

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Department of Investigations  
Telephone: (504) 568-6820  
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**No. 15-I-833**

**IN THE MATTER OF:**

**Theresa Ann Cain, OT**  
*(Certificate No. OTT.200488)*

**INTERIM  
CONSENT ORDER**

This matter is before the Louisiana State Board of Medical Examiners (the "Board") in connection with an ongoing investigation conducted by the Investigating Officer ("I/O") of the Board regarding Theresa Ann Cain, OT ("Ms. Cain"), who at all pertinent times has been licensed and engaged in practice as an occupational therapist in the State of Louisiana, and principally engaged in such practice in and around Leesville, Louisiana. The investigation began upon receipt of apparently reliable information that Ms. Cain was terminated for violation of policy including falsification of records, falsification of patient signatures, and fraudulent visits. Such information further indicated that Ms. Cain turned in forms that were not signed by the patient and the signatures she did submit did not match those submitted by other providers. Documentation was submitted of home visits, which in actuality were not done. When confronted with the information, Ms. Cain reported that she had confused missed visits with other visits and she was unable to provide supporting evidence against the discrepancies. Ms. Cain discussed the allegations with the I/O and acknowledged that while she was delinquent with her paperwork, she would never intentionally submit fraudulent documents. Subsequently, Ms. Cain completed a substance abuse evaluation in which inpatient treatment was recommended, she has agreed to discontinue practice until she completes the recommended treatment and is approved by the treating physician to return to practice.

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. Cain, 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. Cain acknowledges the accuracy of the foregoing information and that such acknowledgement and reported information would provide the Investigating Officer with probable cause for the institution of administrative proceedings against her licensure pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary

<sup>1</sup> La. Rev. Stat. §37.3011(A) provides that ~the board may take action against the licensee 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.4931.B. defines ~ 'unprofessional conduct' as 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;' 17.[V]iolation of code of ethics...and 18. '[V]iolation of any rules and regulations of the board, or any provision of the Act . ...'

hearing may establish grounds under the Act for the suspension or revocation of her license to practice as an Occupational Therapist 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. Cain 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. Cain, 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. Cain 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. Cain 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. Cain 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 Theresa Ann Cain, to practice as an Occupational Therapist in the State of Louisiana, as evidenced by Certificate No. OTT.200488, be and the same is hereby, effective as of the date hereof, **INDEFINITELY SUSPENDED**.

**IT IS FURTHER ORDERED** that Theresa Ann Cain, OT shall not practice in the State of Louisiana until and unless the Board issues and serves a written decision reinstating her license to practice following: (1) a meeting at the Board office with the Director of Investigations or designee; **and** (2) receipt of satisfactory documentation that Ms. Cain has successfully completed all recommendations by the Director of Investigations or designee to demonstrate to the Board that she is competent to return to practice as an Occupational Therapist with skill and safety; **and** (3) the conclusion of the pending investigation by administrative hearing and final decision of the Board on any charges that may be filed in these proceedings including, but not limited to, those identified in this Order; or alternatively, by the Board's acceptance of a Consent Order or other disposition of the pending investigation.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Ms. Cain shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Ms. Cain's license to practice as an Occupational Therapist in the state of Louisiana or for such other 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 11<sup>th</sup> day of April, 2016.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY: 

J. MICHAEL BURDINE, M.D.  
*President*

*Acknowledgement and Consent  
Follows on Next Page*

STATE OF Michigan  
PARISH OF Genesee County

**ACKNOWLEDGMENT  
AND CONSENT**

I, THERESA ANN CAIN, OT, hereby acknowledge, approve, accept and consent to entry  
of the above and foregoing Order, this 28 day of March, 2016.

Theresa Ann Cain OT  
THERESA ANN CAIN, OT

**WITNESSES:**

Diane Nims  
Signature  
Diane Nims  
Printed Name  
9068 Tread Oaks Ct  
Address  
Flushing MI 48433  
City, State, Zip Code

Candice Leithem  
Signature  
Candice Leithem  
Printed Name  
11 E. Norway Lk. Rd.  
Address  
Lapeer, MI 48446  
City, State, Zip Code

Sworn to and subscribed before me this 31 day of March, 2016, in the presence  
of the two stated witnesses.

Loretta M. Kirbitz  
Notary Public (Signature and Seal)

Loretta M. Kirbitz  
Printed Name/Notary or Bar Number

LORETTA M. KIRBITZ  
NOTARY PUBLIC, STATE OF MICHIGAN  
COUNTY OF GENESEE  
MY COMMISSION EXPIRES 07-22-2022  
ACTING IN THE COUNTY OF Genesee