

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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NEW ORLEANS, LA 70112-1499

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In The Matter Of

VICKI LYNN SCHUSTER TOBAR, O.T.R.
Applicant For
Occupational Therapy Licensure

CONSENT
ORDER

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Vicki Lynn Schuster Tobar (Applicant) has submitted an application to the Louisiana State Board of Medical Examiners ("Board") for licensure as an occupational therapist, pursuant to the Occupational Therapy Practice Act of Louisiana, La. Rev. Stat. §§37:3001-3014. Upon receipt and review of Applicant's application and, following her interview with a member of the Occupational Therapy Advisory Committee, on September 22, 1988, the Board was made aware that Applicant had held herself out as and engaged in the practice of occupational therapy, without licensure by the Board, in violation of LSA-R.S. §37:3004 and 3014.¹ As a result of such information, the Board deferred action on Applicant's application. Further investigation revealed that Mrs. Tobar had held herself out to be and worked as an occupational therapist since July of 1986.² Predicated upon the above information, the Board denied Mrs. Tobar's application for licensure, reserving to her the opportunity to present an explanation for her unauthorized practice.³ On February 22, 1989, Applicant appeared before a panel comprised of Elmo J. Laborde, M.D.,

¹La. Rev. Stat. §37:3004 provides:

"No person shall practice occupational therapy or hold himself out as an occupational therapist or an occupational therapy assistant, or as being able to practice occupational therapy or to render occupational therapy services in the state unless he is licensed in accordance with the provisions of this Chapter."

See also La. Rev. Stat. §37:3014 which provides civil and criminal penalties for holding oneself out as an occupational therapist in the absence of licensure by the Board.

²The Board's information revealed that Mrs. Tobar worked as an occupational therapist at JoEllen Smith Hospital from July 7, 1986 through June 12, 1987. Thereafter, she was employed as an occupational therapist at Greenbriar Hospital, beginning on June 22, 1987.

³Letter, Paula M. Mensen, Administrative Services Assistant, Louisiana State Board of Medical Examiners, to Vicki Schuster Tobar, January 3, 1989.

Secretary-Treasurer of the Board, and two appointed members of the Board's Occupational Therapy Advisory Committee, Lauren Rivet, O.T.R., and Steven E. Sabo, Jr., O.T.R.

The information received by the panel and presented to the Board reveals that as early as June, 1986, Mrs. Tobar requested an application for occupational therapy licensure from the Board. Nevertheless, such application and other requirements for licensure were not completed until September of 1988 when the Applicant fulfilled all necessary criteria. And although Mrs. Tobar freely admits her practice as an occupational therapist, she states that her failure to sufficiently fulfill her application requirements and to obtain her license was due to various difficulties, including ignorance of the law, her employer's failure to inform her of the need for licensure and the failure of the Board's staff to advise her of what additional information was required during her application process.

Upon consideration of all the circumstances relevant to Mrs. Tobar's application and her express willingness to accept and abide with certain appropriate conditions to and restrictions on her occupational therapy license, the Board has determined that the public health, welfare and safety will be properly protected by issuance of an occupational therapy license to Applicant, *on probation*, subject to the terms, conditions and restrictions hereinafter set forth. As acknowledged by her subscription hereto, Applicant hereby accepts occupational therapy licensure on probation, subject to the terms, conditions and restrictions hereinafter set forth. Accordingly,

IT IS ORDERED that a license to practice occupational therapy in the state of Louisiana shall be issued to Vicki Lynn Schuster Tobar (Licensee), on PROBATION, such probation to be in effect for one (1) year from the date of Licensee's execution of this Order;

IT IS FURTHER ORDERED that Licensee's practice of occupational therapy in the state of Louisiana under such probationary licensure shall be expressly subject to her acceptance of and strict compliance with the following probationary terms, conditions and restrictions:

(a) Continuing Education. Applicant shall obtain thirty (30) hours of continuing occupational therapy education credit, approved by the Louisiana Occupational Therapy Association, or such other continuing education as may be deemed acceptable to the Board, during the probationary period identified hereinabove;

(b) Enrollment in Professional Organization. Licensee shall enroll in and join the Louisiana Occupational Therapy Association within thirty (30) days from the date of her execution hereof;

(c) Monetary Penalty. Licensee shall pay a \$500.00 monetary fine to the Board in two installments of \$250.00 each. The first said payment shall be due six (6) months from the date of her execution of this Consent Order; the second said payment shall be due on the final day of her probationary period.

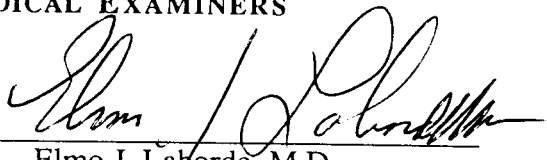
(d) Appearance Before the Panel. Licensee shall contact and make arrangements to meet with representatives of the Board and the Occupational Therapy Advisory Committee one (1) year from the date of her execution hereof to review and discuss compliance with the terms and conditions of probation identified hereinabove and Licensee's then active and future plans for practice of occupational therapy.

IT IS FURTHER ORDERED that any violation of the probationary terms, conditions and restrictions set forth herein by Vicki Lynn Schuster Tobar shall, upon proof of such violation, be deemed just, lawful cause for the revocation of her license to practice occupational therapy in the state of Louisiana, as if such violation were enumerated among the causes provided by La. Rev. Stat. §37:3011.

New Orleans, Louisiana, this 29 day of March, 1989.

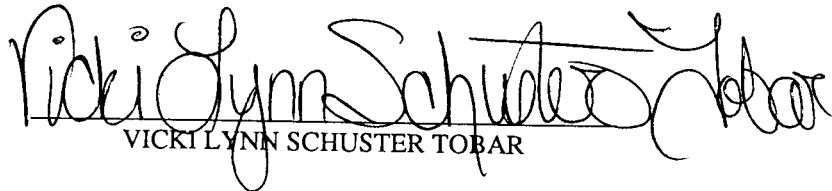
**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: _____


Elmo J. Laborde, M.D.
Secretary-Treasurer

ACKNOWLEDGEMENT AND CONSENT

I, VICKI LYNN SCHUSTER TOBAR, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 17 day of March, 1989.


VICKI LYNN SCHUSTER TOBAR