

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

No. 13-I-758

JO ANN PFANSCHMIDT PUGLISE, OTA
(Certificate No. Z20645)
Respondent

CONSENT ORDER FOR OFFICIAL REPRIMAND

An investigation was undertaken by the Louisiana State Board of Medical Examiners (the "Board") of Jo Ann Pfanschmidt Puglise, O. T. A. ("Ms. Puglise"), (Certificate No. Z20645), an occupational therapy assistant 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. Puglise was practicing beyond the scope of an occupational therapy assistant. In particular, the investigation revealed that on a newly admitted pediatric patient, Ms. Puglise, rather than the occupational therapist, performed and documented the initial evaluation and developed the patient's individual program plan, which is beyond the standards of practice for 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. Puglise 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. Puglise is a conscientious and well-trained occupational therapy assistant, 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 and Occupational Therapy Assistants.¹ In connection with this matter, Ms. Puglise

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

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. Puglise 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. Puglise, 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. Puglise 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. Puglise 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. Puglise 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 Jo Ann Pfanschmidt Puglise, O.T.A. 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. Puglise 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 assistants 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. Puglise shall pay a fine of \$100 to the Board, which payment shall be made within four (4) months of the acceptance of this Order by the Board.

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.'

IT IS FURTHER ORDERED that within six (6) months of issuance of this order, Ms. Puglise 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 Therapy Assistants.

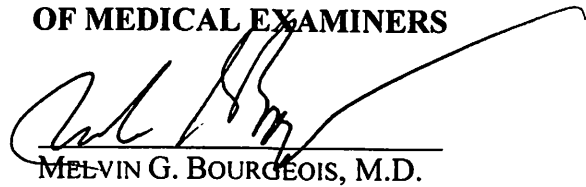
IT IS FURTHER ORDERED that any violation of this Order by Ms. Puglise shall, upon proof of such violation, be deemed adequate and sufficient cause for such further action against her license to practice as an occupational therapy assistant in this state as the Board may deem appropriate, as if such violations 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

STATE OF

PARISH/COUNTY OF

**ACKNOWLEDGMENT
AND CONSENT**

I, JO ANN PFANSCHMIDT PUGLISE, OTA, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 17th day of October, 2013.

Jo Ann Pfanschmidt Puglise, OTA
JO ANN PFANSCHMIDT PUGLISE, OTA

WITNESSES:

Tammie Bell LeVine
Signature

Richard Puglise
Signature

Tammie Bell LeVine
Printed Name

Richard Puglise
Printed Name

4 Michael Dr. Luling LA 70077
Address

2724 Virginia Lee Pr. Marrero LA
Address

Sworn to and subscribed before me at Lafayette, 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.:

