

Louisiana State Board of Medical Examiners

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	:	No. 11-I-347
In The Matter Of	:	
	:	
DENISE SHERIE BATES, ATH	:	CONSENT ORDER FOR
<i>Applicant</i>	:	ISSUANCE OF CERTIFICATION
	:	_____
	:	

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of Denise Sherie Bates' application for certification by the Board to practice as an athletic trainer ("ATH") in this state. While it appears from information available as supplied by Ms. Bates' application and otherwise that she is generally qualified for issuance of such certification, as acknowledged by her in her application, she reported that she has been working as an athletic trainer in Louisiana since October 2010 without Board certification.

On her own behalf, Ms. Bates advised the Board that she was under the understanding that certification by the National Association of Athletic Trainers was sufficient to practice as an athletic trainer in this State. When she discovered that certification by the Board is required to practice, she stopped practicing as an Athletic Trainer, and acknowledged that her understanding was in error and accepted her responsibility to understand and comply with all rules and regulations regarding certification in this state.

As evidenced by her subscription to this Order, Ms. Bates acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and information could provide the Board with sufficient cause to deny her application pursuant to the Law and/or the Board's rules respecting athletic trainers.¹

¹La. Rev. Stat. §37:3305, 3308; La. Adm. C. 46XIV.5709.

Investigation of the captioned matter was assigned to the Director of Investigations ("I/O") for the Board. While it appears to the I/O that Ms. Bates is a conscientious and well-trained athletic trainer, the I/O's review and analysis of the matter confirms to her satisfaction that sufficient cause exists to charge Ms. Bates with one or more violations of the Louisiana Athletic Trainers Law (the "Law"), La. Rev. Stat. §37:3305, 3308 and/or the Board's rules respecting athletic trainers, La. Adm. C. 46XLV.5709.

Recognizing her right to have notice of such 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. Rev. Stat. §§49:951 *et. seq.*, Ms. Bates, nonetheless, hereby waives her right to notice of charges and formal adjudication and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Ms. Bates further acknowledges and waives any right to which she may 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 to contest her agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By her subscription hereto Ms. Bates also hereby authorizes the I/O 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. Bates expressly acknowledges that the disclosure of information to the Board by the I/O shall be without prejudice to the I/O'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 foregoing information, as well as the recommendation of the I/O, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:3303, 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. Rev. Stat. §37:3303 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Denise Sherie Bates is hereby **OFFICIALLY REPRIMANDED** for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that certification to practice as an athletic trainer in the state of Louisiana shall be issued to Denise Sherie Bates.

IT IS FURTHER ORDERED that within six (6) months of the date of this Order Ms. Bates shall pay the Board a fine in the amount of Two Hundred (\$200.00) Dollars, which represents the certification fee for the past year, plus a penalty of an equal amount.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Ms. Bates shall be deemed adequate and sufficient cause, upon proof of such violation

or failure, for such disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:3308.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed in New Orleans, Louisiana, and effective this 18 day of May
2011.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY:

Mark Dawson

MARK H. DAWSON, M.D.

President

*Acknowledgement and Consent
on Following Page*

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STATE OF LOUISIANA
PARISH OF Calcasieu

ACKNOWLEDGMENT
AND CONSENT

I, DENISE SHERIE BATES, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 5 day of May, 2011.

Denise Sherie Bates
DENISE SHERIE BATES, ATH APPLICANT

WITNESSES:

Alicia K. Farber
Signature

Alicia K. Farber
Printed Name

1700 E. Prien Ste 2B Lake Charles, LA 70601
Address

Allison Savoy
Signature

Allison Savoy
Printed Name

1700 E Prien Lake Ste. 3 Lake Charles, LA 70601
Address

Sworn to and subscribed before me at Lake Charles, Louisiana this
6th day of May, 2011, in the presence of the two stated witnesses.

Christie Consunado
Notary Public (Printed Name) and Seal

Christie Consunado
Notary (Signature) & Bar/Notary No.



Christie Consunado
State of Louisiana
Parish of Calcasieu
ID # 52134