

BEFORE THE IOWA BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY

IN THE MATTER OF:)	CASE NUMBER: 11-002
)	
WENDY SIMON,)	SETTLEMENT AGREEMENT
)	AND FINAL ORDER
Respondent.)	

COME NOW the Iowa Board of Physical and Occupational Therapy (Board) and Wendy Simon (Respondent), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Settlement Agreement and Final Order of the contested case currently on file against the Respondent:

1. The Respondent was originally licensed to practice as an physical therapy assistant on September 13, 1999 and holds license number 00670. That license is active and will expire on March 15, 2013.
2. A Notice of Hearing and Statement of Charges was filed against the Respondent on September 16, 2011. A contested case hearing in this matter is scheduled for December 16, 2011.
3. The Board has jurisdiction over the parties and subject matter of the Notice of Hearing and Statement of Charges.
4. Execution of this Settlement Agreement and Final Order constitutes the resolution of this contested case. Respondent has a right to a hearing on the charges, but waives her right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Settlement Agreement and Final Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following contested case hearing.

5. Respondent is freely and voluntarily entering into this Settlement Agreement and Final Order, and she agrees that the State's counsel may present this agreement to the Board.

6. This agreement is subject to approval of the Board. If the Board approves this agreement, it becomes the final disposition of this matter. If the Board fails to approve this agreement, it shall be of no force or effect to either party.

7. This Settlement Agreement and Final Order as well as the Notice of Hearing and Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code Chapter 22.

8. The Board's approval of this agreement shall constitute a FINAL ORDER of the Board.

IT IS THEREFORE ORDERED:

9. The Respondent agrees to **voluntarily surrender** her license to practice as a physical therapy assistant in the State of Iowa and understands that pursuant 645 Iowa Administrative Code Section 12.1(5) a voluntary surrender, when accepted by the Board, shall have the same force and effect as an order of revocation. This agreement shall constitute Respondent's written statement of intention to surrender her license pursuant to 12.1(5).

10. The Respondent shall surrender her physical therapy assistant license to the Board within 10 days of the execution date of this Agreement. The execution date is that date which accompanies the Board Chairperson's signature.

11. By voluntarily surrendering her license, the Respondent agrees not to use any words or titles which imply or represent that she is a licensed physical therapy

assistant or to otherwise hold herself out to the public as a licensed physical therapy assistant or to engage in the practice of physical therapy assistance for which a license is required in the state of Iowa.

12. The Respondent agrees that should she ever seek reinstatement of his license to practice physical therapy work in the State of Iowa, such application shall be subject to the provisions of 645 Iowa Administrative Code Section 11.31. In any application for reinstatement, the Respondent shall be required to submit evidence that demonstrates to the Board's satisfaction that the basis for the surrender of Respondent's license no longer exists and that it will be in the public interest for the license to be reinstated. The Respondent shall bear the burden of proof establishing these facts.

AGREED AND ACCEPTED:

Wendy M Simon
WENDY SIMON,
RESPONDENT

Debra Baker
CHAIRPERSON,
IOWA BOARD OF
PHYSICAL AND OCCUPATIONAL
THERAPY

Dated this 7th day of
October, 2011.

Dated this 16 day of
December, 2011.

Copies to:

September Lau
Assistant Attorney General
Hoover State Office Building

LOCAL

Wendy Simon
Respondent

Robert S. Swanson
Attorney for Respondent