
In the Matter of
JOHN SCHMIDT, P.T.
License No 00177
Respondent

* LOUISIANA STATE BOARD OF
* PHYSICAL THERAPY EXAMINERS
*
* Case Number 2001-21

THIRD CONSENT ORDER

Respondent has previously entered Consent Orders with the Louisiana State Board of Physical Therapy Examiners (Board) in April and September of 2002 and has been generally compliant with those agreements. Pursuant to a psychological evaluation report prepared for and provided to the Board by Rafael F. Salcedo, Ph.D., forensic psychologist, after testing of Respondent and examination of relevant historical materials, the Board has requested, and Respondent has agreed to, this Third Consent Order governing Respondent's physical therapist license issued by the Board.

The Findings of Fact and Conclusions of Law of the Consent Orders agreed to in this matter on April 25, 2002 and September 2, 2002 are adopted and incorporated into this Third Consent Order by reference.

FINDING OF FACT

The psychological evaluation conducted by Rafael F. Salcedo, Ph.D., forensic psychologist, resulted in recommendations that Respondent continue to utilize a monitor while he is treating female patients and that his professional conduct continue to be monitored by the Board until he can provide acceptable evidence that the personality dysfunction involving sexual boundary violations has been successfully dealt with.

CONCLUSIONS OF LAW

1. The psychological evaluation and report provided to the Board regarding Respondent by Dr. Salcedo is adequate grounds to continue the restrictions on Respondent's treatment of female patients as an alternative to suspension of Respondent's license. Rule 325.
2. The Board may enter Consent Orders with regard to disciplinary action and with the consent of the Respondent. A Consent Order requires formal consent of a quorum of the Board of Examiners. Rule 335.

DECISION

Pursuant to the foregoing Finding of Fact, Conclusions of Law, and the Findings of Fact and Conclusions of Law in the original Consent Order in the matter agreed to April 25, 2002 and the Second Consent Order agreed to on September 2, 2002, Respondent and the Board, by vote of

EXHIBIT

quorum, agree as follows:

A. Respondent's physical therapist license is continued on Probation until further action of this Board on this matter.

B. The following requirements are imposed as restrictions on Respondent's license to practice as a Physical Therapist:

1.) Whenever evaluating or treating female patients, respondent shall have present in the treatment room with him and the patient another female employee of his physical therapy practice as a monitor, who shall remain in the treatment room during the entire treatment session. Prior to beginning any treatment of a female patient, Respondent shall obtain the written consent of the patient to the presence of the monitor employee during treatment sessions.

2.) Any female employee designated by Respondent's employer as a monitor shall provide to the Board an affidavit acknowledging her responsibility to report to her employer and to the Board any inappropriate or unprofessional physical or verbal contact between Respondent and his female patients. It shall be Respondent's responsibility to see that this affidavit is produced in a form acceptable the Board's counsel and to see that the completed affidavit is delivered to the Board no later than ten days after that employee-monitor assumes such duties. The employee-monitor shall attest to her presence during the entirety of each treatment session by an entry in the patient's treatment record which shall be written, dated and signed by the monitor employee.

C. Respondent shall notify the Board of any change in his employment on or before the date that such change in employment takes effect and shall only practice under new employment when the Board, through its agent, concurs that the above conditions and restrictions will be fully complied with in the new employment setting.

D. Respondent may petition the Board for review of his probationary status if and when he has been fully evaluated by a forensic or other credentialed psychologist who is acceptable to the Board and who has performed testing acceptable to the Board and will recommend that Respondent's professional judgment is no longer impaired by the personality dysfunction involving sexual boundaries and that Respondent no longer presents a risk in treating female patients.

E. Respondent's failure to comply with any term of this agreement or with the terms of the prior Consent Orders herein, shall constitute just cause for the suspension or revocation of Respondent's license as a Physical Therapist under the auspices of this Board, or for any other disciplinary action within the statutory and regulatory authority of the Board.

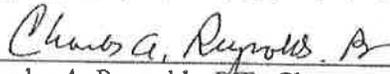
F. Respondent declares that before signing this Consent Order he has carefully read this document, understands the contents, and freely consents to it as valid and binding upon him. He is aware of his right to a formal hearing and to counsel and he freely waives those rights.

SWORN TO AND SUBSCRIBED on this 17th day of March, 2005, at Baton Rouge, Louisiana.


John Schmidt, Jr., P.T.

AS AGREED AND ACCEPTED by official action of the Board, the 17th day of February, 2005, at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS


Charles A. Reynolds, P.T., Chair