

Louisiana State Board of Medical Examiners

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In The Matter of : No. 11-I-257
LESLIE D. BLAND, O.T. :
(Certificate No.Z10220) : **CONSENT ORDER**
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The above-entitled matter was docketed for investigation by the Investigating Officer ("I/O") of the Louisiana State Board of Medical Examiners (the "Board"), following the receipt of apparently reliable information indicating that Leslie D. Bland, O. T. ("Ms. Bland"), an occupational therapist who at all times pertinent herein has been licensed and engaged in the practice of occupational therapy in and around Houma and Thibodeaux, Louisiana, has had a return to substance abuse.

Such information further indicates that Ms. Bland, who had previously been treated for chemical dependency in 1966, had a relapse in her use of controlled substances, and admitted herself to a facility with expertise in the diagnosis and treatment of chemical dependency. At the completion of her treatment, Ms. Bland was provided with recommendations which included, among other conditions, execution of a monitoring agreement with the Board for five (5) years, and attendance at specified meetings and counseling. Provided that she adheres to their recommendations, it is the opinion of her treating professionals that Ms. Bland is capable of returning to practice as an occupation therapist with reasonable skill and safety to patients.

Predicated upon the information outlined above, the Investigating Officer has determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Ms. Bland, charging her with violation of the Louisiana Occupational Therapy Practice Act and the Board's Rules and Regulations pertaining to Occupational Therapists.¹

As evidenced by her subscription hereto, Ms. Bland without admitting any liability or violation of federal or state law or regulation, and for purposes of this Consent Order only, acknowledges that such information would provide the Investigating Officer with a basis for the institution of administrative proceedings against her licensure pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing may establish grounds under the Act for the suspension or revocation of her license to practice as an Occupational Therapist in the State of Louisiana, or for such other action as the Board might deem appropriate.

Recognizing her right to have an administrative adjudication of such charges, at which time Ms.

¹ La. Rev. Stat. §37.3011(A) provides that ~the board may take action against the licensee or applicant who has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. La Adm. C. §46XLV.4921.B.5 and 13, define unprofessional conduct as: (5) "[H]abitual or recurring use of drugs, including alcohol, which affects the central nervous system and which are capable of inducing physiological and 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."

Bland 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. §§ 49:955-965, Ms. Bland, nonetheless, hereby waives her right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Ms. Bland also acknowledges that she hereby waives any right that she may have under the Louisiana Administrative Procedure Act, La. Rev. Stat. § 49:951, *et seq.*, or that she otherwise may be afforded by any law to contest her agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By her subscription hereto, Ms. Bland 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. Bland expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an Administrative Complaint against her, or to the Board's capacity to adjudicate such Complaint, 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, La. Admin. C. §46:4921 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Leslie D. Bland, O. T., to engage in practice as an occupational therapist in the State of Louisiana, as evidenced by Certificate No. Z10220 shall be placed **ON PROBATION for a period of five (5) years** *provided, however*, that Ms. Bland's license to practice and her continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to her acceptance of and strict compliance with the following terms and conditions:

1. **Participation in the Board's Allied Professionals Health Program.** Ms. Bland shall sign an agreement with the Board's Allied Professionals Health Program for a minimum of five (5) years and shall fully comply with all terms, monitoring conditions and restrictions of the program. Ms. Bland shall authorize and cause to have submitted to the Board quarterly reports of full compliance with all monitoring requirements of the Program. The quarterly reports are due on or before the first of January, April, July, and October of each year.
2. **Participation in Drug Screening.** Ms. Bland shall submit to periodic, unannounced blood, urine, saliva, hair collection or other screens, including EtG levels, to detect the presence of alcohol or other mood-altering substances. Such screenings shall be random and shall occur at such intervals as may be directed by the Board's Probation and Compliance Officer or designee. Ms. Bland shall authorize and cause all reports of the results of such drug screens to be promptly submitted to the Board.
3. **Maintenance of Complete Abstinence.** Ms. Bland shall maintain complete and total abstinence from the use of alcohol, controlled and any other mood-altering substance for as long as she holds a license to practice occupational therapy in this state, except as may be prescribed by a treating physician for a *bona fide* medical condition. Ms. Bland shall personally inform the Board, both orally and 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. In the event that Ms. Bland should be diagnosed with a medical condition which necessitates the use of controlled or mood altering substances, Ms. Bland hereby acknowledges that she shall voluntarily withdraw from practice as a occupational therapist until and unless permitted to resume in that capacity following the evaluation and determination of a physician

designated by the Board that she is then capable of practicing as an occupational therapist with reasonable skill and safety to patients.

4. **Notification to Employers and Reports from Supervisors/Physicians.** Prior to beginning or returning to work, Ms. Bland shall provide a copy of this Consent Order to each supervising physician, hospital, clinic, facility or other employer or prospective employer at which or for whom she provides services for, or for whom she works with in providing services as an occupational therapist in this state. Ms. Bland shall provide the Board's Probation Officer with information identifying her place of employment, and identify her supervisor or monitoring professional. Thereafter, Ms. Bland shall authorize and cause the supervisor, or a physician with whom she works or is associated in practice, who is pre-approved in writing by the Board, or another designee approved by the Board, to submit written reports to the Board not less frequently than quarterly thereafter, as to her professional competency, performance and compliance with the terms, conditions and restrictions of this Order. The quarterly reports are due on or before the first of January, April, July and October of each year.
5. **Probation Monitoring Fee.** For each year of the probationary term, Ms. Bland 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 this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
6. **Self-Reporting.** Ms. Bland shall immediately self-report in writing to the Board any violation of or failure to adhere to the terms, conditions or restrictions of this order. Furthermore, Ms. Bland shall immediately self-report in writing to the Board any personal action or inaction which constitutes a violation of the Act.
7. **Cooperation with Board's Probation and Compliance Officer.** Throughout the probationary term, Ms. Bland shall immediately notify the Board's Probation 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 Officer with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms, conditions and restrictions hereof. Ms. Bland shall also make herself available upon reasonable notice for personal interviews with the Probation Officer of the Board or a designated representative for the purpose of discussing her then-current compliance with the terms of this Order.
8. **Absence from State or Discontinuance of Practice - Effect on.** Should Ms. Bland at any time during the period of probation be absent from the state of Louisiana, or discontinue practicing as an occupational therapist for a period of thirty (30) days or more, she will so advise the Board in writing. In such instance, the probationary term ordered herein and all terms and conditions thereof, shall be deemed interrupted and extended and shall not commence to run until Ms. Bland notifies the Board in writing that she has returned to Louisiana and she has resumed the practice of occupational therapy in the state of Louisiana. In such instance, Ms. Bland shall not receive credit toward completion of the probationary period for the time during which she was absent from, or not practicing occupational therapy in the state of Louisiana.
9. **Additional Probationary Terms.** In addition to such other terms and conditions as are placed upon her license to practice by this Order, Ms. Bland hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length and nature thereof, which the Board in its sole discretion may deem necessary or

appropriate.

10. **Sanction.** By her subscription hereto Ms. Bland 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 as an occupational therapist in this state pending the issuance of a final decision by the Board following administrative adjudication of such charges.
11. **Certification of Compliance with Probationary Terms; Personal Appearance Before the Board.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Ms. Bland shall provide the Board with an affidavit certifying that she has complied with each of the terms of probation imposed by this Order and she shall contact the Board and arrange for a personal appearance before the board or its designee at its meeting preceding the expiration of her probation term. The probationary term and all of its terms, conditions and restrictions, shall be and shall be deemed to be extended and continued in full force and effect pending Ms. Bland's compliance with the requirements of this provision.
12. **Effective Date.** This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

IT IS FURTHER ORDERED that any violation of or strict compliance with any of the terms, conditions, or restrictions of this Order by Ms. Bland shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Bland's license to practice as an occupational therapist 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 14 day of May, 2011.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: Mark H. Dawson, M.D.
MARK H. DAWSON, M.D.
President

STATE OF Louisiana

PARISH/COUNTY OF Orleans

ACKNOWLEDGMENT
AND CONSENT

I, Leslie D. Bland, hereby acknowledge, approve, accept and consent to entry of the
above and foregoing Order, this 2nd day of May, 2011.

Leslie D. Bland, OT
LESLIE D. BLAND, O.T.

WITNESSES:

Bonnie H. Bourgeois
Signature

Bonnie H. Bourgeois
Printed Name

LSBME
Address

Vannia Reut
Signature

VANNIA REUT
Printed Name

LSBME
Address

Sworn to and subscribed before me at New Orleans, Louisiana, this 2nd day of May, 2011,
in the presence of the two stated witnesses.

Thania S. Elliott
Notary Public

Print name THANIA S. ELLIOTT

Bar/Notary No.: Bar # 20799