *bona fide* medical condition. Mr. Cutrer shall personally inform the Board's Probation and Compliance Officer, both orally and in writing, within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by him from any physician for treatment of a *bona fide* medical condition. If the prescription is from another physician, he shall also inform his treating/monitoring physician in this same manner.
- (7) **Continuing Professional Education.** During the probationary period, Mr. Cutrer shall obtain not less than twenty (20) credit hours for each year through attendance at and participation in continuing professional education programs approved by the Board. On or before the anniversary of the Effective Date of this Order and for each additional year of the probationary period, he shall cause to be submitted to the Board written certification of the continuing professional education programs and credits completed during the preceding twelve (12) months.

- (8) **Notification of Order.** During the probationary period, prior to beginning or returning to work, Mr. Cutrer shall provide a copy of this Consent Order to each hospital, clinic, facility, physician, or other employer or prospective employer at which or for whom he provides services as a respiratory therapist in this state.
- (9) **Self-Reporting of Violations.** During the probationary period, Mr. Cutrer shall immediately self-report in writing to the Probation and Compliance Officer any violation of or failure to adhere to the terms, conditions, or restrictions of this Order. Furthermore, Mr. Cutrer shall immediately self-report in writing to the Board any personal action or inaction which constitutes a violation of the Act.
- (10) **Probation Monitoring Fee.** For each year of the probationary period, Mr. Cutrer 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 from the Effective Date of this Order. All subsequent payments shall be due on or before the anniversary date of the initial fee payment.
- (11) **Cooperation with the Board's Probation and Compliance Officer.** Mr. Cutrer shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer and he shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Order. Mr. Cutrer is required to report in person to his probation officer at such times as may be directed. Mr. Cutrer is required to immediately complete all forms, fully and carefully, when received, and to present these to his probation officer at the first meeting as directed. He shall immediately thereafter notify the Board's Probation and Compliance Officer of any changes in his current home and professional addresses and telephone numbers.
- (12) **Effect of Violation/Sanction.** By his subscription hereto, Mr. Cutrer acknowledges that his receipt of written notification that the Board has received reliable information indicating 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. R.S. 49:951 *et seq.*, or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate or continued suspension of his license in this state pending a hearing before the Board and the conclusion of the administrative proceeding by issuance of a final decision following administrative adjudication of such charges.
- (13) **Certification of Compliance with Probationary Terms.** No sooner than sixty (60) days prior to the conclusion of the active practicing period imposed herein, Mr. Cutrer may file a request for termination of probation with the Board in accordance with this paragraph. As a precondition to his request for termination of probation, Mr. Cutrer

shall provide the Board with an executed affidavit certifying that he has complied with each of the terms of probation imposed upon him 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. Cutrer's compliance with the requirements of this provision.


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

**IT IS FURTHER ORDERED** that any violation of or failure to strictly comply with this Order by Mr. Cutrer shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Mr. Cutrer's license to practice respiratory therapy in this state as the Board may deem appropriate, as if such violation were enumerated among the causes provided in La. R.S. 37:3358.

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

New Orleans, Louisiana, this 24<sup>th</sup> day of May, 2021

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

By:   
RODERICK V. CLARK, M.D., M.B.A.  
*President*

*Acknowledgment and Consent on Following Page*

**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA

PARISH OF Bossier Jefferson

I, JONATHAN CLAUDE CUTRER, hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept, and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 5 day of May, 2021.

Jonathan Claude Cutrer  
JONATHAN CLAUDE CUTRER

WITNESSES:

[Signature]  
Signature

William Lord  
Typed Name

255 Hickory Ave  
Street Address

Hackberry, LA 70123  
City/State/Zip Code

Barbara Bathy  
Signature

BARBARA BATHY  
Typed Name

259 Hickory Ave  
Street Address

Hackberry, LA 70123  
City/State/Zip Code

Sworn to and subscribed before me this 7 day of May, 2021, in the presence of the two stated witnesses.

[Signature]  
Notary Public (Signature)

Name: Kim J. Lord

Notary/Bar No.: 58462

Commission expires: AT MY DEATH

