

LICENSE NO. 69698

IN THE MATTER OF
THE LICENSE OF
LAQUANNA POORE, R.C.T.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 10 day of June, 2016, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of LaQuanna Poore, R.C.T. (Respondent).

On April 18, 2016, Respondent appeared in person, without counsel, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representative was Todd Pollock, M.D., a member of a District Review Committee (Panel). Respondent voluntarily waived the two Panel member requirement. Claudia Kirk represented Board staff.

BOARD CHARGES

Board Staff charged that Respondent committed dishonest or unethical conduct when she documented that for one patient she provided Chest Physiotherapy Treatment (CPT) along with nasal suctioning treatment when the treatment was not actually provided.

BOARD HISTORY

Respondent has not previously been the subject of disciplinary action by the Board.

Upon the recommendation of the Panel and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:
 - a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right

to notice or hearing under the Respiratory Care Practitioners, Title 3, Subtitle K, Texas Occupations Code (the Act) or the Rules of the Board.

- b. Respondent currently holds Texas Respiratory Care Practitioner License No. 69698. Respondent was originally issued this license to practice respiratory care in Texas on November 28, 2006. Respondent is not licensed to practice in any other state.
- c. Respondent is 33 years of age.

2. Specific Panel Findings:

- a. The patient was admitted to the hospital for viral bronchiolitis. The physician ordered bronchodilator treatments with CPT and suctioning to be performed every three hours. In addition, vital signs were to be performed before and after each treatment.
- b. Respondent documented in the patient's medical records that she treated the patient as ordered every three hours, including vital signs.
- c. The patient's family member complained that Respondent did not perform CPT, suctioning, or take vital signs.
- d. The hospital conducted an investigation. When interviewed, two hospital staff members stated that Respondent was not in the room for a long enough time to perform the full treatment. In addition, the staff members stated that they could not hear Respondent perform CPT or see the vital sign monitor come on when Respondent was in the patient's room.

3. Mitigating Factors:

In determining the appropriate sanctions in this matter, the Panel considered the following as mitigating factors:

- a. Respondent has no prior disciplinary history.
- b. Respondent has cooperated in the investigation of the allegations related to this Agreed Order.
- c. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation,

Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 604.201(b)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's dishonest or unethical conduct.
3. Section 604.201(b)(8) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of this chapter or aiding or abetting another in violating this chapter.
4. Section 604.201(b)(9) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a rule adopted under this chapter; specifically Board Rules: 25 TAC 140.212(I), the practitioner shall be responsible for competent and efficient performance of his assigned duties and shall report to the department incompetence and illegal or unethical conduct of members of the profession; 25 TAC 140.212(M), a practitioner shall conform to medically accepted principles and standards of respiratory care which are generally recognized by the profession as appropriate for the situation presented, including those promulgated or interpreted by or under the American Association for Respiratory Care, the National Board for Respiratory Care, the Texas Society for Respiratory Therapy, the department, and other professional or governmental bodies; 25 TAC 140.212(R), a respiratory care practitioner shall not falsify or make grossly incorrect, grossly inconsistent, or unintelligible entries in a patient, hospital or other record; and 25 TAC 140.212(S), a respiratory care practitioner shall not exhibit a pattern of substandard care in the performance of duties related to the practice of respiratory care.
5. Section 604.201 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.
6. Section 604.211(f) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Within 30 days of the date of the entry of this Order, Respondent must have her current supervisor assign licensed respiratory therapists to serve as Respondent's work-site monitors. Respondent shall be monitored for one year or four consecutive quarters/cycles. The monitors must report to Respondent's supervisor and one monitor must be on-site during Respondent's work hours. The monitors shall report on Respondent's work to the supervisor. Based on the monitors' reports, the supervisor will then provide four quarterly reports, one after completion of each three month period, to the Compliance Department of the Board. The reports shall be due on: September 30, 2016; December 30, 2016; March 30, 2017; and June 30, 2017. The reports shall document: (1) any perceived deficiencies in Respondent's practice to include quality of care, documentation, and professionalism; (2) any recommendations to improve Respondent's practice; and (3) Respondent's compliance with any recommendations. Any costs incurred by the supervisor and/or monitors shall be paid by Respondent. Respondent shall not charge the compensation and costs paid to the supervisor and/or monitor to any patients.

2. Within one year following the date of the entry of this Agreed Order, Respondent shall enroll in and successfully complete at least six hours of continuing education (CE), divided into the following subjects: four hours in the topic of respiratory care, and two hours in the topic of ethics. The CE shall be approved for credits by the American Association for Respiratory Care (AARC) and approved in writing in advance by the Executive Director or their designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course. The CE requirements set forth in this paragraph shall be in addition to all other CE required for licensure maintenance.

3. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent is employed or practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

4. The time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) Respondent's license is subsequently cancelled for nonpayment of licensure fees; (c) this Order is stayed or enjoined by Court Order; or (d) for any period of time longer than 60 consecutive days that Respondent does not actively practicing as a respiratory care technician. If Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days, Respondent shall immediately notify the Board in writing. Upon Respondent's return to active practice or return to practice in Texas, Respondent shall notify the Board in writing. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling. The tolling shall not apply to CE requirement in Ordering Paragraph No. 2.

5. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

6. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

7. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this

Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §604.209(b)(1) of the Act and agrees to 10 days notice.

8. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute a basis for disciplinary action by the Board against Respondent pursuant to §604.201(b)(9)(B) of the Act.

9. The above referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for one year following the date of the entry of this Order. If, after the passage of the one year period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

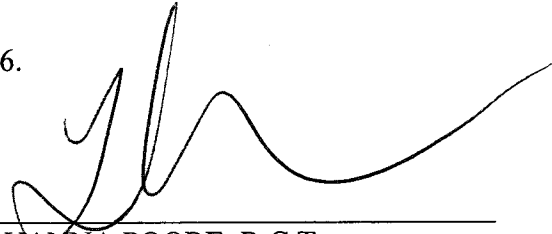
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

[SIGNATURE PAGES FOLLOW]

I, LAQUANNA POORE, R.C.T., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: MAY 16TH, 2016.



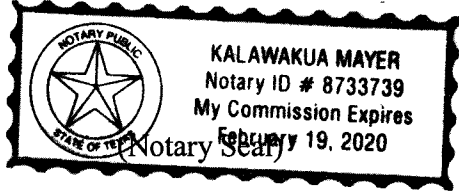
LAQUANNA POORE, R.C.T.
Respondent

STATE OF TEXAS

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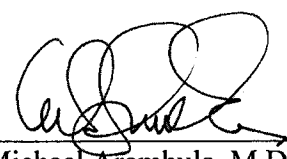
COUNTY OF DALLAS

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 16TH day of MAY, 2016.



Kalawakua Mayer
Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
10 day of June, 2016.



Michael Arambula, M.D., Pharm.D., President
Texas Medical Board