

Louisiana State Board of Medical Examiners

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In The Matter of

GWENN SONYA CASE, C.O.T.A.

(Certificate No. Z20395)

Respondent

No. 10-I-561

CONSENT ORDER

An investigation was conducted by the Investigating Officer ("I/O") of the Louisiana State Board of Medical Examiners (the "Board") of Gwenn Sonya Case, C.O.T.A. ("Ms. Case"), a certified occupational therapist assistant who at all times pertinent herein has been licensed to practice occupational therapy in the State of Louisiana, as evidenced by License No. Z20395, and principally engaged in such practice in and around Slidell, Louisiana. The investigation began upon receipt of apparently reliable information that Ms. Case was terminated from employment by a provider of home health services for falsifying four (4) patient therapy notes in June 2010. Such information further indicated that Ms. Case admitted to the conduct and subsequently made restitution to her employer.

In her meeting with the I/O, Ms. Case acknowledged that she had falsified patient care records on four occasions but represented that this behavior was an isolated event and likely due to the presence of significant personal stressors during the preceding several months. She provided evidence that she is currently undergoing treatment by a licensed health professional who has opined that Ms. Case's conduct could be explained by her mental state during this time period; and that she is otherwise a competent, ethical professional who appears to have acted impulsively and made a poor decision. She further reports that Ms. Case has been fully cooperative with the treatment recommended and is making progress in therapy to manage her life stressors.

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. Case, charging her with violation of the Louisiana Occupational Therapy Practice Act and the Board's Rules and Regulations pertaining to Occupational Therapists.¹

¹ La. Rev. Stat. §37.3011(A) provides that ~the board may take action against the licensee or applicant who has been found

As evidenced by her subscription hereto, Ms. Case without admitting any liability or violation of federal or state law or regulation, and for purposes of this Consent Order only, acknowledges that such information would provide the Investigating Officer with a basis 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 Certified Occupational Therapist 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. Case 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. Case, 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. Case 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. Case 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. Case 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 Gwenn Sonya Case, C.O.T.A., to engage in practice as a certified occupational therapist assistant in the State of Louisiana, as evidenced by Certificate No. Z20395 shall be placed **ON PROBATION for a period of three (3) years** *provided, however*, that Ms. Case's license to practice and her continuing exercise of rights and privileges 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. Case shall sign an agreement with the Board's Allied Professionals Health Program for a

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. 5, 7, and 13, define unprofessional conduct as: (7) "Making 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"; (13) "Inability to practice occupational therapy with reasonable competence, skill, or safety to patients because of mental or physical illness, condition or deficiency, including but not limited to deterioration through the aging process and excessive use or abuse of drugs, including alcohol."

minimum of two (2) years and shall fully comply with all terms, monitoring conditions and restrictions of the program. Ms. Case shall authorize and cause to have submitted to the Board quarterly reports of full compliance with all monitoring requirements of the Program. The quarterly reports are due on or before the first of January, April, July, and October of each year.

2. **Notification to Employers and Reports from Supervisors.** Prior to beginning or returning to work, Ms. Case shall provide a copy of this Consent Order to each supervisor, hospital, clinic, facility or other employer or prospective employer at which or for whom she provides services for, or for whom she works with in providing services as an occupational therapist in this state. Ms. Case shall provide the Board's Probation Officer with information identifying her place of employment, and identify her supervisor or monitoring professional. Thereafter, Ms. Case shall authorize and cause the supervisor, or a physician with whom she works or is associated in practice, who is pre-approved in writing by the Board, or another designee approved by the Board, to submit written reports to the Board not less frequently than quarterly thereafter, as to her professional competency, performance and compliance with the terms, conditions and restrictions of this Order. The quarterly reports are due on or before the first of January, April, July and October of each year.
3. **Limitation/Restriction of Practice.** Ms. Case shall not, until further written Order of the Board, engage in practice as a certified occupational therapist assistant in the home health setting.
4. **Attendance at Approved Seminar/ Professionalism/Ethics.** Within one hundred eighty days (180) of issuance of this order, Ms. Case shall provide written confirmation that she has attended and successfully completed one or more courses of study, acceptable to and pre-approved in writing by the Board, in the area of professionalism and ethical conduct of Occupational Therapists.
5. **Probation Monitoring Fee.** For each year of the probationary term, Ms. Case shall pay the Board an annual 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.
6. **Self-Reporting.** Ms. Case 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. Case shall immediately self-report in writing to the Board any personal action or inaction which constitutes a violation of the Act.
7. **Cooperation with Board's Probation and Compliance Officer.** Throughout the probationary term, Ms. Case shall immediately notify the Board's Probation 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 Officer with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms, conditions and restrictions hereof. Ms. Case shall also make herself available upon reasonable notice for personal interviews with the Probation Officer of the Board or a designated representative for the purpose of discussing her then-current compliance with the terms of this Order.

8. **Absence from State or Discontinuance of Practice - Effect on.** Should Ms. Case at any time during the period of probation be absent from the state of Louisiana, or discontinue practicing as a Certified Occupational Therapist Assistant for a period of thirty (30) days or more, she will so advise the Board in writing. In such instance, the probationary term ordered herein and all terms and conditions thereof, shall be deemed interrupted and extended and shall not commence to run until Ms. Case notifies the Board in writing that she has returned to Louisiana and she has resumed the practice of Occupational Therapy in the state of Louisiana. In such instance, Ms. Case shall not receive credit toward completion of the probationary period for the time during which she was absent from, or not practicing occupational therapy in the state of Louisiana.
9. **Sanction.** By her subscription hereto Ms. Case acknowledges that her receipt of written notification from the Board that it has received any report 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 therapist in this state pending the issuance of a final decision by the Board following administrative adjudication of such charges.
10. **Certification of Compliance with Probationary Terms; Personal Appearance Before the Board.** At last sixty (60) days prior to the conclusion of the probationary term imposed herein, Ms. Case 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. Case's compliance with the requirements of this provision.
11. **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. Case shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Case's license to practice as a certified occupational therapist 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 10 day of Jan, 2011.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:

Mark H. Dawson

MARK H. DAWSON, M.D.

President

*Acknowledgment and Consent
On Following Page*

STATE OF MississippiPARISH/COUNTY OF Pearl River**ACKNOWLEDGMENT
AND CONSENT**

I, GWEN SONYA CASE, C.O.T.A., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 15 day of December, 2010.

Gwenn Sonya Case Corn
GWEN SONYA CASE, C.O.T.A.

WITNESSES:

[Signature]
Signature

JIM RIVERS
Printed Name

698 LAKESIDE DR. CARBON, MS 39426
Address

[Signature]
Signature

Jamie L. Case
Printed Name

199 Westchester Dr. Piquette, MS 39426
Address

Sworn to and subscribed before me at Piquette, Mississippi, this 15 day of December, 2010, in the presence of the two stated witnesses.

[Signature]
Notary Public

Print name Gayle Fail

Bar/Notary No.: 55447

