

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

No. 14-I-573

SHANNA BRYAN SANDERS, OTA
(CERTIFICATE NO. OTA.200450)

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

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information that indicated that Shanna Bryan Sanders ("Ms. Sanders"), who at all times material to the facts and matters alleged herein is licensed and engaged in practice as an occupational therapy assistant in and around Monroe, Louisiana, suffers from alcohol use disorder. In September 2015, Ms. Sanders had a return to use while under an abstinence-based monitoring agreement. Thereafter by Interim Consent Order, Ms. Sanders agreed to discontinue practice until she could successfully demonstrate a period of sobriety and until approved by her treating physician to return to practice.¹

Ms. Sanders has taken time to solidify her recovery and it is the opinion of her treating professionals that she is capable of returning to practice as an occupational therapy assistant with reasonable skill and safety to patients.

As evidenced by her subscription hereto, Ms. Sanders acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer herein with probable cause to pursue formal administrative proceedings against her pursuant to La. Rev. Stat. §§37:3011(A)² and the Board's Rules pertaining to Occupational Therapist, La Adm. C. §46XLV.4921.B³ and to pursue the suspension or revocation of her license to practice as an occupational therapy assistant in the State of Louisiana. On the basis of apparently reliable information, however, the Board is persuaded that the condition from which Ms. Sanders suffers may be susceptible to effective medical treatment, resulting in the maintenance of her capacity to practice as an occupational therapy assistant with reasonable skill and safety to patients, provided that she strictly observes and complies with appropriate restrictions

¹ *Interim Consent Order*, In the Matter of Shanna Bryan Sanders, OTA No. 12-I-941, La. St. Bd. of Med. Exam. (Dec. 7, 2015).

² La. Rev. Stat. §37.3011(A) provides that ~the board may take action against the licensee who has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public.

³ La Adm. C. §46XLV.4921.B. defines ~'unprofessional conduct' as: 5. '[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'.
13. '[I]nability to practice occupation 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'

on and conditions to maintenance of her license. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice by occupational therapists, La. Rev. Stat. §37:3011, will be effectively served by entry of the Order set forth hereinafter by consent.

Recognizing her right to have an administrative adjudication of such charges, at which time Ms. Sanders 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. §§ 49:955-965, Ms. Sanders, nonetheless, hereby waives her right to formal charges and adjudication and consents to entry of the Order set forth hereinafter. Ms. Sanders also acknowledges that she hereby waives any right that she may have under the Louisiana Administrative Procedure Act, La. Rev. Stat. § 49:951, *et seq.*, or that she otherwise may be afforded by any law to contest her agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By her subscription hereto, Ms. Sanders 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. Ms. Sanders 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 pursue administrative charges 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, La. Admin. C. §46:4921 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Shanna Bryan Sanders, OTA, to engage in practice as an Occupational Therapy Assistant in the State of Louisiana, as evidenced by Certificate No. OTA.200450 shall be placed **ON PROBATION** for three (3) years, commencing from the effective date of this Order; *provided, however*, that Ms. Sander's license to practice and her continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to her acceptance of and strict compliance with the following terms and conditions:

- (1) **Continuing Treatment, Participation in the Board's Allied Health Professional Program/Reports to the Board.** Ms. Sanders shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring of her condition, which have or may be contained in her allied health monitoring agreement, as well as those recommended by her treating physicians and those prescribed by any other health care provider involved in her care to the extent that they continue to follow her. Ms. Sanders shall, in addition, authorize and cause her treating and monitoring physicians to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports and/or verbal reports, should the Board desire the

latter, on her then-current treatment diagnosis, prognosis, course of treatment, maintenance of abstinence from controlled and mood-altering substances, her fitness and ability to practice medicine with reasonable skill and safety to patients, and her compliance with the terms, conditions and restrictions of this Order.

- (2) **Participation in Drug Screening.** Ms Sanders shall submit to periodic, unannounced blood, urine, hair collection or other screens, including EtG and PEth levels, to detect the presence of alcohol or other mood-altering substances. Ms Sanders shall authorize and cause all reports of the results of such drug screens to be promptly submitted to the Board.
- (3) **Maintenance of Complete Abstinence.** Ms. Sanders shall maintain complete and total abstinence from the use of alcohol, controlled and any other mood-altering substance for as long as she holds a license to practice in this state, except as may be prescribed by a treating physician for a *bona fide* medical condition. Ms. Sanders shall personally inform the Board's Probation/Compliance Officer and her treating and monitoring physicians, if indicated, both orally and in writing, within forty-eight (48) hours of the prescription or administration of any mood-altering substance received by her from another physician for treatment of a *bona fide* medical condition. In the event that Ms. Sanders should be diagnosed with a medical condition which necessitates the use of controlled or mood altering substances, Ms. Sanders hereby acknowledges that she shall voluntarily withdraw from practice as an occupational therapist 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.
- (4) **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. Sanders 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. Sanders shall not engage in health care practice in advance of the Board's specific written approval of such practice setting.
- (5) **Limitation/Restriction of Practice.** Ms. Sanders shall not, until further written Order of the Board, engage in the practice of occupational therapy in the home health setting.
- (6) **Notification to Employers; Reports from Supervisors; Authorization.** Prior to beginning or returning to work, Ms. Sanders shall provide a copy of this Consent Order to each supervising physician, hospital, clinic, facility or other employer or prospective employer at which or for whom she provides services as an occupational therapy assistant in this state. Thereafter, Ms. Sanders shall authorize and cause the supervisor, or another designee approved by the Board, to provide quarterly reports to the Board written reports of his/her determination concerning Ms. Sanders's

professional competence as derived from such monitoring. In addition, upon request of the Board's probation officer, Ms. Sanders shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records pertaining to Ms. Sanders from any hospital, institution, physician or other health care entity where she is employed. The quarterly reports are due on or before the first of January, April, July and October of each year.

- (7) **Continuing Medical Education.** Ms. Sanders shall obtain not less than twenty (20) credit hours per year for each of the years of the probationary term through attendance at and participation in continuing medical education ("CME") programs approved by the Board. On or before the anniversary date of the effective date of this Order and for each additional year of the probationary term, she shall cause to be submitted to the Board written certification of the CME programs and credits completed during the preceding twelve (12) months.
- (8) **Probation Monitoring Fee.** For each year of the probationary term, Ms. Sanders 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.
- (9) **Self-Reporting.** Ms. Sanders 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. Sanders shall immediately self-report in writing to the Board any personal action or inaction which constitutes a violation of the Act.
- (10) **Cooperation with Board's Probation and Compliance Officer.** Ms. Sanders 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. Sanders is required to report, in person to her probation officer at such other times as may be directed. She is required immediately to complete all forms, fully and carefully, when received, and to present these to her probation officer as directed. Ms. Sanders 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 shall immediately notify the Board's Probation Officer of any change in her current home and professional addresses and telephone numbers and she shall direct all matters required pursuant to this Consent Order to the attention of the Probation Officer with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms, conditions and restrictions hereof. Ms. Sanders shall also make herself available upon reasonable notice for personal interviews with the Probation Officer of the Board or their designated representatives for the purpose of discussing her then-current compliance with the terms of this Order.

- (11) **Absence from State or Discontinuance of Practice - Effect on.** Should Ms. Sanders 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 in health care, for a period of thirty (30) days or more, she will so advise the Board in writing. In such instance, the probationary period 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. Sanders acknowledges that her receipt of written notification from the Board that it has received any report 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 pending the issuance of a final decision by the Board following administrative adjudication 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. Sanders shall contact the Board and arrange for a personal appearance before the Board, or its designee, at its meeting preceding the expiration of the probationary term ordered herein. As a precondition to her request for termination of probation, Ms. Sanders shall provide the Board with an executed affidavit certifying that she has complied with each of the terms of probation imposed upon her 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 Ms. Sanders'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 or strict compliance with any of the terms, conditions, or restrictions of this Order by Ms. Sanders shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Sanders'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.

New Orleans, Louisiana, this 13th day of February, 2017.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: K. Barton Farris, M.D.
K. Barton Farris, M.D.
Vice-President

*Acknowledgment and Consent
On Following Page*

STATE OF Louisiana

PARISH/COUNTY OF Ouachita

**ACKNOWLEDGMENT
AND CONSENT**

I, Shanna Sanders, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 14th day of January, 2017

Shanna Bryan Sanders
SHANNA BRYAN SANDERS, OTA

WITNESSES:

Sheri Odom
Signature

Robert Mangle
Signature

Sheri Odom
Printed Name

Robert Mangle
Printed Name

408 Stevenson Drive
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1001 McKeen Pl Apt 404
Address

Monroe, LA 71203
City, State, Zip Code

Monroe LA 71201
City, State, Zip Code

Sworn to and subscribed before me at Monroe, Louisiana, this 14th day of January, 2017, in the presence of the two stated witnesses.

Vicki Ogle
Notary Public

Print name Vicki Ogle

Bar/Notary No.: 17719