

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130  
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250  
www.lsbme.la.gov



Telephone: (504) 568-6820

FAX: (504) 568-8893

Writer's Direct Dial:

(504) \_\_\_\_\_

---

**IN THE MATTER OF:**

**No. 15-I-121**

**JENNIFER ANN SMITH, OTA**  
*(Certificate No. 200094)*  
*Respondent*

**CONSENT ORDER**

---

---

Jennifer Ann Smith, OTA. ("Ms. Smith") is, and at all times pertinent herein has been an Occupational Therapy Assistant licensed to practice in the State of Louisiana, as evidenced by License No. OTA.200094, and principally engaged in such practice in and around Ruston, Louisiana.

An investigation of Ms. Smith was initiated by the Investigating Officer (the "I.O.") of the Louisiana State Board of Medical Examiners (the "Board") upon receipt of apparently reliable information that Ms. Smith was terminated from employment with Northern LA Medical Center in Ruston, LA for documenting treatments for five (5) patients that were not done. When confronted with the information, Ms. Smith admitted to not performing the documented occupational therapy treatments, she apologized for her actions, and she attributed her behaviors to mental stress from family/domestic problems. Ms. Smith discussed the incidents with the Investigating Officer and expressed sincere remorse and embarrassment for her behaviors which occurred during a brief period of time.

Further investigation revealed that Ms. Smith had erroneously named a supervising occupational therapist on her last two (2) renewal applications; however, the occupational therapist verified that she had not been her supervising occupational therapist since August 2011. Her employer explained that other occupational therapists had worked with her and provided supervision at the clinical facility on a daily basis, but the hospital staff did not serve as her designated "supervising occupational therapist." When confronted with this discrepancy, Ms. Smith explained that she worked part-time at multiple facilities and not under one specific occupational therapist, therefore, she failed to update her supervising occupational therapist through oversight, not intentionally.

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. Smith, charging her with violation of the Louisiana Occupational Therapy Practice Act and the Board's Rules and Regulations pertaining to Occupational Therapists.<sup>1</sup>

As evidenced by her subscription hereto, Ms. Smith acknowledges the accuracy of the foregoing information and that such acknowledgement and reported information would provide the Investigating Officer with probably cause 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 Therapy Assistant 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. Smith 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. Smith, 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. Smith 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. Smith 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. Smith 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 Jennifer Ann Smith, OTA, to engage in practice as an occupational therapy assistant in the State of Louisiana, as evidenced by Certificate No. OTA.200094 shall be placed **ON PROBATION** for a period of two (2) years *provided, however,* that Ms. Smith's license to practice and her continuing exercise of rights and privileges

---

<sup>1</sup> La. Rev. Stat. §37.3011.A. provides that ~the hoard 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. defines ~unprofessional conduct' as: 3. '[P]erjury, fraud, deceit, misrepresentation or concealment of material facts in obtaining a license to practice occupational therapy;' 7 '[M]aking or submitting false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company, or indemnity association, company, individual or governmental authority for the purpose of obtaining anything of economic value;' and 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.'

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. Smith shall enroll in the Board's Allied Professionals Health Program and she shall abide by and strictly adhere to any and all recommendations for evaluation, monitoring, treatment and/or therapy to assure competent, safe practice. Ms. Smith shall authorize and cause such individuals to submit to the Board not less frequently than quarterly throughout the probationary term, written reports and/or verbal reports should the Board desire the latter on her diagnosis, current treatment, course of treatment, prognosis, and her fitness and ability to practice with reasonable skill and safety to patients. The quarterly reports are due on or before the first of January, April, July and October of each year. In addition, throughout the probationary term, Ms. Smith shall comply with all other monitoring stipulations as required by the Allied Health Monitoring program

**(2) Board Access to Treatment Records and Reports.** By her subscription hereto, Ms. Smith does hereby authorize any physician or other health care professional who has or may hereafter evaluate, diagnose, treat or monitor her, or any institution at which she may subsequently receive treatment, to provide the Board with copies of all medical reports relating to Ms. Smith's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. By her subscription hereto Ms. Smith acknowledges that she shall immediately execute any written authorization necessary for the Board to obtain the above records or reports. Ms. Smith expressly waives any privilege, which may otherwise be afforded the disclosure of such records pursuant to state or federal law, and irrevocably agrees to immediately execute any necessary written authorization presented to her that permits the Board access to such records.

**(3) Fees and Costs of Treatment; Testing and Reports.** Any and all fees, costs or expenses incurred by Ms. Smith pursuant to the requirements of this Order, including but not limited to treatment, monitoring, drug screens and reporting, shall be borne by Ms. Smith.

**(4) Demonstration of Understanding of Board's Law/Rules.** Within sixty (60) days of the effective date of this Order, Ms. Smith shall provide written confirmation and evidence to the Board's satisfaction that she has gained an understanding of and is practicing in accordance with the law and the Board's rules respecting occupational therapists and occupational therapy assistants. Such evidence shall include, but not be limited to, successful completion of the Board's online occupational therapy rules review course.

**(5) Supervising Occupational Therapist.** Prior to beginning clinical practice as an occupation therapy assistant, Ms. Smith shall identify a supervising occupational therapist approved in writing by the Board who shall evaluate and supervise her practice to determine whether Ms. Smith is practicing consistently with competence and within the current standards of practice. Ms. Smith shall authorize and cause such supervising occupational therapist, not less frequently than quarterly during the probationary period, to submit to the Board written reports of his or her determination concerning Ms. Smith's professional competence as derived from such evaluation and supervision.

**(6) Notification to Employers; Reports from Supervisors.** Prior to beginning or returning to work, Ms. Smith 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 as an occupational therapy assistant in this state. Ms. Smith shall provide the Board's Probation Officer with information identifying her place of employment, and identify her employing supervisor. Thereafter, if the employing supervisor differs from the Supervising Occupational Therapist, Ms. Smith shall authorize and cause this employing supervisor, or another designee approved by the Board, to provide quarterly reports to the Board on a Board approved form.

**(7) Continuing Education – Ethics and Professionalism.** Within one hundred eighty (180) days of this Order, Ms. Smith shall provide written confirmation that she has attended and successfully completed one or more courses of studies in the area of Ethics and Professionalism. All courses required by this provision shall be pre-approved by the Board or its designee.

**(8) Probation Monitoring Fee.** For each year of the probationary term, Ms. Smith shall pay the Board a 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.

**(9) Self-Reporting.** Ms. Smith 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. Smith shall immediately self-report in writing to the Board any personal action or inaction which constitutes a violation of the Act.

**(10) Cooperation with Board's Probation and Compliance Officer.** Throughout the probationary term, Ms. Smith shall immediately notify the Board's Probation and Compliance 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 and Compliance Officer with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms and conditions of this Consent Order.

**(11) Absence from State or Discontinuance of Practice - Effect on.** Should Ms. Smith at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as an Occupational Therapy Assistant for a period of thirty (30) days or more, she will so advise the Board in writing. In such instance, the probationary period ordered herein shall be deemed interrupted and extended for no less than the period of time during which she was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed at the Board's discretion.

**(12) Effect of Violation/Sanction/Resolution.** By her subscription hereto, Ms. Smith acknowledges that her receipt of written notification that the Board has received apparently reliable information 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 therapy assistant in this state pending the issuance of a final decision by the Board following administrative adjudication of such charges.

**(13) Certification of Compliance with Probationary Terms; Personal Appearance.** At last sixty (60) days prior to the conclusion of the probationary term imposed herein, Ms. Smith 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. Smith's compliance with the requirements of this provision.

**(14) 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. Smith shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Smith's license to practice as an occupational therapy assistant 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.

New Orleans, Louisiana, this 18<sup>th</sup> day of May, 2015.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By: 

J. MICHAEL BURDINE, M.D.  
Vice-President

STATE OF LOUISIANA

PARISH/COUNTY OF ORLEANS

**ACKNOWLEDGMENT  
AND CONSENT**

I, JENNIFER ANN SMITH, OTA, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 9<sup>th</sup> day of April, 2015.

Jennifer Ann Smith C.O.T.A  
JENNIFER ANN SMITH, O.T.A.

WITNESSES:

Cathy M Storm  
Signature

Cathy M Storm  
Printed Name

630 Camp St  
Address

N.O. La 70130  
City, State, Zip Code

Vanissia C Prout  
Signature

Vanissia C Prout  
Printed Name

LSBME  
Address

\_\_\_\_\_  
City, State, Zip Code

Sworn to and subscribed before me at NEW Orleans, Louisiana, this 9<sup>th</sup> day of April, 2015, in the presence of the two stated witnesses.

Titania Savoie Elliott  
Notary Public

Print name TITANIA SAVOIE ELLIOTT

Bar/Notary No.: 52333