

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

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IN THE MATTER OF:	:	NO. 93-I-021
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ROGER J. FERLAND, M.D. (Certificate No. 015780)	:	CONSENT ORDER
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The above-entitled proceedings was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information indicating that Roger J. Ferland, M.D. ("Dr. Ferland"), entered into a Consent Order with the Rhode Island Board of Medical Licensure and Discipline (the "Rhode Island Board"), whereby which his Rhode Island medical licensure was suspended for a period of one (1) year, with all but the three-month period commencing on January 18 and ending on March 14, 1993, being stayed.<sup>1</sup>

In addition, the Rhode Island Order also imposed specified probationary terms and conditions on Dr. Ferland's license, pursuant to which he was to enter into a three (3) year contract with the Physician's Health Committee, which was to provide reports to the Rhode Island Board on a quarterly basis; perform 120 hours of community service each year for a period of three years, in a gynecological clinic; and pay a \$2,000.00 Administrative Fee within 60 days of the effective date of the Consent Order.<sup>2</sup> The Rhode Island Consent Order resulted from Dr. Ferland's sexual relationship with a patient concurrently while he enjoyed a physician/patient relationship with her. Such information, more specifically, revealed that the patient in question was under the care of Dr. Ferland for obstetrics and gynecology for a period of years. At a time when the patient was not under his care for an active medical condition, Dr. Ferland received a call from the patient and agreed to an "out of the office" meeting. Dr. Ferland and the patient later engaged in a consensual sexual relationship for a period of months during which time the Respondent rendered medical care to her.

Although Dr. Ferland currently resides and practices medicine exclusively in the state of Rhode Island, he remains licensed to practice medicine in the state of Louisiana. The captioned matter was, accordingly, assigned to the Investigating Officer of the Board who has, following a review and analysis of the Rhode Island Board's Order, confirmed to his satisfaction that just

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<sup>1</sup>In Re: In the Matter of Roger Ferland, M.D., Consent Order, No. C92-126, pending before the *State of Rhode Island and Providence Plantations, Department of Health, Board of Medical Licensure and Discipline*, Dec. 9, 1992, a photocopy of which is attached hereto as Exhibit "A," and incorporated herein by reference.

<sup>2</sup>See Rhode Island Consent Order, *Id.*

cause exists for recommending that a formal Administrative Complaint be filed against the licensure of Dr. Ferland, pursuant to the Louisiana Medical Practice Act, La. Rev. Stat. §37:1261, *et seq.*, charging Dr. Ferland with violations of the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285.<sup>3</sup>

The Board is persuaded, however, that Dr. Ferland's continued maintenance of his capacity to engage in the practice of medicine in the state of Louisiana is warranted, provided, however, that Dr. Ferland strictly observes and complies with appropriate restrictions on and conditions to maintenance of his medical licensure in this state. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to the ensure the health, safety, and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, *et seq.*, will be effectively served by entry of the Order set forth hereinafter, by consent.

As evidenced by his subscription hereto, Dr. Ferland acknowledges the substantial accuracy of the foregoing information, and that such information would constitute probable cause for institution of administrative proceedings against his medical licensure, pursuant to administrative complaint, and that proof of such information upon administrative evidentiary hearing, would establish grounds under the Louisiana Medical Practice Act for the suspension or revocation of his license to practice medicine in the state of Louisiana, or for such other action as the Board might deem appropriate, pursuant to La. Rev. Stat. §§37:1285A(13), (15) and (30).

Dr. Ferland, recognizing his right to have notice of the allegations and charges asserted against him, to administrative adjudication of such charges, pursuant to La. Rev. Stat. §§49:955-58, and to a final decision rendered upon written findings of fact and conclusions of law, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955D, consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Ferland also hereby authorizes the Investigating Officer designated by the Board with respect hereto, together with his 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 results of the investigation.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955D;

**IT IS ORDERED** that the license of Roger J. Ferland, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 015780, be, and the same is hereby, effective as of the date hereof, placed ON PROBATION, for a period of three (3) years and, Dr. Ferland's continuing exercise of the rights and privileges thereunder, shall be subject to his acceptance of and strict compliance with the following terms, conditions, and restrictions:

- a) ***Strict Adherence to the Terms and Conditions of the Rhode Island Order.*** Dr. Ferland shall strictly adhere to, abide by and comply with all of the terms, conditions and restrictions imposed upon his license by the Consent Order which he entered into with the Rhode Island Board, which Order is attached hereto as Exhibit "A" and incorporated herein by reference.

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<sup>3</sup>La. Rev. Stat. §37:1285A(13), (15) and (30).

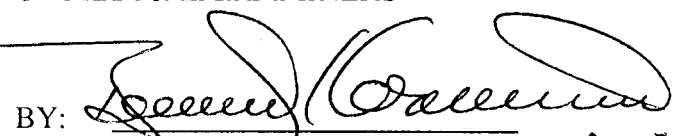
- b) ***Satisfaction of Rhode Island Order as Prerequisite to Relocating to Louisiana.*** As a prerequisite to relocating to the state of Louisiana for the purpose of engaging in the practice of medicine, Dr. Ferland shall first have fully complied with, satisfied and completed each of the terms, conditions and restrictions, including the probationary period imposed upon his Rhode Island medical licensure by the Rhode Island Board of Medical Licensure and Discipline.
- c) ***Notice of Relocation to Louisiana/Additional Probationary Terms and Conditions.*** Should Dr. Ferland at any time after the expiration of the probationary period ordered herein decide to relocate his practice of medicine to the state of Louisiana he shall, in that instance, provide written notification to the Board at least sixty (60) days prior to his relocation to the state of Louisiana. Dr. Ferland shall also personally appear before the Board, or its designee, prior to the time that he may commence the practice of medicine in the state of Louisiana, to provide the Board with an opportunity to assess his compliance with this Order and to discuss his intended plans for the practice of medicine in this state. In such event, and in addition to such terms and conditions as are placed upon his Louisiana licensure by this Order, Dr. Ferland hereby consents to, agrees with and acquiesces in the imposition of any additional probationary terms, conditions or restrictions, as well as the length thereof which, in the discretion of the Board, may be imposed upon his Louisiana licensure in order to protect the public health, safety and welfare of the citizens of this state.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by the Rhode Island Board's Consent Order or by this Order by Dr. Ferland shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the revocation and cancellation of the medical license of Roger J. Ferland, M.D., to practice medicine in the state of Louisiana, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

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

New Orleans, Louisiana, this 26 day of August, 1993.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

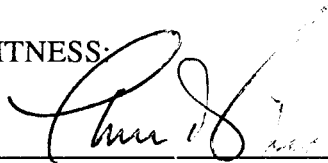
BY:   
BERNARD L. KAPLAN, M.D.  
President

ACKNOWLEDGMENT AND CONSENT

I, ROGER J. FERLAND, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 13<sup>th</sup> day of July, 1993.

  
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ROGER J. FERLAND, M.D.

WITNESS:

  
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