



Jeff Landry
Governor

State of Louisiana
Department of Health and Hospitals

Charlotte F. Martin, M.P.A.
Executive Director

Louisiana Physical Therapy Board

IN THE MATTER OF

JOSHUA WILEY LEBERT

LICENSE NO. 09073R

CONSENT ORDER

NUMBER: 2024-I-031

INTERIM CONSENT ORDER

Joshua LeBert (“Mr. LeBert” or “Respondent”) is a Physical Therapist (“PT”), as evidenced by License No. 09073R, 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 (“Consent Order”) relative to Complaint No. 2024-I-031.

FACTUAL BASIS FOR CONSENT ORDER

1. Respondent received his Physical Therapist license, number 09073R, on or about May 21, 2015.
2. On November 20, 2024, the Board received a complaint alleging that Respondent, while employed at SWLA Sports & Rehab Center, had sexual relations with a patient. It was further alleged that Respondent may have had a relationship with other females. Finally, it was alleged in the complaint that his employer was informed of the situation, and he was terminated on the same day.
3. Upon receipt of the complaint, an investigative committee of the Board was formed to investigate the allegations against Respondent.
4. On December 4, 2024, Respondent was sent a notice letter detailing the allegations made in the complaint, and providing the potential laws and rules of the Board that may have been

violated by such conduct if the allegations were found to be true. It was requested that Respondent provide a response to the allegations by December 16, 2024.

5. Respondent engaged an attorney, who requested an extension of time to respond to the allegations, which was granted.
6. On December 20, 2024, Respondent provided his response to the allegations set forth in the notice letter. Therein, Respondent denied that he engaged in a relationship with the named individual while she was a patient, but admitted that their relationship may have been unprofessional as defined by Board rules, and that they engaged in a romantic relationship shortly after discharge. He denied a relationship with any other current or former patients. He further advised that he was currently working at two home health companies.
7. Due to the serious nature of the allegations in the complaint, the Investigative Committee determined that Respondent should not practice physical therapy during the pendency of the investigation and/or administrative proceedings before the Board. Mr. LeBert, through counsel, agreed to a suspension of his license pending further proceedings before the Board.

POTENTIAL VIOLATIONS RELATED TO RESPONDENT'S CONDUCT

Respondent's conduct described above and otherwise reviewed in this action, if true, may be a violation of the following provisions of law regarding his practice of physical therapy:

1. La R.S. 37:2420(A): After due notice and hearing, the board may refuse to license any applicant, or may refuse to renew the license of any person, or may restrict, suspend, or revoke any license upon proof that the person has: (1) Practiced physical therapy in violation of the provisions of this Chapter, the rules of the board, or standards of practice . . . (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 . . .
2. LAC 46 LIV §345(A): The board shall deem a violation any charge of conduct which fails to conform to the Practice Act, and board rules to carry out the provisions of the Act, and shall take appropriate action where violations are found. The rules of this Chapter complement the board's authority to deny, suspend, revoke or take such other action against a licensee, or Compact Privilege holder as it deems appropriate.
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. LAC 46:LIV §345(B)(5) - sexual misconduct—inappropriate sexual or intimate conduct, includes, but is not limited to sexual intimacy, contact, exposure, gratification, abuse, exploitation or other sexual behavior with or in the presence of a patient or any other individual in connection to the licensee's practice of physical therapy regardless of consent by the patient. Such conduct may be verbal, physical, visual, written or electronic, or it may consist of expressions of thoughts, feelings or gestures that are sexual or reasonably may be construed by a patient or other individual as sexual or which may reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or another individual. Sexual misconduct between a licensee and a former patient after termination of the therapist–patient relationship may also constitute unprofessional conduct if the sexual misconduct is a result of the exploitation of trust, knowledge, influence or emotions derived from the professional relationship.
5. LAC 46:LIV §345(B)(6) disruptive behavior—aberrant behavior, including but not limited to harassment, sexual or otherwise, manifested through personal interaction with employees, co-workers, hospital personnel, health care professionals, patients, family members or others, which interferes with patient care or could reasonably be expected to interfere with the process of delivering quality care or jeopardizing patient safety.

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 physical therapist license (PT License No. 09073R) is **SUSPENDED** pending further proceedings before the Board, and until the parties either reach an agreed upon resolution of the case through a Consent Agreement and Order, or the Board renders a ruling (Findings of Fact and Conclusions of Law) after an administrative hearing, and all appeals of that ruling are exhausted. The suspension is effective as of December 27, 2024, at 5:00 p.m., and Respondent acknowledges that he is not allowed to provide any physical therapy services in any capacity while his license is suspended.
2. Respondent declares that, before signing this Consent Order, he is of sound mind, has carefully read this document, understands the contents, and freely consents to it as valid and binding upon him. He is aware of his right to a hearing before the Board to afford him an opportunity to present evidence that the cause for license suspension no longer exists, and he freely waives that right. He is aware of his right to a notice of hearing, to a formal administrative hearing, and to judicial review of an administrative finding, and freely waives those rights. Further, he has had the opportunity to be represented by legal counsel in this matter and in the negotiation of this Consent Order;


3. Respondent acknowledges that his failure to comply with any term of this Consent Order is a basis for the immediate summary suspension of his license and for further disciplinary action by the Board;
4. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;
5. 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 to this point. 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 or prosecuting attorney's authority to file a formal Administrative Complaint against him, 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, his right to have notice of any allegations or charges against him, to administrative adjudication of such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law;
6. Respondent acknowledges that presentation to and consideration by the Board of this Consent Order, 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;
7. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair; and
8. 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, JOSHUA LEBERT, have read this Consent Order, understand it, and agree to be bound by its terms and conditions.



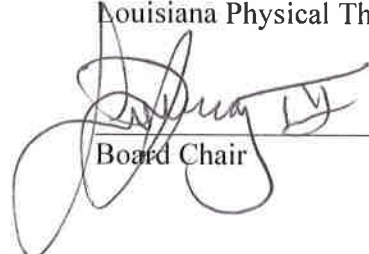
JOSHUA LEBERT

SWORN TO and subscribed before me, Notary Public this 3rd day of January, 2025,
in Lake Charles, Louisiana.



Notary Public
John Green, Jr.
Notary Public #81821
Notary for Calcasieu Parish, LA)
My Commission Expires at Death

AGREED AND ACCEPTED by official action of the Board, this 30th day of January,
2025, at Lafayette, Louisiana.

Louisiana Physical Therapy Board


Board Chair