

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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:
In The Matter Of
:
THUY NGOC MAI, OTA
(Certificate No. Z20412)
:
:
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No. 2019-I-356

**CONSENT ORDER
FOR REPRIMAND**

Thuy Ngoc Mai, OTA ("Ms. Mai"), is an occupational therapy assistant who at all times pertinent has been licensed to practice in this state by the Louisiana State Board of Medical Examiners (the "Board") and engaged in practice as an occupational therapy assistant in Baton Rouge, Louisiana. The above-entitled proceeding was docketed for investigation by the Board following receipt of a complaint that Ms. Mai inappropriately charted time/billing entries that were not consistent with the actual time devoted to individual client care.

Investigation of the captioned matter was assigned to Lawrence H. Cresswell, III, D.O., JD, Director of Investigations (the "DOI") for the Board. In connection with this matter, Ms. Mai met with the DOI, acknowledged her conduct, and expressed a commitment that her future practice would be in accordance with the ethical principles of her profession and in compliance with the laws and Board's rules governing the practice of occupational therapy assistants in this state.

While it appears to the DOI Ms. Mai is a conscientious and well-trained OTA, the DOI's review and analysis of the matter confirms to his satisfaction that the actions identified hereinabove may implicate one or more violations of the Louisiana Occupational Therapy Practice Act ("Act") and/or the Board's rules.¹

¹Pursuant to the Louisiana Occupational Therapy Act, La. R.S. 37:3011.A., the Board may take action against the license of an occupational therapist as a result of: . . . [U]nprofessional conduct, as defined by the policies established by the board, or violating the code of ethics adopted and published by the American Occupational Therapy Association, Inc. (AOTA). Pursuant to the Board's rules, La. Adm. C. 46XLV.4931.B.7, 17 and 18, respectively, 'unprofessional conduct' includes: '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 the code of ethics adopted and published by the American Occupational Therapy Association, Inc. (AOTA);' and 18. '[V]iolation of any rules and regulations of the board, or any provisions of the Act, as amended, R.S. 37:3001-3014.'

By her subscription hereto, Ms. Mai acknowledges the substantial accuracy of the foregoing information and that such information and acknowledgement could provide the DOI with probable cause to pursue formal administrative proceedings for violation of the Act, constituting sufficient cause for such action against her license to practice as occupational therapy assistant in this state as the Board may determine appropriate. In consideration of the foregoing, and on the recommendation of the DOI respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of occupational therapy, La. R.S. 37:3001, et seq., will be effectively served by the entry of the Order set forth hereinafter, by consent.

Recognizing her right to have notice of allegations and charges asserted against her, to administrative adjudication of such charges, at which time she 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. R.S. 49:951 et. seq., Ms. Mai, nonetheless, hereby waives her right to notice of charges and formal adjudication and pursuant to La. R.S. 49:955(D) consents to the entry of the Order set forth hereinafter. Ms. Mai further acknowledges and waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 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 this document in any court relating to the matters referred to herein. By her subscription hereto Ms. Mai also hereby authorizes the DOI 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. R.S. 49:960. Ms. Mai expressly acknowledges that the disclosure of information to the Board by the DOI shall be without prejudice to the DOI's authority to file a formal 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 DOI, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. R.S. 37:3002, 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. R.S. 37:3011 and La. R.S. 49:955(D);

IT IS ORDERED that Thuy Ngoc Mai, who is licensed to practice as an occupational therapy assistant in the state of Louisiana, as evidenced by Certificate No. Z20412, is hereby **Reprimanded** for the conduct identified hereinabove.

IT IS FURTHER ORDERED that within six (6) months from the effective date of this Order that Thuy Ngoc Mai, COTA shall pay the Board a fine in the amount of five hundred (\$500.00) dollars.

IT IS FURTHER ORDERED that within six (6) months from the date of this Order Thuy Ngoc Mai shall provide written confirmation to the Board that she has taken and successfully completed a course on professionalism and ethics that is acceptable to and approved by the Board.

IT IS FURTHER ORDERED that any violation of this Order by Thuy Ngoc Mai 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 violation were enumerated among the causes provided in La. R.S. 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 28th day of September, 2020.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY:



RODERICK V. CLARK, M.D., MBA.
President

*Acknowledgement and Consent
on Following Page*

STATE OF LOUISIANA
PARISH OF EBATONROUGE

**ACKNOWLEDGMENT
AND CONSENT**

I, THUY NGOC MAI, hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to the entry of the above and foregoing Order without duress and of my own free will and accord, this 20 day of July, 2020.

[Signature]
Thuy Ngoc Mai, OTA

WITNESSES:

[Signature]
Signature
Jade Walden
Printed Name
12590 Perkins Rd. Ste A Baton Rouge, LA 70810
Address

[Signature]
Signature
Vivonne T. Jackson
Printed Name
12590 Perkins Rd Ste A
Address Bat, LA 70810

Sworn to and subscribed before me at EBR, Louisiana this 20 day of July, 2020, in the presence of the two stated witnesses.

[Signature]
Notary Public (Signature)

Dajuana W. Moore, Notary Public No. 68583
Notary (Printed)/Bar No.



"Commissioned for Life"