

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

PAMELA JEAN COMBEST, OTA
Applicant

No. 13-I-168

**CONSENT ORDER
FOR ISSUANCE OF LICENSE
ON PROBATION**

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Pamela Jean Combest ("Ms. Combest") for a license to practice as an occupational therapy assistant ("OTA") 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. Combest disclosed that she was previously treated for drug/alcohol dependency and that she has had several prior arrests. In addition, Ms. Combest self reported that she received a Registered Nurse (RN) license in Louisiana with probation in 1998, and that her nursing license has been suspended since May 2010. Predicated upon such information, the Board's Investigative Officer ("I/O") opened an investigation. Ms. Combest has been unable to afford the months of inpatient treatment required for reinstatement of her nursing license; therefore, she has decided to pursue licensure as an occupational therapy assistant. On her own behalf, Ms. Combest has cooperated with this investigation by fully disclosing the arrests, prior RN licensure Board action, treatment, timely providing all records as requested, and met with Board staff to sign a monitoring agreement in order to demonstrate a period of sobriety prior to licensure. At this time, Ms. Combest has completed three months of monitoring and is amenable to a license being issued on probationary status and has expressed a willingness, if licensed as an occupational therapy assistant in Louisiana, to continue on-going monitoring.

As evidenced by her subscription hereto, Ms. Combest 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 as an occupational therapy assistant in this state or such other action as the Board may deem appropriate, pursuant to the Louisiana Occupational Therapy Practice Act and the Board's rules pertaining to Occupational Therapists.¹ On the basis of apparently reliable

¹La. Rev. Stat. §37.3011.A. provides that -the board may take action against the licensee or applicant who has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. La Adm. C. §46XLV.4921.B.5 and 13, define unprofessional conduct as: 5. "[H]abitual or recurring use of drugs, including

information, however, the Board is persuaded that the conditions from which Ms. Combest suffers may be susceptible to effective treatment resulting in the maintenance of her ability to practice as a occupational therapy assistant with reasonable skill and safety to patients provided that she strictly observes and complies with appropriate restrictions on and conditions to maintenance of her license. In consideration of this finding, accordingly, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §§37:3001, *et seq*, will be effectively served by entry of the Order set forth hereinafter by consent.

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. Combest, 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. Combest 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. Combest 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. Combest 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. §37:3011 and La. Rev. Stat. §49:955D;

IT IS ORDERED that a license is hereby issued on **PROBATION for five (5) years** to Pamela Jean Combest to practice as a licensed Occupational Therapy Assistant in the state of Louisiana, subject to her acceptance of and strict compliance with the following terms and conditions:

- 1. Participation in the Board's Allied Professionals Health Program.** Ms. Combest shall sign an agreement with the Board's Allied Professionals Health Program for a minimum of five (5) years and shall fully comply with all terms, monitoring conditions and restrictions of the program. Ms. Combest shall authorize and cause to have submitted to the Board monthly reports of full compliance with all monitoring requirements of the Program.

alcohol, which affects the central nervous system and which are capable of inducing physiological and psychological dependence"; 13. "[I]nability to practice occupational therapy with reasonable competence, skill, or safety to patients because of mental or physical illness, condition or deficiency, including . . . excessive use or abuse of drugs, including alcohol."

² La. Rev. Stat. §49:951, *et seq.*

2. **Participation in Drug Screening.** Ms. Combest shall submit to periodic, unannounced blood, urine, saliva, hair collection or other screens, including EtG and PEth levels, to detect the presence of alcohol or other mood-altering substances. Such screenings shall be random and shall occur at such intervals as may be directed by the Board's Probation and Compliance Officer or designee. Ms. Combest shall authorize and cause all reports of the results of such drug screens to be promptly submitted to the Board.
3. **Board Access to Treatment Records and Reports.** Ms. Combest shall, and does by her subscription hereto, authorize any physician or health care professional or any institution at which she undergoes treatment for chemical abuse or dependency or any other condition from which she may suffer or be diagnosed, as well as any health care professional under whose care she may come at such an institution who has or may hereafter evaluate, diagnose, treat or monitor her, to provide the Board with copies of all medical reports relating to her history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Ms. Combest expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and shall immediately execute any authorization or release that may be necessary to permit the Board access to such records.
4. **Maintenance of Complete Abstinence.** Ms. Combest shall maintain complete and total abstinence from the use of any alcohol or mood-altering substances except as may be prescribed by a treating physician for a *bona fide* medical condition. Ms. Combest shall personally inform the Board in writing within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by her for treatment of a *bona fide* medical condition. In the event that Ms. Combest should be diagnosed with a medical condition which necessitates the use of controlled or mood altering substances, Ms. Combest hereby acknowledges that she shall voluntarily withdraw from practice until and unless permitted to resume in that capacity following the evaluation and determination of a physician designated by the Board that she is then capable of practicing with reasonable skill and safety to patients.
5. **Board Approval of Practice Setting.** Following the effective date of this Order and for the duration of the probationary period, before continuing or accepting any employment with any clinic, hospital, physician or other entity providing healthcare services to patients, Ms. Combest shall obtain the Board's written approval of her employment setting and shall provide any and all information that the Board may then require in connection with such approval. Ms. Combest shall not engage in health care practice in advance of the Board's specific written approval of such practice setting.
6. **Notification of Order; Reports from Supervisors; Authorization.** Prior to beginning or returning to work, Ms. Combest 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 she provides health care services in this state. Thereafter, Ms. Combest shall authorize and cause the supervisor, or another designee approved by the Board, to submit to the Board quarterly written reports of his/her determination concerning Ms. Combest's

professional competence as derived from such monitoring. In addition, upon request of the Board's probation officer, Ms. Combest shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records from any hospital, institution, physician or other health care entity where Ms. Combest is employed.

7. **Probation Monitoring Fee.** For each year of the probationary term, Ms. Combest shall pay the Board an annual 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 annual payments shall be due on or before the anniversary date of the initial fee payment.
8. **Self-Reporting.** Ms. Combest shall immediately self-report in writing to the probation officer any violation of or failure to adhere to the terms, conditions or restrictions of this order. Furthermore, Ms. Combest shall immediately self-report in writing to the Board any personal action or inaction which constitutes a violation of the Act.
9. **Self-Reporting of Other Investigations.** Ms. Combest shall immediately self-report in writing to the probation officer any and all investigations, inquiries, charges, convictions, or disciplinary actions taken by any local, state or Federal agency, or any institution of facility.
10. **Cooperation with Board's Probation and Compliance Officer.** Ms. Combest shall direct all matters required pursuant to this Order to the attention of the Probation and Compliance Officer and she shall cooperate on all matters and inquiries pertaining to her compliance with the terms and conditions of this Order. Ms. Combest may be required to report, in person to her probation officer, within thirty (30) days of receipt of notification that the opinion of the Board is final and at such other times as may be directed. Ms. Combest is required immediately to complete all forms, fully and carefully, when received, and to present these to her probation officer at the first meeting or as directed. She shall immediately thereafter notify the Board's Probation and Compliance Officer of any changes in her current home and professional addresses and telephone numbers, and shall allow such access to her office, business practice or home and to patient medical records as may be necessary to her supervision.
11. **Absence from State or Discontinuance of Practice - Effect on.** Should Ms. Combest at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as an occupational therapy assistant for a period of thirty (30) days or more, she will so advise the Board in writing. In such instance, the probationary term ordered herein shall be deemed interrupted and extended for no less than the period of time during which she was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed in the Board's discretion.

12. **Sanction; Suspension; Resolution.** By her subscription hereto, Ms. Combest acknowledges that her receipt of written notification that the Board has received apparently reliable information which indicates her failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing her with any right to which she may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which otherwise may be afforded to her by law, constitute her irrevocable consent to the immediate suspension of her license to practice as an occupational therapy assistant in this state. In the event of suspension under this provision Ms. Combest acknowledges that she shall not resume the practice of an occupational therapy assistant in this state until and unless the Board issues and serves on her a written order reinstating her license following: (i) the Board's receipt of Ms. Combest's sworn certification attesting, under penalty of perjury and providing false sworn information to the Board, that she is then in full compliance with all requirements of this Order; (ii) Ms. Combest meeting at the Board office with the Director of Investigations or designee to discuss her alleged transgressions of the Order and potential recommendations for disposition; and (iii) the conclusion of administrative proceedings following an administrative hearing and a final decision issued by the Board on any charges made the basis of her suspension or that may be filed in these proceedings; alternatively, (iv) by the Board's acceptance of a superseding consent or other order or recommendation respecting disposition of such charges.
13. **Certification of Compliance with Probationary Terms; Personal Appearance Before the Board.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Ms. Combest shall provide the Board with an affidavit certifying that she has complied with each of the terms of probation imposed by this Order and she shall contact the Board and arrange for a personal appearance before the board or its designee at its meeting preceding the expiration of her probation term. The probationary term and all of its terms, conditions and restrictions, shall be and shall be deemed to be extended and continued in full force and effect pending Ms. Combest'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 its representative below.

IT IS FURTHER ORDERED that any violation of strict compliance with any of the terms or conditions of this Order by Ms. Combest shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Combest's license to practice as an occupational therapy assistant in the state of Louisiana or for such other disciplinary action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:3011.

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 15th day of July, 2013.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY: 
MELVIN G. BOURGEOIS, M.D.
President

*Acknowledgment and Consent
follows this page*

STATE OF LOUISIANA

PARISH OF ORLEANS

**ACKNOWLEDGMENT
AND CONSENT**

I, PAMELA JEAN COMBEST, OTA, Applicant, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 26 day of June, 2013.

Pamela Jean Combest
PAMELA JEAN COMBEST, OTA APPLICANT

WITNESSES:

Cathy M Storm
Signature

CATHY M STORM
Printed Name

630 CAMP ST.
Address

NOLA
City, State, Zip Code

Esparonzia B. Spooner
Signature

Esparonzia B. Spooner
Printed Name

630 Camp St.
Address

NOLA 70130
City, State, Zip Code

Sworn to and subscribed before me this 26th day of June, 2013, in the presence of the two stated witnesses.

Thania S. Elliott
Notary Public (Signature and Seal)

THANIA S. ELLIOTT LA Bar # 20799
Printed Name/Notary or Bar Number