BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

IN MEDICINE AND SURGERY

IN THE MATTER OF:	**Case No.: 3834**
EROL LEBLANC, D.O. Holder of License No. **3452**	**FINDINGS OF FACT, CONCLUSIONS OF LAW AND PROBATIONARY ORDER**
In the application to hold a license and practice of osteopathic medicine in the State of Arizona	

On or about November 2, 2006 and January 8, 2007, the AZ Board of Osteopathic Examiners (hereafter "Board") received similar complaints alleging possible violations of the Board's statute of unprofessional conduct.

On January 29, 2007, the Board notified Erol LeBlanc, D.O. (hereafter known as "Respondent") of this complaint for failure to comply with a Board order and requested a response to the allegations contained therein.

On January 17 and February 22, 2007, the Respondent provided responses to the Board and including documentation.

On June 2, 2007, the Board conducted its initial review of this and voted to refer this matter to an Investigative Hearing.

On August 11, 2007 the Board invited the Respondent to an investigative hearing. The Respondent appeared for the proceeding and was represented by legal counsel, Roger Decker, Esquire. The Board voted to continue the investigative interview and directed staff to further investigate this matter, which included the Respondent completing a psychiatric evaluation.

On November 10, 2007, the Board conducted the continued Investigative Hearing. Respondent was present without counsel.

After hearing testimony and considering the documents and evidence submitted, the

Board voted to enter the following Findings of Fact and Conclusions of Law, and Order of Probation.

FINDINGS OF FACT

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

2. The Respondent failed to comply with the Order and did not follow instructions to obtain an observed biological fluid test as mandated.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances described in paragraphs 1 and 2 above constitute unprofessional conduct as defined in the following paragraphs of A.R.S. § 32-1854:

(25) Violating a formal order, probation or a stipulation issued by the Board under this chapter.

ORDER

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

Pursuant to A.R.S. § 32-1855 (E)(4), License No. 3452 held by Erol J. LeBlanc, D.O., ("Respondent") shall be placed on **PROBATION** for **FIVE (5) YEARS** from the effective ate of this order with the following terms and conditions of probation as set forth herein:

1. Respondent will develop/maintain a plan for treatment and monitoring which shall include, but may not be limited to, individual and/or group counseling sessions, pain management contracts, random body fluid testing, agreement for release of treatment records and reports to the Board, prohibition of the use of alcohol and controlled substances unless the latter is prescribed or coordinated by his treating physician, and regular meeting with the Board, and submit this plan to the Board for its approval.

2. From the date of this Order, Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Respondent and approved by the Board. Respondent shall comply with the therapist recommendation for the frequency of therapy treatment sessions. Respondent shall inform the Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and, Respondent shall undertake and fully cooperate with a program of treatment established by the therapist. In the event Respondent changes therapists, he shall give the Board written notice within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of psychotherapy sessions until he has submitted a written request to the Board and obtained Board approval.

3. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall cooperate with and disclose all relevant information in the Board's files concerning Respondent. The treating therapist shall be directed by Respondent to send to the Board a detailed written progress report every month for the remainder of the probation; and Respondent shall waive any confidentiality with the Board concerning his psychotherapy in order that the Board may receive full disclosure of information. The expense of the aforementioned therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.

4. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine. Respondent shall provide a copy of this Order to all treating physicians, dentists and or health care professionals. Respondent shall continue to make the aforementioned disclosure and provide copies of this Consent Order until the expiration of this Order.

5. Respondent may have his license to practice as an osteopathic physician restricted, suspended or revoked by the Board in the future if:

(a) The Board finds that Respondent does not have the requisite mental, physical and

emotional fitness to safely continue the practice of medicine; or,

(b) There are new grounds for finding unprofessional conduct concerning Respondent; or,

(c) Fails to comply fully with the terms and conditions of this Order.

6. Respondent shall abstain completely from the consumption of alcoholic beverages or any substance with alcohol (i.e., mouth wash, cough syrups); and, Respondent shall not consume illicit drugs or take any controlled substances (i.e., prescription only drugs), unless his treating physician prescribes such medication for him with the awareness that Respondent has a substance abuse disorder. Respondent shall maintain a monthly log (for the duration of probation) of all prescription only drugs taken by him and such log shall include the following information:

(a) the name of the medication;

(b) name of prescribing physician;

(c) reason for the medication.

7. At the first of each month, Respondent shall report by letter to the Board whether or not he is taking any prescription only medication and, if so, a copy of his log reflecting the above information.

8. Respondent shall also, as part of his probation: (A) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic notification from the Board's executive director which shall be given at least five (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

9. In the event Respondent moves and ceases to practice medicine in Arizona, he shall give written notice to the Board of his new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to practice medicine in Arizona.

10. Respondent shall reimburse the Board for all expenses associated with the continued monitoring of this matter.

11. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

12. The Board's Executive Director shall send correspondence to the appropriate state and/or federal law enforcement agency disclosing information in the Board's possession which may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances.

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

ISSUED THIS 25TH DAY OF FEBRUARY, 2008.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

Jack Confer, Executive Director

NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-

1092.09. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If you request a review or rehearing, you must base your request on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting you from seeking judicial review of the Board's decision in the AZ Courts.

Original "Findings of Fact, Conclusions of Law, and Order for Probation" filed this 25th day of February, 2008 with the:

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

Copy of the foregoing "Findings of Fact, Conclusions of Law, and Order for Probation" sent via certified, return receipt requested this 25th day of February, 2008 to:

Erol J. Blanc, D.O.
Power and Brown Family Medicine
6820 E Brown Rd
Mesa, AZ 85207

Copies of the foregoing "Findings of Fact, Conclusions of Law, and Order for Probation" sent via regular mail this 25th day of February, 2008 to:

Blair Driggs, AAG
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007

Roger C. Decker, Esquire
Udall, Shumway & Lyons
30 West First Street
Mesa, AZ 85201-6654

Kathy Fowkes