

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE
LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

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(504) _____

IN THE MATTER OF:

SHELBY HEATH TURNER, RT
(Credential No. 321327),

No. 2021-I-1043

CONSENT ORDER

This matter is before the Louisiana State Board of Medical Examiners (the "Board") in connection with an on-going investigation regarding Shelby Heath Turner, RT ("Mr. Turner"), who is licensed by the Board to practice respiratory therapy in the State of Louisiana pursuant to the Respiratory Therapy Practice Act, La. R.S. 37:3351-61, as evidenced by Credential No. 321327. At all times material to the facts and matters alleged herein, Mr. Turner has been engaged in the practice of respiratory therapy in and around Monroe, Louisiana.

The investigation was initiated following Mr. Turner's indication on his license renewal application that since the date of his last renewal: (1) he obtained treatment for a substance abuse disorder, including alcohol abuse, and (2) on February 7, 2021, he was arrested and charged with "domestic violence." 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 this pending investigation, Mr. Turner explained the circumstances of his arrest and that it was not connected with his practice as a respiratory therapist, confirmed that he had pled guilty to misdemeanor simple battery, and confirmed that he had sought treatment for substance abuse issues at a facility providing Residential and Partial Hospitalization services. Following this treatment, the facility recommended that Mr. Turner continue receiving outpatient services, in addition to attending individual therapy and 12-step meetings. The facility is not on the Board's list of approved evaluation or treatment providers and did not conduct a fitness-to-practice evaluation. Mr. Turner agrees to an interim suspension of his license until such time as he can obtain an evaluation at a Board-approved facility and demonstrate that he can practice respiratory therapy with reasonable competence, skill, and safety to patients.

As evidenced by his subscription hereto, Mr. Turner 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 his license to practice as a respiratory therapist in this state pursuant to La. R.S. 37:3358(A)(15).¹

¹ La. R.S. 37:3358(A)(15) ("The board may deny, refuse to renew, suspend, revoke, 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. Such unprofessional conduct shall

Recognizing his right to have notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Mr. Turner 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. 49:955–65, Mr. Turner, while maintaining such rights, nonetheless hereby consents to the indefinite suspension of his license to practice as a respiratory therapist in this state, with reinstatement thereof subject to the terms and conditions of this Order. By his subscription hereto, Mr. Turner 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 he waives any objection to such disclosures under La. R.S. 49:960. Mr. Turner 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 of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this 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. 37:3351, 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;

IT IS ORDERED that, effective as of the date of this order, the license of Shelby Heath Turner, RT to practice respiratory therapy in the State of Louisiana, as evidenced by Credential No. 321327, be and the same is hereby ***INDEFINITELY SUSPENDED***.

IT IS FURTHER ORDERED that Shelby Heath Turner, RT, shall not practice as a respiratory therapist in any form in the State of Louisiana until and unless the Board issues and serves a written decision reinstating his license to practice following: (1) receipt of satisfactory documentation that Mr. Turner has obtained an evaluation at a Board-approved facility and has successfully completed or demonstrated his intent to comply with any and all recommendations by such facility and by the Director of Investigations or his designee to establish to the Board's satisfaction that he is competent to return to the practice of respiratory therapy with skill and safety; and (2) the conclusion of the pending investigation by administrative hearing and final decision of the Board on any charges that may be filed in these proceedings including, but not limited to, those identified in this Order; or alternatively, by the Board's acceptance of a Consent Order or other disposition of the pending investigation.

IT IS FURTHER ORDERED that this Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.


include: . . . (15) Inability 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.”).

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms set forth by this Order by Mr. Turner shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Mr. Turner's license to practice as a respiratory therapist 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. 37:3358.

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 July, 2022.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

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

(Acknowledgement and Consent on following page)

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA

PARISH OF Ouachita

I, SHELBY HEATH TURNER, RT, 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 11 day of July, 2022.

[Signature]
SHELBY HEATH TURNER, RT

WITNESSES:

[Signature]
Signature

Melinda McDonald
Typed Name

West Monroe
Street Address

La
City/State/Zip Code

[Signature]
Signature

Pamela A. Yarrington
Typed Name

West Monroe
Street Address

La 71291
City/State/Zip Code

Sworn to and subscribed before me this 11 day of July, 2022, in the presence of the two stated witnesses.

[Signature]
Notary Public (Signature)

Name: William Stratton

Notary/Bar No.: 88515

Commission expires: 1/5 Next



WILLIAM STRATTON
Notary Public
Notary ID No. 88515
Ouachita Parish, Louisiana