

BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

In The Matter of:	:	
	:	
THOMAS MICHAEL DEBLANC, M.D.	:	NO. 90-I-063-C
(Certificate No. 010423)	:	
	:	
Respondent	:	CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board"), following receipt of information indicating that Thomas Michael DeBlanc, M.D. (Dr. DeBlanc) was employed as a physician at a weight control clinic which was dispensing legally controlled diet pills as anorectics agents in an unlawful and/or imprudent manner.¹

Based upon such information, investigation was conducted by John B. Bobear, M.D., Director of Investigations for the Louisiana State Board of Medical Examiners. Dr. Bobear's review and analysis of the clinic's records concerning dispensation of medications and treatment of of clinic patients, confirms to his satisfaction that just cause exists for recommending that a formal administrative complaint be filed against Dr. DeBlanc pursuant to the Louisiana Medical Practice Act, LSA-R.S. 37:1261 et. seq., charging Dr. DeBlanc with violation of the Board's rules concerning dispensation of medications in violation of LSA-R.S. 37:1285A(29), which provides "violation of any rules and regulations of the Board, or any provision of the part."² Furthermore, dispensation of controlled medications in

¹ The weight control clinic at issue was the Aspen Clinic, with its principal office in Baton Rouge, Louisiana. In addition, the clinic maintained satellite offices, from time to time, in Baker, Morgan City and Monroe, Louisiana. Dr. DeBlanc was employed as a physician principally at the Baton Rouge, Louisiana location during 1990.

² Under the Board's rules, a physician must be specifically registered as a dispensing physician in order to dispense medications. La. Adm. Cod. Title 46, subpart 3, §6501 et. seq. Dr. DeBlanc lacked the required registration.

violation of the Board's rules may state a violation of LSA-R.S. 37:1285A(6) which prohibits dispensing controlled substances "in other than a legal or legitimate manner." Additionally, clinic records revealing dispensation of controlled substances in excess of maximum recommended therapeutic levels may provide further evidence of violation of LSA-R.S. 37:1285A(6) and, moreover, such unlawful and imprudent dispensation of controlled medication may further support a charge of professional or medical incompetency in violation of LSA-R.S. 37:1285A(12), as well as "continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state," in violation of LSA-R.S. 37:1285A(14).

Beyond the drug investigation, clinic records also revealed, and statements from clinic employees confirmed that Dr. DeBlanc, from time to time, permitted a Physician's Assistant employed by the clinic to cover his practice without approval, supervision and recordation as required by law.³ Additionally, statements taken from clinic employees revealed evidence that Dr. DeBlanc may have assisted the unlicensed Physician's Assistants to engage in what amounted to the practice of medicine, in violation of LSA-R.S. 37:1285A(18), which prohibits "knowingly performing any act which, in any way, assists an unlicensed person to practice medicine, or having professional connection with or lending one's name to an illegal practitioner." Likewise, such utilization of physician's assistants may state a violation of LSA-R.S. 37:1285A(22), which prohibits "utilizing a physicians' assistant with approval and recordation as required by law or permitting a physicians'

³ See, La. Adm. Code Title 46:XLV, subpart 2, Chapter 15, §§1501-1519; subpart 3, Chapter 45, §§4501-4515. Two Physician's Assistants claimed to have worked under the supervision of Dr. DeBlanc, Rebecca Breaud and Cheryl Klaberg. Neither was registered in accordance with law, and both indicated that they were not subjected to the degree of supervision by Dr. DeBlanc which is actually required under the Board's rules.

assistant, within his employment, to conduct activities outside of the designated scope of the assistant's approval and registration."

Finally, in addition to the above charges which may be brought as a result of Dr. DeBlanc's involvement in the Aspen Clinic, it has also come to the attention of the Investigating Officer during the course of this investigation that Dr. DeBlanc apparently suffers from disabling bipolar illness or manic depressive disorder, which may bear on the physician's capacity to practice medicine with reasonable skill and safety to patients. Such illness may warrant additional restrictions on the physician's license to practice medicine pursuant to LSA-R.S. 37:1285A(25), which authorizes licensure restriction in the event of "inability to practice medicine or osteopathy with reasonable skill or safety to patients because of mental illness or deficiency . . ."

Recognizing his right to have such allegations or charges asserted in a formal administrative complaint, pursuant to LSA-R.S. 49:955-58, and to a subsequent adjudication and final decision rendered upon findings of fact and conclusions of law, Dr. DeBlanc, nonetheless, hereby waives his right to formal charges and adjudication and, pursuant to LSA-R.S. 49:955(D), consents to entry of the order set forth hereinafter.

By his subscription hereto, Dr. DeBlanc also hereby authorizes the Investigating Officer designated by the Board with respect hereto, together with legal counsel, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board, the nature and result of the investigation, without prejudice to any future, formal proceedings which may result should this Consent Order not be accepted by the Board in its present form.

Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state,

pursuant to LSA-R.S. 37:1261, will be effectively served by entry of the order set forth hereinafter, by consent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by LSA-R.S. 37:1285 and LSA-R.S. 49:955D;

IT IS ORDERED that the license of Thomas Michael DeBlanc, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate Number 010423, be, and the same is hereby **SUSPENDED** for a period of not less than one (1) year, beginning effective as of the date hereof.

IT IS FURTHER ORDERED that at any time following the minimum one year suspension ordered hereinabove, Dr. DeBlanc may petition for the Board for reinstatement of his license, on **PROBATION**, for a duration of not less than five (5) years, provided that he can present to the Board at the time of his petition for reinstatement the following:

- a. **Medical Reports:** Dr. DeBlanc shall cause his then-current treating psychiatrist to present to the Board a narrative report attesting to his then-current diagnosis, prognosis, treatment plan, and ability to practice medicine with reasonable skill and safety to patients. Further, upon receipt of such report, Dr. DeBlanc acknowledges and agrees that the Board may request that Dr. DeBlanc submit himself, at his own expense, to such additional psychiatric evaluation as the Board may deem necessary and proper to insure the physician's capacity to practice medicine with reasonable skill and safety to patients.
- b. **SPEX Examination:** At the time of the application for reinstatement of medical license on probation, Dr. DeBlanc shall produce evidence that he has taken and passed the Special Purpose Examination (SPEX) of the Federation of State Medical Boards within one (1) year prior to such application for reinstatement.

IT IS FURTHER ORDERED that if and when Dr. DeBlanc is granted restoration of his Louisiana medical license on probation in accordance with the above procedure, he shall, for the duration of the probationary period ordered, comply fully with the following probationary terms, conditions and restrictions,

together with any additional conditions, imposed by the Board at the time of reinstatement related to medical monitoring or treatment.⁴

- a. ***Restrictions on Dispensation and Administration of Controlled Substances:*** Dr. DeBlanc shall not during his lifetime, apply for or actually engage in the prescription, dispensation or administration of any controlled substances as defined, enumerated, or included in federal or state regulations or statutes, 21 C.F.R. §§1308 et. seq.; LSA-R.S. 40:964, or any substance which may be hereinafter designated as a controlled substance by amendment or supplementation of such regulations or statutes. This prohibition shall survive the term of probation and remain in effect so long as Dr. DeBlanc shall hold any form of license or permit to practice medicine in the state of Louisiana. Further, he shall surrender to the issuing authorities, all federal and state certificates authorizing him to purchase, prescribe, administer or dispense controlled substances and he shall do so within thirty (30) days of the entry of this Order
- b. ***Continuing Medical Education:*** Dr. DeBlanc shall obtain not less than fifty (50) credit hours per year for the five (5) years of the probation identified herein, through attendance and participation in continuing medical education programs (CME) accredited by and qualified for the Physician's Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years from the effective date of reinstatement of his license on probation. On or before December of each year during the term of probation ordered hereinabove, Dr. DeBlanc shall cause to be submitted to the Board, written certification of the CME programs and credits completed by him during the preceding twelve (12) months;
- c. ***Verification of Compliance/Probation Officer:*** Dr. DeBlanc shall submit to the attention of the Board's Probation and Compliance Officer, or such other authorized representative of the Board, all medical records, reports, certification of CME credits as well as all other documents, items or matters provided for herein, throughout the tenure of the probationary period identified hereinabove. Moreover, Dr. DeBlanc shall also notify the Probation Officer of his current personal and business addresses and telephone numbers, as well as any changes therein, within sixty (60) days of such occurrence.

⁴The specific terms and conditions (if any) which may be required related to Dr. DeBlanc's medical condition depend entirely on the results of psychiatric evaluation at the time of reinstatement. Therefore, it is not possible to specifically delineate them herein. Such conditions may include, for example, continued treatment and periodic submission of reports to the Board by his treating physician(s). The specific terms will be enumerated in the Reinstatement Order.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the restrictions set for by this Order by Dr. DeBlanc, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. DeBlanc's license to practice medicine in the state of Louisiana.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 28 day of October, 1993.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: 
BERNARD KAPLAN, M.D.
PRESIDENT

ACKNOWLEDGMENT AND CONSENT

I, THOMAS MICHAEL DEBLANC, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 29th day of September, 1993.


THOMAS MICHAEL DEBLANC, M.D.

ACCEPTED AND APPROVED
AS TO FORM


ROBERT L. KLEINPETER