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BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

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IN THE MATTER OF:)	Case Nos.: 3834 and 4018
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EROL LEBLANC, D.O.)	CONSENT AGREEMENT AND
)	AMENDED ORDER OF PROBATION
Holder of License No. 3452)	WITH TERMS
)	
To practice osteopathic medicine in the)	
State of Arizona)	
)	
)	

9 By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners
10 (hereafter "Board") and Erol LeBlanc, D.O. (hereinafter "Respondent"), hereby agree to the
11 following disposition to these matters.

12 1. Respondent acknowledges that he has read this Consent Agreement and Amended
13 Order; and, Respondent is aware of and understands the content of these documents.

14 2. Respondent understands that by entering into this Consent Agreement and
15 Amended Order, he voluntarily relinquishes any rights to a hearing on the matters alleged as
16 grounds for Board action or to seek judicial review of the Consent Agreement and Amended
17 Order in state or federal court.

18 3. Respondent understands that this Consent Agreement and Amended Order will
19 not become effective unless approved by the Board and signed by its Executive Director.

20 4. Respondent further understands that this Consent Agreement and Amended
21 Order, once approved and signed, shall constitute a public record which will be disseminated as a
22 formal action of the Board.

23 5. Respondent without admitting the statement of facts and conclusions of law
24 acknowledges and accepts the imposition of such contained in the Consent Agreement and
25 Amended Order.

1 6. All admissions made by Respondent are solely for disposition of this matter and
2 any subsequent administrative proceedings or litigation involving the Board, Respondent and the
3 State of Arizona; and, therefore, said admissions by Respondent are not intended for any other
4 purpose or administrative regulatory proceeding or litigation in another state or federal court.

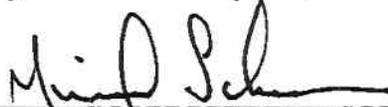
5 7. Respondent and the Board understand that this Consent Agreement and Amended
6 Order resolves any and all allegations against, and the Board's investigation into, Respondent
7 arising from case nos. 3834 and 4018.

8 8. Respondent acknowledges and agrees that upon signing and returning this
9 document (or a copy thereof) to the Board's Executive Director, he may not later revoke or
10 amend any part of the Consent Agreement and Amended Order, without first obtaining Board
11 approval.

12 REVIEWED AND ACCEPTED THIS 3 DAY OF MARCH, 2009.

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15 Erol LeBlanc, D.O.

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15 Michael A. Schern, Esq.
16 Respondent's Counsel

17 **JURISDICTIONAL AND BACKGROUND STATEMENTS**

18 1. The Board is empowered, pursuant to A.R.S. § 32-1800 *et seq.*, to regulate the
19 practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed,
20 registered, or permitted to practice osteopathic medicine in the State of Arizona.

21 2. Respondent is the holder of License No. 3452 issued by the Board for the practice
22 of osteopathic medicine in the State of Arizona.

23 3. On August 11, 2007, the Board conducted an Investigative Hearing on Case No
24 3834. Respondent was present and represented by counsel, Mr. Roger Decker. The Board voted
25 that day to continue the hearing pending receipt of further information.

1 4. On November 10, 2007 after hearing testimony and considering the documents
2 and evidence submitted, the Board voted to enter Findings of Fact and Conclusions of Law, and
3 Order of Probation. Respondent was present, but not represented by counsel.

4 5. On February 28, 2008, the Findings of Fact, Conclusions of Law and
5 Probationary Order in case 3834 were issued.

6 6. On March 25, 2008, Respondent timely filed a Petition for Rehearing or Review
7 of the Board's decision, staying the effective date of the Order. Respondent was noticed that the
8 Board would hear the Petition for Rehearing or Review on May 17, 2008.

9 7. On April 28, 2007, the Board notified Respondent of case no. 4018, alleging
10 inappropriate patient care that may harm the patient or the public, and on April 30, 2008 noticed
11 Respondent of an Investigative Hearing on case no. 4018 for May 17, 2008.

12 8. On May 17, 2008, with agreement of Respondent and his counsel, the Board
13 heard the Rehearing and Review of the decision in case no. 3834 and the Investigative Hearing
14 in case no. 4108. The Board agreed to the acceptance of a single consent agreement in resolution
15 of cases nos. 3834 and 4018.

16 9. On or about June 30, 2008, a Consent Agreement to Probationary Order with
17 Terms was submitted to Respondent for signature. A revised Consent Agreement and Amended
18 Order of Probation with Terms were submitted to Respondent on or about February 27, 2009.

19 10. On March 14, 2009, the Board met and considered the Consent Agreement and
20 Amended Order. Respondent was present and represented by counsel, Mr. Michael Schern.
21 The Board and Respondent agreed to the entry of the following:

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1 **FINDINGS OF FACT**

2 **Case 3834**

3 1. On January 5, 2007, the Board's Executive Director issued an Order for the
4 Respondent to submit to an observed biological fluid test within one hour of receipt. The
5 Board's Investigator personally served the Order to the Respondent at 12:30pm on January 8,
6 2007.

7 2. Respondent failed to comply with the Order and did not obtain an observed
8 biological fluid test within the time period as ordered. Respondent stated that he was already one
9 and one-half hour behind on seeing patients and would not leave the patients waiting.

10 3. Later in the afternoon that same day, Respondent caused his blood to be drawn by
11 his staff, and submitted same for testing done under his order. While the sample tested negative
12 for controlled substances, the sample submitted was insufficient to provide the information that
13 the Board ordered test would have provided.

14 4. Respondent attempted but was unable to obtain the Board's agreement for this
15 substituted testing prior to submitting the sample for testing; nor did the Board approve the
16 substituted test after the fact.

17 **Case 4018**

18 5. On or about January 17, 2008, the Board staff received credible information that
19 Respondent was prescribing an atypical amount of methadone to his patients.

20 6. Based on a pharmacy audit of patients to whom Respondent prescribed
21 methadone between January 1, 2007 and February 2, 2008, staff subpoenaed records of 32
22 named patients from Respondent's office on or about February 12, 2008.

23 7. Respondent could not locate six (6) of the records subpoenaed; for patients BT,
24 KM, KE, LM, PJ and RB.

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1 from the date of this order with the following terms and conditions of probation as set forth
2 herein:

3 1. Respondent shall complete a minimum of ten (10) hours of Continuing Medical
4 Education in each category of Pain Management and Record Keeping. The courses shall be
5 approved by the Executive Director and completed within six months of the date of this Order.

6 2. Respondent shall hire a practice consultant to establish and implement office
7 protocol for record keeping as well as set up a system of oversight for physician assistants and
8 staff within the practice.

9 3. Respondent shall send copies of all prescriptions for scheduled drugs by the first
10 Friday of each month to the Board staff. Board staff will conduct a quarterly random chart
11 review of a minimum of ten (10) patient charts.

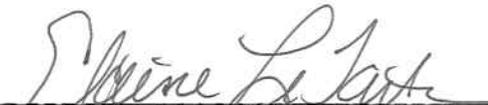
12 4. Respondent will no longer treat chronic pain patients. Respondent shall send out a
13 letter by May 19, 2008 stating that Respondent is dismissing the patient from his pain
14 management care and give the patient 30 days to find another pain management or
15 addictionologist physician.

16 5. Respondent will be restricted from prescribing methadone as of June 19, 2008.

17 6. Respondent's failure to comply with the requirements of this Order shall
18 constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be
19 considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in
20 the event that Respondent fails to comply with any of the requirements of this Order.



ISSUED THIS 14th DAY OF March, 2009.
ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: 
Elaine LeTarte, Executive Director

1 Original "Consent Agreement and Amended Order
2 of Probation with Terms" filed this _____
3 day of 12th, 2009 with the:

4 Arizona Board of Osteopathic Examiners In Medicine and Surgery
5 9535 East Doubletree Ranch Road
6 Scottsdale AZ 85258-5539

7 Copy of the foregoing "Consent Agreement and Amended
8 Order of Probation with Terms" sent via certified,
9 return receipt requested this 16th
10 day of March, 2009 to:

11 ^{le}
12 Erol J. Blanc, D.O.
13 Power and Brown Family Medicine
14 6820 E Brown Rd
15 Mesa, AZ 85207

16 Copies of the foregoing "Consent Agreement and Amended
17 Order of Probation with Terms" sent via regular
18 mail this 16th day of March, 2009 to:

19 Marc Harris, AAG
20 Office of the Attorney General CIV/LES
21 1275 West Washington
22 Phoenix AZ 85007

23 Michael A. Schern, Esq.
24 Richard R. Thomas, Esq.
25 The Stapley Center
1640 S. Stapley Drive, Suite 205
Mesa, AZ 85204
Attorneys for Respondent

Kathy Fukes

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