



LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

No. 2024-I-271

IN THE MATTER OF:

MISTY ANN ROMAIN
Applicant for Licensure

**CONSENT ORDER
FOR ISSUANCE OF
OCCUPATIONAL THERAPY
ASSISTANT LICENSE ON PROBATION**

Misty Ann Romain, (“Ms. Romain”) is an initial applicant for licensure as an occupational therapy assistant by the Louisiana State Board of Medical Examiners (the “Board”). Ms. Romain has not previously been issued any license by the Board.

The present matter was initiated in March 2024, based on Ms. Romain’s submission of an initial application for licensure as an occupational therapy assistant to the Board. On the Oath or Affirmation section of the application, Ms. Romain answered “yes” to the following question:

1. Have you **EVER** been arrested for, cited for, charged with convicted of, or pled guilty to, or pled nolo contendere to, a violation of **ANY** municipal, state or federal statute? **Include anything expunged or judicially removed for any reason.** (You *do not* have to report misdemeanor traffic offenses or traffic ordinance violations unless they involve alcohol or drugs).

Investigation of this matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., the Director of Investigations (“DOI” or “Investigating Officer”) for the Board. Regarding the “yes” answer to Question 1, the investigation revealed that Ms. Romain entered a plea of guilty to felony theft in violation of La. R.S. 14:67 in Louisiana state court in 2018. Ms. Romain explained that she is paying restitution, learned her lesson and has moved on with her life, including by enrolling in ongoing education and pursuing a career as an occupational therapy assistant. The investigation also revealed that as of April 4, 2023, the National Board for Certification in Occupational Therapy (“NBCOT”) issued a Letter of Probation regarding Ms. Romain, permitted her to sit for the NBCOT Certified Occupational Therapy Assistant (“COTA”) examination and imposing one (1) year of probation, provided that Ms. Romain identify and take an online continuing education course in occupational therapy ethics after first receiving pre-approval for the course from the NBCOT.

Ms. Romain has cooperated and complied with and provided all requests for information from Board investigative staff as requested, and acknowledges the accuracy of the foregoing information, and committed to ongoing compliance with all requirements identified herein.

As evidenced by her subscription hereto, Ms. Romain acknowledges the substantial accuracy of the foregoing information and that such information would provide the Investigating Officer assigned to this matter by the Board with cause to refuse to issue an occupational therapy assistant license and/or to institute administrative proceedings for violations of the Louisiana Occupational Therapy Practice Act, La. R.S. 37:37011(A)(2),¹ pursuant to Administrative Complaint, and that proof of such information upon administrative evidentiary hearing may establish grounds under the Act for the denial of her application for occupational therapy assistant licensure or for such action against any license to practice as an occupational therapy assistant in the State of Louisiana issued by the Board, as the Board might deem appropriate.

Recognizing her right to written notification of any charges that may be asserted against her as a result of this investigation, as well as the right 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 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. 49:975 *et seq.*, Ms. Romain, nonetheless, hereby waives her rights to notice, formal adjudication and written decision and, pursuant to La. R.S. 49:975(D), consents to entry of the Order set forth hereinafter. Furthermore, Ms. Romain acknowledges that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:950 *et seq.*, or to which 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 relating to the matters referred to herein. Ms. Romain 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 and to discuss with the Board the nature and result of the investigation and waives any objection to such disclosures under La. R.S. 49:977.2. The disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against Ms. Romain or to the Board's capacity to adjudicate such charges should the Board decline to approve this Consent Order.

Based upon the information provided, and upon the recommendation of the Investigating Officer, the Board hereby concludes that, consistent with its mandate under La. R.S. 37:3002, the interests of public health, safety, and welfare will be effectively served by entry of the Order set

¹ La. R.S. 37:37011(A)(2) (authorizing the Board to take administrative action based on "[b]eing guilty of unprofessional conduct, as defined by the policies established by the board."); *see also* La. R.S. 37:3006 (providing that an applicant must be "of good moral character"); La. Admin. Code tit. 46, pt. XLV, § 1903 (providing that "[g]ood moral character" requires that "the applicant has not, prior to or during the pendency of an application to the board, been guilty of any act, omission, condition, or circumstance which would provide legal cause under R.S. 37:3011 for the suspension or revocation of occupational therapy licensure[.]"); La. Admin. Code tit. 46, pt. XLV, § 4931(B)(1) (defining "[u]nprofessional conduct" as "conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, of the United States, or of the state in which such conviction or plea was entered.").

forth hereinafter, by consent. The Board has considered the guidelines for minimum and maximum disciplinary dispositions and the aggravating and mitigating circumstances apparent from the particular facts and circumstances of this matter.² 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. 49:975(D);

IT IS ORDERED that Misty Ann Romain, shall be issued a license to practice as an occupational therapy assistant in the State of Louisiana, which license shall be and the same is hereby placed ***ON PROBATION*** for a period of one (1) year (the “probationary period”) based on the above-described conduct upon its issuance.

- (1) **Continuing Medical Education.** Ms. Romain shall, within one-hundred and eighty (180) days of the effective date of this Order, provide confirmation that she has registered for, attended, and successfully completed Continuing Medical Education (“CME”) courses on occupational therapy ethics that is acceptable to and pre-approved by the Board or its designee in writing. The CME course may be the same course used to complete this mirroring requirement in her NBCOT Letter of Probation.
- (2) **Laws and Rules for Occupational Therapists & Occupational Therapy Assistants Online Course; Verification.** Within six (6) months of the effective date of this Order, Ms. Romain shall complete the free online course “Laws and Rules for Occupational Therapists & Occupational Therapy Assistants,” which may be accessed through the following link, <https://www.lsbme.la.gov/content/board-orientations-online-courses>. Upon completion of the course, Ms. Romain shall complete the verification process and obtain a certificate of completion that will be submitted to the Board or its designee by the course provider.
- (3) **Cooperation with Board’s Probation and Compliance Officer.** Ms. Romain 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 Officers, with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms and conditions of this Consent Order, specifically including without limitation providing cooperation and assistance to the Board or its designee in obtaining any records under this Consent Order.
- (4) **Absence from the State/Practice/Effect on Probation.** Should Ms. Romain at any time 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 shall so advise the Board in writing. In such instance, the probationary period and all terms, conditions and restrictions thereof shall be deemed interrupted and extended and shall not commence again until Ms. Romain notifies the Board in writing that she has resumed practicing as an occupational therapy assistant in Louisiana, which notification shall likewise be immediately provided in writing to the Board or its designee.

² See La. Admin. Code tit. 46, pt. XLV, §§ 9714; 9716.

- (5) **Probation Monitoring Fee.** For each year of the probationary period, Ms. Romain shall pay to the Board an annual probation monitoring fee not to exceed three hundred (\$300.00) Dollars, in an amount set by the Board. 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.
- (6) **Effect of Violation/Sanction.** By her subscription hereto, Ms. Romain acknowledges that her receipt of written notification that the Board has received reliable information indicating her failure to comply with the requirements set forth by this Consent 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. R.S. 49:950, *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 medicine in this state pending a hearing before the Board and the conclusion of the administrative proceeding by issuance of a final decision following administrative adjudication of such charges.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms set forth by this Order by Ms. Romain shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Ms. Romain's license to practice as an occupational therapy assistant in the State of Louisiana as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. R.S. 37:3011.

IT IS FURTHER ORDERED that this Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a **PUBLIC RECORD**, and shall likewise be available on the Board's website, <https://www.lsbme.la.gov/>, under "Disciplinary Actions", and shall be reported to the National Practitioner Data Bank ("NPDB").

New Orleans, Louisiana, this 22ND day of July, 2024.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

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

Acknowledgment and Consent on Following Page

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF Jeff

I, MISTY ANN ROMAIN, 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 entry of the above and foregoing Order without duress and of my own free will and accord, this 10th day of June, 2024.

Misty Ann Romain
MISTY ANN ROMAIN

WITNESSES:

Sonia Gaspar
Signature

SONIA GASPARD
Typed Name

1801 Lafayette St
Street Address

Gretna LA 70053
City/State/Zip Code

Iris Champion
Signature

IRIS CHAMPION
Typed Name

1801 Lafayette St
Street Address

Gretna LA 70053
City/State/Zip Code

Sworn to and subscribed before me this 10th day of June, 2024, in the presence of the two stated witnesses.

[Signature]
Notary Public (Signature)

Name: Brian P. Cook

Notary/Bar No.: 038234

Commission expires: at will

