

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In the Matter Of

No. 05-I-487

Kristy Ann Carnahan, OTT
(License: No. OTT 200012),

CONSENT ORDER

Respondent.

An investigation conducted on behalf of the Louisiana State Board of Medical Examiners (the "Board") developed apparently reliable information indicating that during the year 2006 Kristy Ann Caranhan, ("Ms. Carnahan"), who at all times pertinent was licensed to practice occupational therapy in the state of Louisiana, pled guilty to the charge of Possession of Methamphetamine, a felony under Louisiana law. As a result of her plea Ms. Carnahan was sentenced to three years at hard labor, which sentence was suspended in lieu of three years active supervised probation.¹ Predicated on the foregoing, the Investigating Officer assigned to this matter determined that probable cause exists for recommending to the Board that an Administrative Complaint be filed in this matter charging Ms. Carnahan with violation of the Louisiana Occupational Therapy Practice Act and the Board's Rules and Regulations pertaining to Occupational Therapists and occupational therapy assistants.²

As evidenced by her subscription hereto, Ms. Carnahan acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing would establish sufficient cause for the suspension or revocation of her license to practice occupational therapy in the state of Louisiana or such action as the Board may deem appropriate, pursuant to La. Rev. Stat. §37:3011 and La. Adm. C., 46XLV:4921.

On the basis of information provided to the Board with Ms. Carnahan's knowledge and consent, the Board is nevertheless persuaded that she may maintain her license to practice

¹ See: *State vs. Kristi Carnahan*, Amended Bill of Information, Criminal Docket No. 71,555, St. of LA, Parish of Webster, Twenty Sixth Judicial District Court, Minute Book, Vol. 48, page 554 (June 19, 2006).

² La. Rev. Stat. §37:3011(A)(3) provides that the board may take action against an occupational therapist for engaging in unprofessional conduct consisting, among other matters, of: '[C]onviction of a crime other than a minor offense in any court if the acts for which he was convicted are found by the Board to have a direct bearing on whether he should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant.' The Board's Rules relative to occupational therapists, La. Adm. C. 46XLV:4921(A), provide that the board may suspend, revoke, or impose probationary conditions on the license of any occupational therapist or occupational therapist assistant for '[C]onviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, of the United States, or of the state in which such conviction or plea was entered.' La. Adm. C. 46XLV:4921(B)(1).

occupational therapy, provided that she strictly observes and complies with reasonable and appropriate restrictions on 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. §37:3011, 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. Carnahan, 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. Carnahan also waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act³ 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. Carnahan also hereby authorizes the Investigating Officer designated by the Board with respect to this matter 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. Carnahan 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 and pursue administrative charges against her or to the Board's capacity to adjudicate such charges 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 the license of Kristy Ann Carnahan, OTT, to engage in the practice of occupational therapy in the state of Louisiana, as evidence by License No. 200012 shall hereby be placed on **probation** for a period of three (3) years from the effective date of this Order; *provided, however*, that Ms. Carnahan's license to practice and her continued rights and privileges thereunder, shall be dependent upon her strict compliance with the following probationary terms, conditions, and restrictions

(1) Evaluation, Monitoring, Therapy; Reports to Board. Prerequisite to consideration of this Order, Ms. Carnahan shall submit to evaluation by a physician or other health care professional approved by the Board, who shall determine whether or not and the extent to which monitoring, treatment or therapy are indicated for any condition from which she may suffer. Ms. Carnahan shall abide by and strictly adhere to all such recommendations resulting from her evaluation. Ms. Carnahan shall also authorize and cause such individual to submit to the Board an initial report detailing his or her recommendations and, thereafter, not less frequently than quarterly throughout the probationary period, written reports and/or

³ La. Rev. Stat. §49:951, *et seq.*

verbal reports should the Board desire the latter on her then-current fitness and ability to practice occupational therapy with reasonable skill and safety to patients.

(2) Board Access to Treatment Records and Reports. By her subscription hereto Ms. Carnahan does hereby authorize any physician or other health care professional who currently or in the future may provide treatment or care or any institution at which she may be subsequently treated, as well as any physician 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 Ms. Carnahan's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. By her subscription hereto Ms. Carnahan acknowledges that she shall immediately execute any written authorization necessary for the Board to obtain the above records or reports. Ms. Carnahan expressly waives any privilege that may be afforded the disclosure of such records pursuant to state or federal law, and irrevocably agrees to immediately execute any necessary written authorization presented to her that permits the Board access to such records.

(3) Maintenance of Complete Abstinence. For as long as she maintains a license to practice occupational therapy in this state Ms. Carnahan shall maintain complete and total abstinence from the use of any controlled or mood-altering substance except as may be prescribed by a treating physician for a *bona fide* medical condition. Ms. Carnahan shall personally inform her monitoring health care professional 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.

(4) Participation in the Board's Allied Professionals Health Program; Drug Screening. Ms. Carnahan shall enroll in the Board Allied Professionals Health Program and submit to witnessed urine, saliva, hair collection or other screens to detect the presence of alcohol, controlled or other mood-altering substances throughout the probationary term. Such screenings shall occur at such times or intervals as may be directed by the Board's Probation and Compliance Officer. Ms. Carnahan shall authorize and cause all reports of the results of such drug screens to be promptly submitted to the Board.

(5) Notification to Employers. Ms. Carnahan shall provide a copy of this Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom she provides occupational therapy in this state.

(6) Compliance with Terms and Conditions of Court Ordered Probation. Ms. Carnahan shall comply with and successfully complete probationary terms and conditions imposed by the Twenty-Sixth Judicial Court, State of Louisiana, in connection with her guilty plea. Ms. Carnahan shall and does by her subscription hereto, authorize her probation officer to provide the Board with written and verbal reports relative to her compliance with the terms and conditions of her probation.

(7) Fees and Costs of Supervision/Treatment/Reports. Any and all fees, costs or expenses incurred by Ms. Carnahan in connection with the requirements of this Order shall be borne by her.

(8) Sanction. By her subscription hereto Ms. Carnahan 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 occupational therapy in this state by the Board pending an administrative hearing and issuance of a final decision by the Board with respect to the information made the basis of such report.

(9) Probation Monitoring Fee. For each year of the probationary term Ms. Carnahan 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 the reinstatement of her license. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(10) Cooperation with Board's Medical Consultant/Probation and Compliance Officer. Ms. Carnahan shall immediately notify the Board's Probation and Compliance 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 and Compliance Officer with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms, conditions and restrictions hereof. Ms. Carnahan shall also make herself available upon reasonable notice for personal interviews with the Probation Officer of the Board or their designated representative for the purpose of discussing her then-current compliance with the terms of this Order.

(11) Absence from State - Effect on Probation. Should Ms. Carnahan 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 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 and all terms and conditions thereof, shall be deemed interrupted and extended and shall not commence to run until Ms. Carnahan notifies the Board in writing that she has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance, Ms. Carnahan shall not receive credit toward the probationary period for the time during which she was absent from the state of Louisiana.

(12) Term of Probation, Certification of Compliance, Termination of Probation. Prerequisite to the termination of the probationary term imposed by this Order Ms. Carnahan shall provide the Board with an affidavit certifying that she has complied with all terms and conditions of 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. Carnahan's compliance with the requirements of this provision.

IT IS FURTHER ORDERED that any violation of strict compliance with any of the terms, conditions, or restrictions of this Order by Ms. Carnahan shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Carnahan's license to practice occupational therapy 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 June, 2007.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY:

KJ Amusa, MD
KWELI J. AMUSA, M.D.
President

*Acknowledgement and Consent
on Following Page*

STATE OF Louisiana
PARISH OF WESTER BOSSIER

**ACKNOWLEDGMENT
AND CONSENT**

I, KRISTY ANN CARNAHAN, OTT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 30 day of March 2007.

x Kristy Ann Carnahan OTT
KRISTY ANN CARNAHAN, OTT)

WITNESSES:

Valerie L Watson
Signature

VALERIE L WATSON
Printed Name

2045 Audine Dr.
Address

Bossier City, LA 71111
City, State, Zip Code

Lisa B Shelton
Signature

Lisa B Shelton
Printed Name

2045 Audine Dr
Address

Bossier City, LA 71111
City, State, Zip Code

Sworn to and subscribed before me at Bossier City, Louisiana, this 30 day of March, 2007, in the presence of the two stated witnesses.

Gloria J Bookout #61523
Notary Public
GLORIA J. BOOKOUT, NOTARY PUBLIC
BOSSIER PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE.

Printed Name/Notary #