

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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No. 08-I-448

In The Matter Of

LORRI ELIZABETH MALAGARIE, LOTR
(Certificate No. Z11969)

CONSENT ORDER FOR OFFICIAL REPRIMAND

Lorri E. Malagarie, LOTR ("Ms. Malagarie"), is an occupational therapist who at all times pertinent has been licensed to practice in this state by the Louisiana State Board of Medical Examiners (the "Board") and engaged in practice in Abbeville, Louisiana. The above-entitled proceeding was docketed for investigation by the Board following receipt of complaint that Ms. Malagarie was engaged in practice which was outside the scope of practice for an occupational therapist, and could be in violation of the ethical principles for Occupational Therapists. Ms. Malagarie cooperated fully with the investigation, and discontinued this activity upon being made aware that she may be engaged in an improper practice.

The investigation revealed that Ms. Malagarie was offering her patients certain services (remote biofeedback sessions utilizing a "hand cradle") in her professional office setting, and facilitating the patient's obtaining a consultation with a practitioner in another state. The Homeopathic practitioner would, based upon data obtained thru use of the "hand cradle", recommend treatment with homeopathic remedies. The patient could order the medications directly from the out of state practitioner or from other sources.

In connection with this matter, Ms. Malagarie met with the Investigating Officer of the Board (the "I/O"), acknowledged that her conduct was in violation of the Board's rules and regulations. However, Ms. Malagarie states that her conduct was unintentional. She now understands that by allowing patients to utilize the hand cradle in her office, she created the appearance that she was engaged in the unauthorized practice of medicine and exceeded the scope of practice for an Occupational Therapist. Accordingly, she informed the I/O that she had removed the hand cradle from her office, no longer promotes biofeedback sessions, and does not offer to provide patients and their family members with any type of medication or nutritional supplements. She expressed a commitment that her future practice would be in accordance with the ethical principals of her profession and in compliance with the scope of practice for Occupational Therapists in this state.

Investigation of the captioned matter was assigned to Cecilia Mouton, M.D., Investigating Officer for the Board. While it appears to the I/O Ms. Malagarie is a conscientious and well-trained occupational therapist Dr. Mouton's review and analysis of the matter confirms to her satisfaction that the actions identified hereinabove may implicate one or more violations of the Louisiana Occupational therapist Practice Act ("Act") and/or the Board's rules.¹

Without admitting to any transgression of the Act or the Board's rules, by her subscription hereto Ms. Malagarie, nevertheless, acknowledges the substantial accuracy of the foregoing information and that such information and acknowledgement could provide the I/O with probable cause to pursue formal administrative proceedings against her for violation of the Act, constituting sufficient cause for action against her license to practice occupational therapy in this state. Recognizing her right to have notice of such allegations and charges asserted against her, to administrative adjudication of such 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. Malagarie, nonetheless, hereby waives her right to notice of charges and formal adjudication and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Ms. Malagarie further acknowledges and waives any right to which she may 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 to contest her agreement to or the force and effect of this document in any court relating to the matters referred to herein. By her subscription hereto Ms. Malagarie 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. Malagarie 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 file a formal Administrative Complaint against her or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the information provided, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:3002, will be effectively served by entry of the Order set forth hereinafter, by consent.

¹La. Rev. Stat. §37:1360.33(3), La. Adm. C. 46XLV.4505E(1), (4), 4513A(16).

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. §49:955(D);

IT IS ORDERED that Lorri E. Malagarie, LOTR, who is licensed to practice as an Occupational Therapist in the state of Louisiana, as evidenced by Certificate No. OTTZ11969 be, is hereby **REPRIMANDED** for the conduct identified hereinabove.

IT IS FURTHER ORDERED that within twelve (12) months from the effective date of this Order that Lorri E. Malagarie, LOTR shall pay the Board a fine in the amount of five hundred (\$500) dollars.

IT IS FURTHER ORDERED that within twelve (12) months from the effective date of this Order, that Lorri E. Malagarie, LOTR shall complete a course, which has been pre-approved by the Board in writing, which addresses issues of professionalism and the ethical conduct of Occupational Therapists.

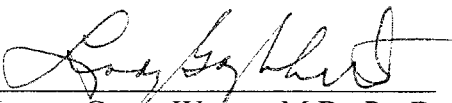
IT IS FURTHER ORDERED that any violation of this Order by Lorri E. Malagarie, LOTR shall, upon proof of such violation be deemed adequate and sufficient cause for such further action against her license to practice occupational therapy in this state as the Board may deem appropriate, as if such violation 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 16th day of February, 2009.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

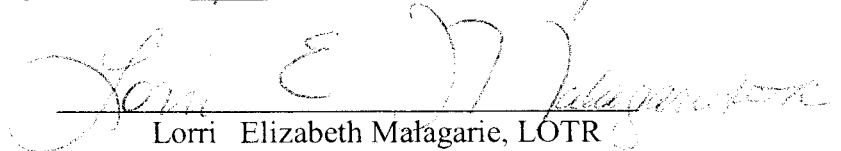
BY:


LINDA GAGE-WHITE, M.D., PH.D.
President

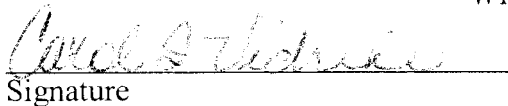
STATE OF LOUISIANA
PARISH OF LAFALETTE

**ACKNOWLEDGMENT
AND CONSENT**

I, LORRI ELIZABETH MALAGARIE, LOTR, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 9th day of January, 2008.

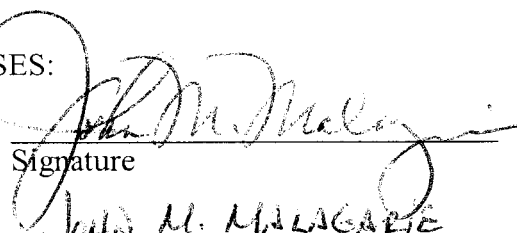

Lorri Elizabeth Malagarie, LOTR

WITNESSES:


Signature

Carol F. Vidrine
Printed Name

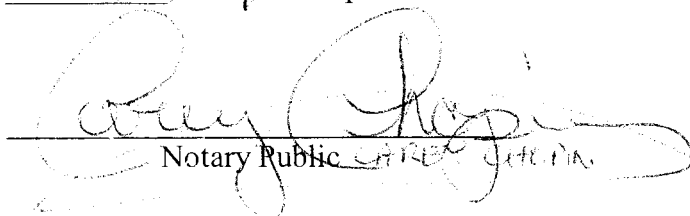
1018 Caton Drive, Abbeville 70510
Address


Signature

John M. Malagarie
Printed Name

P.O. Box 169, Vidreville, LA 70592
Address

Sworn to and subscribed before me at ABBEVILLE, Louisiana this 9th day of JANUARY, 2008, in the presence of the two stated witnesses.


Notary Public

64608
Notary/Bar No.