

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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(504) _____

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

IN THE MATTER OF:

BRANDY MONNIN MULHERIN, OT
(Credential No. OTT.200845),
Respondent

No. 2021-I-1105

**CONSENT ORDER
FOR REPRIMAND**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board"), following receipt of information relating to Brandy Monnin Mulherin, OT ("Ms. Mulherin"), an Occupational Therapist licensed to practice in the State of Louisiana pursuant to the Louisiana Occupational Therapy Practice Act of 1979, La. R.S 37:3001-14, as evidenced by Credential No. OTT.200845. At all times material to the facts and matters alleged herein, Ms. Mulherin has been engaged in the practice of occupational therapy in and around New Orleans, Louisiana.

The Board initiated an investigation upon the receipt of apparently reliable information indicating that Ms. Mulherin had been practicing as an occupational therapist with an expired license.¹ Investigation of the captioned matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., Director of Investigations (the "DOI") for the Board. Upon investigation, Ms. Mulherin acknowledged that she was unaware that her license had expired on September 30, 2019, and she negligently failed to renew her license. Ms. Mulherin also stated that when she became aware that her license was inactive, on August 17, 2021, she immediately notified her director and stopped treating patients. In total, Ms. Mulherin was practicing as an occupational therapist with an expired license for over 1 year and ten months. Ms. Mulherin did stay current with the applicable certification and continuing education requirements during the period that her license was expired.

¹ See La. R.S. 37:3012(A) ("A license issued under this Chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the policies of the board."); La. Admin. Code tit. 46, pt. XLV, § 1947(A) ("Every license issued by the board under this Subchapter shall be renewed annually on or before its date of expiration . . ."); La. Admin. Code tit. 46, pt. XLV, § 1945(A) ("Every license issued by the board under this Chapter shall expire and thereby become null, void, and to no effect each year on the last day of the month in which the licensee was born.").

During the course of this investigation, Ms. Mulherin renewed her license on to practice as an occupational therapist in this state on August 26, 2021, and her license is currently active.

Ms. Mulherin has fully cooperated with the Board's investigation, met with and discussed the below recommendations with the DOI, expressed remorse for her actions, and accepted responsibility for her conduct and the violations state herein.

As evidenced by her subscription hereto, Ms. Mulherin 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 occupational therapy license pursuant to La. R.S. 37:3011(A).²

Recognizing her right to notice and administrative adjudication of any charges that may be asserted against her in these proceedings, at which time Ms. Mulherin 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. Mulherin, 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. Mulherin 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. Mulherin 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. Mulherin 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 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. 37:1261, the interests of public health, safety, and welfare will be effectively served by entry of the Order set

² La. R.S. 37:3011(A) ("The board may refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions, if the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public."); La. Admin. Code tit. 46, pt. XLV, § 4931(B)(15) (defining "unprofessional conduct" as including "practicing or otherwise engaging in any conduct or functions beyond the scope of occupational therapy as defined by the Act or these rules."); *see also* La. R.S. 37:3004 ("No person shall practice occupational therapy or hold himself out as an occupational therapist or an occupational therapy assistant, or as being able to practice occupational therapy or to render occupational therapy services in the state unless he is licensed in accordance with the provisions of this Chapter."); La. Admin. Code tit. 46, pt. XLV, § 4929(A) (No person who is not licensed under this Chapter as an occupational therapist or an occupational therapy assistant, or whose license has been suspended or revoked, shall . . . represent himself as an occupational therapist or an occupational therapy assistant.").

forth hereinafter by consent. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. R.S. 37:3011 and La. R.S. 49:955(D):

IT IS ORDERED that Brandy Monnin Mulherin, OT, is hereby **OFFICIALLY REPRIMANDED** for the conduct described above.

IT IS FURTHER ORDERED that Ms. Mulherin shall, within one hundred and twenty (120) days of the date of this Order, pay to the Board a fine in the amount of Five Hundred Dollars and No/100 (\$500.00).


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. Mulherin shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Ms. Mulherin's license to practice as an occupational 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. 37:3011.

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 Oct., 2021.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

CERTIFIED TRUE COPY
Green Robinson
Docket Clerk
Louisiana State Board of Medical Examiners
Date 11-3-21

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

Acknowledgment and Consent on Following Page

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA

PARISH OF ORLEANS

I, BRANDY MONNIN MULHERIN, OT, 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 October, 2021.

Brandy Mulherin
BRANDY MONNIN MULHERIN, OT

WITNESSES:

[Signature]
Signature

James L. Mulherin
Typed Name

773 Canal Roadway
Street Address

New Orleans, LA 70124
City/State/Zip Code

[Signature]
Signature

Melissa Schoenfeld
Typed Name

6976 General Haig St.
Street Address

New Orleans, LA 70124
City/State/Zip Code

Sworn to and subscribed before me this 7th day of OCTOBER, 2021, in the presence of the two stated witnesses.

[Signature]
Notary Public (Signature)

Name: _____
Notary/Bar No.: _____
Commission expires: _____



Stephen Michael Schoenfeld
NOTARY PUBLIC
State of Louisiana
Bar Roll Number: 27289
My Commission Is Issued for Life.