

JOHN BEL EDWARDS
GOVERNOR



CHARLOTTE F. MARTINI, M.P.A.
EXECUTIVE DIRECTOR

State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

IN THE MATTER OF

DIANA SIMS

LICENSE NO. A8737

CONSENT ORDER

NUMBER: 2023-I-042

CONSENT ORDER

DIANA SIMS (“Ms. Sims” or “Respondent”) is a Physical Therapist Assistant (“PTA”), as evidenced by License No. A8737, and is subject to the jurisdiction and the Rules and Regulations of the Louisiana Physical Therapy Practice Act (La. R.S. 37:2401, et seq.), and the Rules and Regulations of the Louisiana Physical Therapy Board (“LPTB” or “Board”) (LAC 46:LIV §103, et seq.), and enters in the following agreement relative to Complaint No. 2023-I-042.

FACTUAL BASIS FOR CONSENT ORDER

1. Respondent received her Physical Therapist Assistant license, number A8737, on or about October 17, 2013.
2. On or about December 23, 2019, and January 31, 2020, the Board sent to all PTs and PTAs a 2020 renewal reminder. On February 6, 2020, the Board sent notice that the window for renewal for PTs and PTAs with even-year birthdays was open. On March 17, 2020, April 18, 2020, and May 14, 2020, the Board sent notices to all PTs and PTAs that the Board had extended the renewal period until May 30, 2020, due to the Covid-19 pandemic. On May 23, 2020, the Board sent a final renewal reminder, advising that the deadline to renew was May 30, 2020. All notices were sent to Respondent via her contact information registered

with the Board.

3. On May 31, 2020, the Board sent Respondent an Expiration Notice, advising Respondent that she failed to renew her license, and that if she practiced without a license, she may face legal or disciplinary action. The notice also advised Respondent to immediately contact the Board if she wished to continue to practice. Respondent did not contact the Board.
4. On July 24, 2023, the Board Office was notified by Respondent's employer, Specialists Hospital Shreveport, that Respondent failed to renew her license in 2020, and had been practicing at the facility with an expired license since that time.
5. On July 24, 2023, the Board Office sent notice to Respondent advising her that a complaint had been submitted by her employer, and requesting that she provide, within thirty days, a written statement giving her view of the situation and explaining fully the circumstances involved.
6. By correspondence dated July 25, 2023, Respondent provided a response to the notice. In her response, Respondent admitted to practicing physical therapy without a license. She further advised that she was aware that she failed to renew her license in 2020 and 2022.
7. An informal conference (Bertucci Hearing) was held on August 24, 2023, between the discipline committee and Respondent. During the conference, Respondent advised that she had received the notices via e-mail, but the e-mail account on record for her with the Board was an e-mail address that she does not check.

VIOLATIONS RELATED TO RESPONDENT'S CONDUCT

Respondent's conduct described above and otherwise reviewed in this action is subject to and/or in violation of the following provisions of law regarding her practice of physical therapy:

1. La R.S. 37:2420(A)(1) - Practiced physical therapy in violation of the provisions of this Chapter, the rules of the board, or standards of practice;
2. La R.S. 37:2420(A)(7) - Been found guilty of unprofessional conduct, including but not limited to departure from, or failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice, in which proceeding actual injury to a patient need not be established;
3. LAC 46 LIV §345(B)(1)(a) - As used in R.S. 37:2420(A)(7) of the Practice Act and in these rules, the term unprofessional conduct does not require actual injury to a patient, and includes, but is not limited to, the following: (1) departure from, failure to conform to, or failure to perform on a continuing basis to the minimal standards of acceptable and prevailing physical therapy practice as defined in §123, or the commission of any act contrary to honesty, justice, good morals, patient safety or the best interest of the patient, whether committed in the course of the licensee's practice or otherwise, regardless of whether actual injury to a patient results therefrom, including, but not limited to; (a) failure to use sound professional judgment;

4. La. R.S. 37:2417(B) – Any license not renewed in accordance with the rules of the Board shall automatically expire at the end of its term, after which the licensee shall not practice in Louisiana.
5. La R.S. 37:2415(B) - Each licensee is responsible for reporting a name change and changes in business and home address, telephone numbers, and e-mail address to the Board within thirty days of such change.

ORDER

Pursuant to the foregoing Factual Basis for Consent Order and Violations Related to Respondent's Conduct, and, in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of quorum, agree as follows:

1. Respondent's license shall be on probation for two (2) years upon reinstatement of the license. Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of the probationary period a request for a letter from the Board formally acknowledging the close of the probationary period. Respondent's probationary period concludes upon receipt by Respondent of the Board letter acknowledging the close of the probationary period and a final exit interview with the Board to be scheduled by the Board Executive Director.
2. Respondent must fulfill the requirements under LAC 46 LIV §187 for reinstatement of her lapsed license and complete sixty (60) total hours of Board approved continuing education, including four (4) hours of jurisprudence, four (4) hours of ethics, and the remaining in clinical/administrative practices. Of those sixty (60) total hours, fifteen (15) shall be from live coursework.
3. During the two (2) year probationary period, Board representatives will make random unannounced monitoring visits to Respondent's work site(s). Respondent shall fully cooperate with Board representatives making random unannounced monitoring visits to her work site(s) and shall provide complete access to her place of employment, employment and/or business records, patient treatment and billing records, and all other documentation necessary for a full legal compliance review. Respondent shall reimburse the Board for expenses related to the monitoring visit as invoiced and must be paid within 30 days of receipt of invoice.
4. During the two (2) year probationary period, Respondent shall provide a copy of this Consent Order to her employer(s), direct supervisor(s), any business or agency with which Respondent has contracted with to provide services for, any physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) who are supervised by, work for, or contracted with Respondent at any business, including, but not limited to, any business(es) Respondent owns, operates or manages before providing physical therapy services and shall have such person(s) notify the Executive Director in writing that they have received and reviewed a copy of this Consent Order prior to Respondent providing physical therapy services. Respondent shall do this also with any new or subsequent employer(s), direct supervisor(s), business or agencies with which Respondent has contract to provide services


for, physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) during the probationary period;

5. In addition, the thirty (30) hours of board-approved continuing education courses or activities required in the biennial renewal period under Rule §194, during each of the two (2) years of probation, Respondent shall complete an additional eight (8) hours of continuing education courses in professionalism per renewal period. The professionalism courses shall be submitted in writing to the Board Executive Director for approval prior to taking the course. Respondent shall also attend one (1) live Jurisprudence Seminar per renewal period. Respondent shall provide documentation in the form of a course completion certificate to the Executive Director within five (5) calendar days of receipt of such documentation.
6. The two (2) year probation period shall be extended for any period of time in which Respondent is not employed as a PTA within the State of Louisiana and regularly working at least an aggregate over the month that is at *least eighty (80)* hours per month. If Respondent ceases to be regularly employed as a PTA in Louisiana, she shall notify the Executive Director in writing within *ten (10) calendar days* of the last date she has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist within the State of Louisiana, she shall notify the Executive Director in writing within *ten (10) calendar days* of her return to practice.
7. Respondent shall pay the Board the sum of \$1358.56 in reimbursement for legal and administrative expenses incurred in this matter. Failure to reimburse associated fees will require the Board to take further action in collection of this debt. Respondent has twenty-four (24) months to reimburse the expenses before the debt will be considered final and transferred to the Louisiana Office of Debt Recovery (ODR). After transfer, the debt is subject to an additional collection fee of up to twenty-five percent (25%) of the total debt liability, as provided for in LA R.S. 47:1676 (E).
8. Respondent shall comply with La R.S. 37:2415(B) and notify the Executive Director of the Louisiana Physical Therapy Board in writing and prior to a change of residence to another country, state, or jurisdiction.
9. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the probationary period, and shall fully cooperate in providing information and documents requested in such meetings.
10. Respondent shall have reliable access to a computer, internet, and telephone. In accordance with Board Rule §385, Respondent shall provide to the Executive Director her preferred telephone number and/or email address in writing for expedited communications regarding compliance with this Board Order within forty-eight (48) hours of signing the Consent Order. Respondent shall reply to Board emails and telephone calls within four (4) hours of such communication. Respondent shall notify the Executive Director in writing of any change to her preferred telephone number and/or email address immediately upon such change.
11. Respondent declares that, before signing this Consent Order, she is of sound mind has carefully read this document, understands the contents, and freely consents to it as valid


and binding upon her. She is aware of her right to a notice of hearing, to a formal administrative hearing and to judicial review of an administrative finding, and freely waives those rights.

12. Respondent acknowledges that her failure to comply with any term of this Consent Order is a basis for the immediate summary suspension of her license and for further disciplinary action by the Board.
13. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above.
14. Respondent authorizes the Investigating Board Member and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose and discuss with the Board the nature and results of the investigation. Respondent waives any objection to such disclosures under La. R.S. 49:977.2 and expressly acknowledges that the disclosure of such information to the Board shall be without prejudice to the Investigative Board Member's authority to file a formal Administrative Complaint against her, or to the Board's capacity, as currently comprised, or any future composition of the Board, to adjudicate such Complaint, should the Board decline to approve this Consent Order. Should the Board decline to approve this Consent Order, Respondent retains all rights to due process including, but not limited to, her right to have notice of any allegations or charges against her, to administrative adjudication of such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law.
15. Respondent acknowledges that presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board, or any of its members, as the Board is currently constituted, or any future appointments to the Board, from further participation in hearings or resolution to these proceedings.
16. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.
17. Respondent acknowledges that all communication(s) regarding compliance with and/or fulfillment of the requirements of this Consent Order shall be in writing between Respondent and the Board Executive Director. No verbal communication(s) shall be considered proof of compliance or commitment. Respondent acknowledges that it is the responsibility of the Respondent to fully comply with the Consent Order and proactively communicate with the Board Executive Director.

I, DIANA SIMS, have read this Consent Order, understand it, and agree to be bound by its terms and conditions.


DIANA SIMS

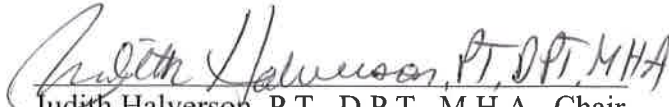
SWORN TO and subscribed before me, Notary Public this 30 day of October, 2023,
in Caddo Parish, Louisiana.


Notary Public

ROBERT A. DUEHRING
Notary Name printed (#)
Robert A. Duehring
Notary Public
Bossier Parish, Louisiana
41637

AGREED AND ACCEPTED by official action of the Board, this 1st day of
November, 2023, at Lafayette, Louisiana.

Louisiana Physical Therapy Board


Judith Halverson, P.T., D.P.T., M.H.A., Chair