

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
www.lsbme.la.gov



**BEFORE THE
LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:

(504) _____

IN THE MATTER OF:

KOBIE ELLIS, CLS-LA
(Credential No. 321165),

No. 2020-I-778

CONSENT ORDER

The above-captioned matter was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information indicating that Kobie Ellis, CLS-LA ("Ms. Ellis") had been arrested on or around August 31, 2020, for simple battery pursuant to La. R.S. 14:35. Ms. Ellis has been engaged in the practice of clinical laboratory science ("CLS") as a laboratory assistant since October 2019, as evidenced by Credential No. 321165.

Investigation of the captioned matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., Director of Investigations (the "Investigating Officer") for the Board. In the course of the investigation, the Investigating Officer learned that Ms. Ellis had been arrested on or around August 31, 2020, by the Orleans Parish Sheriff's Office on an outstanding arrest warrant issued by the 24th Judicial District Court Criminal Commissioner for a charge of simple battery pursuant to La. R.S. 14:35.¹ The Investigating Officer later learned that, on the Oath and Affirmation section of her CLS-LA renewal application dated December 31, 2020, Ms. Ellis answered "No" to question 3, which asked:

SINCE YOUR LAST RENEWAL--Have you been cited, arrested, charged with, convicted of or pled guilty or nolo contendere to a violation of any municipal, state or federal statute including any that have been expunged or judicially removed for any reason with the exception of misdemeanor traffic offenses or traffic ordinance violations that do NOT involve the use of drugs or alcohol?

Ms. Ellis' response to question 3 on her license renewal application was false.

Ms. Ellis also has failed to cooperate with the Board's investigation into her arrest and untruthful answer on her license renewal application. Ms. Ellis did not respond to investigations

¹ Pursuant to Louisiana Code of Criminal Procedure article 204, Ms. Ellis was transferred to the custody of the Jefferson Parish Sheriff's Office on September 1, 2020.

staff's initial correspondence dated October 16, 2020, that sought an explanation from her regarding her arrest. On March 3, 2021, Ms. Ellis responded and provided an explanation of her arrest. Ms. Ellis, however, has failed to provide an explanation for the untruthful answer on her license renewal application despite multiple inquiries from the Investigating Officer and investigations staff. Ms. Ellis subsequently scheduled an in-person meeting for December 6, 2021, to discuss the investigation, but she failed to attend this meeting or notify the Investigating Officer that she would be unable to attend. Subsequent efforts by investigations staff to reschedule this meeting were unsuccessful.

As evidenced by her subscription hereto, Ms. Ellis acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing would establish sufficient cause to take action with respect to her laboratory assistant license pursuant to the Louisiana Clinical Laboratory Personnel Law, La. R.S. 37:1326(A)(6)² and (7).³

Recognizing her right to have notice and administrative adjudication of any charges that may be asserted against her in these proceedings, at which time Ms. Ellis 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. R.S. 49:955–65, Ms. Ellis, nonetheless, hereby waives her right to notice and formal adjudication and pursuant to La. R.S. 49:955(D) consents to entry of the Order set forth hereinafter. Ms. Ellis acknowledges that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951 *et seq.*, or which may be afforded to her by any other law to contest or appeal her agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By her subscription hereto, Ms. Ellis also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this 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. R.S. 49:960. Ms. Ellis 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 adjudication

² Pursuant to La. R.S. 37:1326(A): “[t]he board, upon the recommendation of the committee, may deny, suspend, probate, restrict, or revoke the issuance or renewal of a license or certificate, after notice and an opportunity for a hearing pursuant to the Administrative Procedure Act, upon a preponderance of evidence showing any of the following when such activity is not authorized by the provisions of this Part:...(6) Fraud or deceit in procuring or attempting to procure a license or certificate to engage in the practice of clinical laboratory science.”

³ Pursuant to La. R.S. 37:1326(A): “[t]he board, upon the recommendation of the committee, may deny, suspend, probate, restrict, or revoke the issuance or renewal of a license or certificate, after notice and an opportunity for a hearing pursuant to the Administrative Procedure Act, upon a preponderance of evidence showing any of the following when such activity is not authorized by the provisions of this Part:...(7) Violating or helping someone else violate any provision of this Part or any rule or regulation promulgated hereunder”; La. Admin Code tit. 46, pt. XLV, § 7603 (providing that failing to cooperate with the Board constitutes “unprofessional conduct”); *see also* La. Admin Code tit. 46, pt. XLV, § 9714 (establishing “failure to cooperate with board investigation” as an aggravating factor in determining appropriate discipline).

of an administrative complaint against her or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order.

Based upon the information provided, and upon the recommendation of the Investigating Officer, the Board hereby concludes that, consistent with its mandate under La. R.S. 37:1270, 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. 37:1326 and La. R.S. 49:955(D);

IT IS ORDERED that Kobie Ellis CLS-LA, is hereby **OFFICIALLY REPRIMANDED** for the above-described conduct.

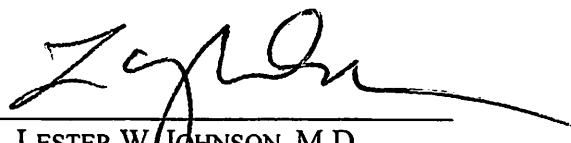
IT IS FURTHER ORDERED that Ms. Ellis shall, within one hundred and twenty (120) days of the date of this Order, pay to the Board a fine in the amount of Two Hundred and Fifty Dollars and No/100 (\$250.00).

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms set forth by this Order by Ms. Ellis shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Ms. Ellis's license to practice clinical laboratory science in the state of Louisiana as the Board may deem appropriate as if such violations were enumerated among the causes provided in La. R.S. 37:1326.

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

New Orleans, Louisiana, this 25th day of April, 2022.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: 
LESTER W. JOHNSON, M.D.
President

Acknowledgment and Consent on Following Page

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF Orleans

I, KOBIE ELLIS, CLS-LA, 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 7th day of March, 2022.

[Signature]
KOBIE ELLIS, CLS-LA

WITNESSES:

[Signature]
Signature

Bao Tran
Signature

Duy Duong
Typed Name

Bao Tran
Typed Name

212 TP
Street Address

212 T.F.
Street Address

Terry town LA 70096
City/State/Zip Code

Terry town LA 7096
City/State/Zip Code

Sworn to and subscribed before me this 7 day of March, 2022, in the presence of the two stated witnesses.

[Signature]
Notary Public (Signature)

Name: Thuy Thi Pham
Notary/Bar No.: 134579
Commission expires: at death

