

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130  
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250  
[www.lsbme.org](http://www.lsbme.org)



Telephone: (504) 568-6820  
FAX: (504) 568-8893  
Writer's Direct Dial:

Ext. \_\_\_\_\_

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**In The Matter Of**  
  
**ROXANA BUKVIC, OTA**  
(License #Z20396)

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**No. 03-I-063**  
  
**CONSENT ORDER**  
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An investigation conducted on behalf of the Louisiana State Board of Medical Examiners (the "Board") has developed apparently reliable information indicating that Roxana Bukvic, OTA (Ms. Bukvic), who at all times pertinent has been licensed to practice as an occupational therapy assistant ("OTA") in Louisiana, suffers from the episodic use and abuse of alcohol. In connection with her original application in the year 1998 Ms. Bukvic acknowledged that she had previously abused alcohol and that on two occasions, once in 1995 and another in 1996, she was charged with and pled guilty to driving under the influence ("DUI"). The Board deferred action on her application and requested that she submit to evaluation by a physician to confirm that she was drug and alcohol free and capable of practicing occupational therapy with skill and safety. Ms. Bukvic complied with this request and received a license to practice as an OTA. More recent information discovered by the Board that was unreported by Ms. Bukvic on her 2001-2004 renewal applications, reveals that over the past several years she has been arrested, charged and pled guilty to DUI in St. Tammany Parish, Louisiana, on August 24, 2000 and again on September 9, 2001. On October 20, 2002 Ms. Bukvic was arrested again and charged with DUI third offense, a felony, and subsequently found guilty of the charge by a jury in 2003. Finally, on April 18, 2003 the information indicates that Ms. Bukvic was charged with public intoxication and resisting arrest. Appearing in court in September 2003, she acknowledged violating her parole and, among other items, was sentenced to fifteen (15) days incarceration, ordered to undergo inpatient treatment, confined to home incarceration for six (6) months and placed on probation for four (4) years. In compliance with the court's order Ms. Bukvic was subsequently admitted to inpatient treatment at the Alcohol and Drug Unit for Women, Mandeville, Louisiana, on September 16, 2003. She completed the treatment program and was discharged on October 14, 2003 and enrolled in the Northlake Addictive Disorders Clinic for ongoing monitoring and therapy. From all information received and reviewed Ms. Bukvic appears to be progressing well in her recovery efforts.

Predicated on the foregoing, the Investigating Officer assigned to this matter, John B. Bobear, M.D., has determined that probable cause exists for recommending to the Board that an Administrative Complaint be filed in this matter charging Ms. Bukvic with violation of the Louisiana Occupational Therapy Practice Act, La. Rev. Stat. §37:3001-3014, the Board's Rules and Regulations pertaining to Occupational Therapists, 46 La. Admin. C. §§4921, *et seq.*

As evidenced by her subscription hereto, Ms. Bukvic acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing would establish sufficient cause for action against her license to practice as an OTA in this state pursuant to the Louisiana Occupational Therapy Practice Act, La. Rev. Stat. §37:3011A(1), which permits the Board to refuse to renew, suspend, revoke or impose such other terms and conditions on an occupational therapy license as it may deem appropriate, as the result of '[O]btaining a license by means of fraud, misrepresentation, or concealment of material facts;' §37:3011A(2),

which permits the Board to take action as a result of '[B]eing guilty of unprofessional conduct, as defined by the policies established by the board, or violating the code of ethics adopted and published by the American Occupational Therapy Association, Inc. (AOTA);' and for violation of the Occupational Therapy Rules adopted by the Board, 46 La. Admin. C. §4921B(1), (3), (5), (13) and (18).<sup>1</sup>

On the basis of information provided to the Board with Ms. Bukvic's knowledge and consent, the Board is persuaded that the condition from which she suffers may be susceptible to continued effective treatment resulting in maintenance of her ability to engage in the practice of occupational therapy with reasonable skill and safety to patients, provided that Ms. Bukvic strictly observes and complies with reasonable and appropriate restrictions on and conditions to maintenance of 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. §37:3002 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. Bukvic, nonetheless, hereby waives her right to formal charges and adjudication and consents to entry of the Order set forth hereinafter. By her subscription hereto Ms. Bukvic also acknowledges that she 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 or other forum relating to the matters referred to herein. By her subscription hereto Ms. Bukvic also hereby authorizes the Investigating Officer designated by the Board with respect to this matter, as well as his legal counsel assisting him in connection herewith, 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. Bukvic expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to pursue formal 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 a license of Roxana Bukvic, OTA, to engage in the practice of occupational therapy in the state of Louisiana as evidenced by License No. Z20396 is hereby placed *on probation* for a period of three (3) years, said period of probation to begin on the effective date of this Order.

**IT IS FURTHER ORDERED** that during the probationary period referred to hereinabove Ms. Bukvic shall strictly comply with and satisfy the following probationary terms, conditions and restrictions:

**(1) Continuing Monitoring, Treatment and Therapy; Reports to Board.** Ms. Bukvic shall continue under the care of a physician or other health care professional approved in writing by the Board and she shall abide by and strictly adhere to all recommendations for ongoing therapy, monitoring and treatment. Ms. Bukvic shall authorize and cause such individual to submit to the

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<sup>1</sup>Pursuant to the Occupational Therapy Rules adopted by the Board, 46 La. Admin. C. §4921(B)(1), (3), (5), (13) and (18), the term '[u]nprofessional conduct' as used in La. Rev. Stat. §37:3011 shall mean: (1) '[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 . . .'; (3) '[p]erjury, fraud, deceit, misrepresentation, or concealment of material facts in obtaining a license to practice occupational therapy;'; (5) '[h]abitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;'; (13) '[i]nability to practice occupational therapy with reasonable competence, skill, or safety to patients because of mental or physical illness, condition or deficiency, including but not limited to deterioration through the aging process and excessive use or abuse of drugs, including alcohol;'; and (18) '[v]iolation of any rules and regulations of the board, or any provisions of the [Occupational Therapy] Act, as amended, R.S. 37:3001-3014.'

Board not less frequently than semi-annually throughout the probationary period written reports and/or verbal reports, should the Board desire the latter, on her then-current treatment diagnosis, course of treatment, prognosis, maintenance of abstinence from alcohol or other mood-altering substances and her 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. Bukvic does hereby authorize any physician or other health care professional who currently or in the future provides treatment or care or any institution at which she may subsequently receive treatment for alcohol dependency, 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. Bukvic's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Ms. Bukvic expressly waives any privilege that may otherwise 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 or reports.

**(3) Drug Screens.** Ms. Bukvic shall submit to witnessed urine, saliva, hair collection or other screens to detect the presence of alcohol or other mood-altering substances as may be directed by her monitoring health care professional. Ms. Bukvic shall authorize and cause a report of the results of such drug screens to be submitted to the Board not less frequently than semi-annually throughout the probationary period, *provided, however*, that a positive report shall be immediately reported.

**(4) Maintenance of Complete Abstinence.** For as long as she maintains a license to practice occupational therapy in this state Ms. Bukvic shall maintain complete and total abstinence from the use of alcohol or any other mood-altering substance except as may be prescribed by a treating physician for a *bona fide* medical condition. Ms. Bukvic 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.

**(5) Notification to Employers.** Ms. Bukvic 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 care in this state.

**(6) Sanction.** By her subscription hereto Ms. Bukvic 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 the final resolution of an administrative hearing and issuance of a final decision by the Board with respect to the information made the basis of such report.

**(7) Cooperation with Board's Medical Consultant/Probation and Compliance Officer.** Ms. Bukvic 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. Bukvic shall also make herself available upon reasonable notice for personal interviews with the Medical Consultant or Probation Officer of the Board or their designated representatives for the purpose of discussing her then-current compliance with the terms of this Order.

**(8) Absence from State - Effect on.** Should Ms. Bukvic 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. Bukvic 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. Bukvic shall not receive credit toward the probationary period for the time during which she was absent from the state of Louisiana.

**(9) Term of Probation, Certification of Compliance, Termination of Probation.** Prerequisite to consideration for termination of the probationary terms and conditions of this Order Ms. Bukvic 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. Bukvic's compliance with the requirements of this provision.

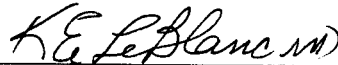
**IT IS FURTHER ORDERED** that any violation of or failure to maintain strict compliance with any of the terms, conditions or restrictions of this Order by Ms. Bukvic shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Bukvic's 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 22<sup>nd</sup> day of September, 2004.

LOUISIANA STATE BOARD OF  
MEDICAL EXAMINERS

BY:



KIM EDWARD LEBLANC, M.D., PH.D.  
President

*Acknowledgment and Consent  
on Following Page*

STATE OF LOUISIANA

PARISH OF LIVINGSTON

ACKNOWLEDGMENT  
AND CONSENT

I, ROXANA BUKVIC, OTA, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 25 day of AUGUST, 2004.

Roxana Bukvic OTA  
ROXANA BUKVIC, OTA

WITNESSES:

Max C. Owens  
Signature

MAX C. OWENS  
Printed Name

P.O. Box 53  
Address

ALBANY, LA 70711  
City, State, Zip Code

John L. Melford  
Signature

John L. Melford  
Printed Name

P.O. Box 324  
Address

ALBANY, LA 70711  
City, State, Zip Code

Sworn to and subscribed before me at ALBANY Louisiana, this 25 day of AUGUST, 2004, in the presence of the two stated witnesses.

Mark C. Owens  
Notary Public

MARK C. OWENS  
Printed Notary Name

**MARK C. OWENS, NOTARY NO. 66829**

Bar/Notary #

COMMISSION EXPIRES AT DEATH