

BEFORE THE IOWA BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY

IN THE MATTER OF) NO. 08-008
)
SHANTEL SMITH, P.T.,) **SETTLEMENT AGREEMENT AND**
) **FINAL ORDER**
 Respondent)

COMES NOW the Iowa Board of Physical and Occupational Therapy (hereinafter "the Board") and Respondent Shantel Smith, P.T., and hereby enter into this Settlement Agreement and Final Order pursuant to Iowa Code sections 17A.10(2) (2007), 272C.3(4) and 645 IAC 12.1.

1. The Respondent was originally licensed to practice as a physical therapist in the state of Iowa on October 12, 1995, and holds license number 02290.
2. A Notice of Hearing and Statement of Charges was filed against the Respondent on August 21, 2009.
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. By entering into this Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested hearing and all attendant rights, including the right to judicial review. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
5. This Settlement Agreement and Final Order is voluntarily submitted by the Respondent to the Board for consideration.

6. Respondent acknowledges that she has a right to be represented by counsel in this matter.

7. Respondent agrees that the State's counsel may present this Settlement Agreement and Final Order to the Board.

8. This Settlement Agreement and Final Order must be approved by the Board. If the Board fails to approve this Settlement Agreement and Final Order it shall be of no force or effect to either party.

9. Respondent understands that this Order is a public record and is therefore, subject to inspection and copying by members of the public.

10. This Order shall be part of the Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

11. Any failure by the Respondent to comply with the terms and conditions of this Order may subject her to further licensee disciplinary action by the Board.

12. The Board's approval of this Settlement Agreement and Final Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

13. Upon the Board's approval of this Settlement Agreement and Final Order, the Respondent's license shall be immediately suspended indefinitely until further order of the Board with no possibility of reinstatement for thirty (30) days from the date of this Order. During the entire period of suspension, the Respondent shall not utilize any designation, abbreviation, or title which implies that Respondent is licensed to practice physical therapy or otherwise hold herself out to be a licensed physical therapist. During the entire period of suspension,

Respondent shall not engage in any activity or practice of physical therapy in the State of Iowa for which a license is required.

14. Respondent may apply for reinstatement when the following conditions have been satisfied:

a. Respondent submits to a comprehensive evaluation by Gary Schoener, M.Ed., 2421 Chicago Avenue South, Minneapolis, Minnesota, 55404, telephone (612) 870-0565.

Respondent is responsible for all costs associated with this evaluation.

b. Prior to evaluation, Mr. Schoener shall be provided with the Statement of Charges, Settlement Agreement, and the investigative file in this contested case.

c. Upon completion of the evaluation and initial treatment plan, if applicable, Mr. Schoener shall forward the same directly to the Board. The evaluation report shall include Mr. Schoener's opinion as to whether it is appropriate for the Board to reinstate Respondent's license to practice physical therapy, and if so, under what restrictions or conditions, if any. The initial treatment plan, if any, shall be subject to the approval of the Board.

d. The Respondent shall comply with the recommendations of Mr. Schoener and shall undergo treatment pursuant to such approved plan.

e. The Respondent shall sign a release which (a) will enable the Board to freely communicate with individuals involved in her evaluation and treatment, and (b) provide for full access by the Board to all records maintained with respect to such evaluation and treatment.

f. Upon compliance with the above provisions, Respondent may submit an application for reinstatement to the Board pursuant to 645 Iowa Administrative Code 11.31. Respondent's license shall not be reinstated except upon a showing that Respondent has complied with the terms of this Settlement Agreement, that the basis for the suspension no longer

exists, and that it would be in the public interest for the license to be reinstated. The burden of proof to establish such facts will be on the Respondent.

g. Respondent shall pay a civil penalty of \$1,000.00 to be paid within thirty (30) days of this order.

15. Respondent agrees that following a hearing on her application for reinstatement the Board may issue an Order which further suspends Respondent's license, or which places Respondent's license on probation for a period of time subject to terms, conditions and restrictions which the Board deems appropriate, or which imposes other appropriate discipline.

This settlement agreement and final order is approved by the board on December 18, 2009.