

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Department of Investigations
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IN THE MATTER OF:

No. 13-I-759

TAMMI REBELLA LAVIN, OT
(Certificate No. Z12356)
Respondent

CONSENT ORDER FOR OFFICIAL REPRIMAND

An investigation was undertaken by the Louisiana State Board of Medical Examiners (the "Board") of Tammi Rebella Lavin, O. T. ("Ms. Lavin"), (Certificate No. Z12356), an occupational therapist who has been licensed in Louisiana since 2003 and practices in an around the New Orleans area, following the receipt of apparently reliable information that Ms. Lavin failed to adequately supervise an occupational therapy assistant employed by her. In particular, the investigation revealed that on a newly admitted pediatric patient, Ms. Lavin failed to perform the initial evaluation and to identify and establish the individual program plan, but instead as the supervising therapist, allowed an occupational therapy assistant to perform and document this initial evaluation and program plan, which is beyond the standards of practice of an occupational therapy assistant.

Investigation of the captioned matter was assigned to the Investigating Officer ("I/O"). During the course of the investigation the I/O for the Board met with Ms. Lavin to discuss the above practice and to review the Louisiana Occupational Therapy Practice Act and Rules, specifically, La Adm. C. §46XLV.4925, which govern supervision of an occupational therapy assistant by a supervising occupational therapist in any clinical setting.

While it appears to the I/O that Ms. Lavin is a conscientious and well-trained occupational therapist, the I/O's review and analysis of the matter confirms to her satisfaction that the actions identified hereinabove may implicate one or more violations of the Louisiana Occupational Therapy Practice Act and the Board's rules pertaining to Occupational Therapists.¹

¹ La. Rev. Stat. §37.3011(A) provides that ~the board may take action against the licensee as the result of: '(2) Being guilty of unprofessional conduct . . .' The Board's rules also prescribe such conduct and La Adm. C. §46XLV.4921.B. defines ~'unprofessional conduct' as: 15. '[P]racticing or otherwise engaging in any conduct or functions beyond the scope of occupational therapy as defined by the Act or these rules;' 18. '[V]iolation of any rules and regulations of the board, or any provision of the Act . . .' La Adm. C. §46XLV.4925.C. provides that 'Prior to the administration of occupational therapy by an occupational therapy assistant, the supervising occupational therapist shall, in accordance with AOTA standards of practice . . . 1. Perform an evaluation 2. Identify and establish occupational therapy needs, goals, and an individual program plan.'

In connection with this matter, Ms. Lavin has cooperated with the investigation and has expressed a commitment to insure that her future practice will be in compliance with the Practice Act and the Board's occupational therapy rules.

Recognizing her right to have notice of such allegations and charges asserted against her, to administrative adjudication of such charges, at which time Ms. Lavin 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. §§ 49:95 *et seq.*, Ms. Lavin, nonetheless, hereby waives her right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Ms. Lavin further acknowledges that she hereby waives any right that 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 the Board's investigation or this document in any court or other forum relating to the matters referred to herein. By her subscription hereto, Ms. Lavin also hereby authorizes the I/O 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. Lavin expressly acknowledges that the disclosure of such information to the Board by the I/O shall be without prejudice to the IO'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.

Based upon the information provided, and upon the recommendation of the I/O assigned to this matter, 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. §37:3011, will be effectively served by entry of the Order set forth hereinafter by consent. 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. §49:955(D);

IT IS ORDERED that Tammi Rebella Lavin, O. T. is hereby **OFFICIALLY REPRIMANDED** for the conduct identified above.

IT IS FURTHER ORDERED that within three (3) months from the effective date of this Order that Ms. Lavin shall provide written confirmation that she has successfully completed a thorough review and study of the laws and rules regulating the practice of occupational therapy in this state, or such other course as may be designated and pre-approved in writing by the Board or its designee.

IT IS FURTHER ORDERED that Ms. Lavin shall pay a fine of \$200 to the Board, which payment shall be made within four (4) months of the acceptance of this Order by the Board.

IT IS FURTHER ORDERED that within six (6) months of issuance of this order, Ms. Lavin shall provide written confirmation that she has attended and successfully completed a course of study, acceptable to and pre-approved in writing by the Board, in the area of professionalism and ethical conduct of Occupational Therapists.

IT IS FURTHER ORDERED that any violation of this Order by Ms. Lavin shall, upon proof of such violation, be deemed adequate and sufficient cause for such further action against her license to practice as an occupational therapist in this state 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 9th day of December, 2013.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:



MELVIN G. BOURGEOIS, M.D.

President

In the Matter of:

Tammi Rebella Lavin, O.T.

CONSENT ORDER

Page 4

STATE OF Louisiana

PARISH/COUNTY OF Jefferson

**ACKNOWLEDGMENT
AND CONSENT**

I, TAMMI REBELLA LAVIN, O.T., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 17th day of October, 2013.

Tammi Rebella Lavin, O.T.
TAMMI REBELLA LAVIN, O.T.

WITNESSES:

JoAnn Puglise
Signature

JoAnn Puglise
Printed Name

2724 Virginia Lee Dr. Marrero
Address

Richard Puglise
Signature

Richard Puglise
Printed Name

2724 Virginia Lee Dr. Marrero
Address

Sworn to and subscribed before me at Gretna, Louisiana, this 17th day of October, 2013, in the presence of the two stated witnesses.

Donna M. Bechet
Notary Public

Print name

Bar/Notary No.:

