



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
RODERICK SMITH, PTA
LICENSE NO. A4816

NUMBER: 2023-I-036

VOLUNTARY SURRENDER OF LICENSE

WHEREAS, RODERICK SMITH ("Mr. Smith" or "Respondent") is a Physical Therapist Assistant ("PTA"), holds a PTA license in Louisiana, and is therefore subject to the jurisdiction and rules and regulations of the Physical Therapy Practice Act (La. R.S. 37:2401, et seq.), and the Board Rules and Regulations (LAC 46:LIV §103, et seq.);

WHEREAS, on or about June 26, 2023, the Louisiana Physical Therapy Board ("LPTB" or "Board") received a confidential complaint alleging Respondent had pending felony charges in Caddo Parish for an arrest on or about November 9, 2022. Additionally, the complaint alleged that since November 2022, there had been no physical therapist onsite to provide adequate supervision at Rehabilitation Concepts, where Mr. Smith was employed. The complaint further alleged that fraudulent billing practices had been taking place at Rehabilitation Concepts since November 2022;

WHEREAS, an investigation was opened by the Board into the above allegations, and as part of the investigation, multiple record subpoenas were issued to Rehabilitation Concepts by the Board. LPTB subpoenaed 32 patient records from Rehabilitation Concepts. 29 patient records were returned. 25 of the patients were treated by Respondent. No other PTAs were identified in the patient records. The patient records reflect:

- Multiple instances where Respondent treated patients on a 6th visit that should have been conducted by a PT;
- No PT/PTA conferences were documented in the patient records;
- Patient progress reports only included subjective data and failed to contain objective data;
- Manual therapy treatments were documented as being performed on most days; however, there was no documentation to show what activities/exercises were performed by patients;
- There were no discharge summaries for 21 of the 29 patients;
- Billing appeared excessive at an average of seven (7) units per visit;
- Billing was not provided for five (5) of the patients;

WHEREAS, the patient records further indicated that there were 52 missed 6th visits wherein Respondent treated patients when the patient should have been treated and reassessed by a PT. In the records reviewed, there were over 150 visits performed by Respondent beyond the 6th visit.

- For Patient A.J., Respondent treated patient on 6th visits on February 17, 2023, March 6, 2023, and March 21, 2023;
- For Patient S.D., Respondent treated patient on 6th visit on June 29, 2023;
- For Patient A.B., Respondent treated patient on 6th visit on June 28, 2023;
- For Patient P.R., Respondent treated patient on 6th visit on May 4, 2023;
- For Patient C.W., Respondent treated patient on 6th visits on May 18, 2023, and June 14, 2023;
- For Patient J.K., Respondent treated patient on 6th visits on March 21, 2023, April 6, 2023, April 21, 2023, and May 9, 2023;
- For Patient L.K., Respondent treated patient on 6th visits on February 8, 2023, February 22, 2023, March 6, 2023, and March 20, 2023;
- For Patient A.W., Respondent treated patient on 6th visits on March 24, 2023, and April 6, 2023;
- For Patient C.H., Respondent treated patient on 6th visits on February 2, 2023, and February 28, 2023;

- For Patient K.B., Respondent treated patient on 6th visits on May 19, 2023, June 2, 2023, and June 14, 2023;
- For Patient S.A., Respondent treated patient on 6th visits on May 22, 2023, and June 8, 2023;
- For Patient T.T., Respondent treated patient on 6th visits on February 7, 2023, March 7, 2023, April 4, 2023, and April 25, 2023;
- For Patient S.M. Respondent treated patient on 6th visits on January 31, 2023, March 3, 2023, and April 13, 2023;
- For Patient S.H., Respondent treated patient on 6th visits on May 23, 2023, and June 14, 2023;
- For Patient J.B., Respondent treated patient on 6th visits on May 19, 2023, June 2, 2023, and June 14, 2023;
- For Patient S.B., Respondent treated patient on 6th visits on March 6, 2023, March 24, 2023, April 4, 2023, April 21, 2023, and May 5, 2023;
- For Patient T.S., Respondent treated patient on 6th visit on April 25, 2023;
- For Patient A.F., Respondent treated patient on 6th visits on February 6, 2023, and March 7, 2023;
- For Patient J.S., Respondent treated patient on 6th visits on June 1, 2023, June 15, 2023, and July 6, 2023;
- For Patient W.T., Respondent treated patient on 6th visits on March 8, 2023, March 27, 2023, and May 1, 2023;
- For Patient A.N., Respondent treated patient on 6th visit on March 1, 2023;

WHEREAS, on August 22, 2023, a notice letter was issued to Respondent outlining the allegations of the complaint against him. On September 11, 2023, LPTB received Respondent's written statement; Respondent admitted to being arrested for a drug charge and failing to report his arrest "due to failure to read the P.T. handbook;"

WHEREAS, the parties present the following facts as the basis for the Voluntary Surrender of License:

1. Respondent initially received his physical therapy assistant license, as evidenced by PTA License Number A4816, on or about May 24, 2001.
2. On May 8, 2008, Respondent was arrested in Paris, Texas, for "Driving While Intoxicated 3rd or More IAT," which is a third-degree felony. He was also arrested for "Fail to Stop and Render Aid Inj/Death," a second-degree felony, along with several other misdemeanor charges. Respondent pled guilty to "Driving While Intoxicated 2nd" and was sentenced to confinement of 60 days. He also pled guilty to the felony charge of "Fail to

Stop and Render Aid Inj/Death” and was sentenced to confinement of eight years. He was also sentenced to 60 days confinement for pleading guilty to the misdemeanor charges of “Resist Arrest Search or Transportation” and “Theft of Property >\$50 <\$500.”

3. Respondent failed to advise the Board of his arrest, conviction, or confinement, as set forth at Paragraph 2, above. Respondent was released from prison on parole on September 7, 2011. On March 13, 2012, Respondent submitted a Reinstatement Application to the Board and only advised the Board that he allowed his PTA license to lapse, as he was living and working in Texas. Respondent again failed to advise the Board of any of the criminal conduct addressed above.
4. On June 16, 2018, Respondent was arrested for “DWI 1st Offense” by the Shreveport Police Department, along with several other misdemeanor charges. Respondent ultimately pled guilty to the charges, and was sentenced to 90 days of confinement, which was suspended, a one-year probation, community service, substance abuse class, DWI school, and other fines and penalties.
5. Respondent failed to advise the Board of his 2018 arrest and guilty plea, and did not address it on his License Renewal Application submitted to the Board on April 30, 2021.
6. Subsequently, on November 9, 2022, Respondent was arrested by the Shreveport Police Department for “Possession of Schedule II CDS” and “Illegal Carrying of Weapons.” In his criminal case, *State of Louisiana v. Roderick Smith*, No. 392305, Sec. 5, First Judicial District Court, Caddo Parish, Louisiana, Respondent entered into a Plea Recommendation on November 2, 2023, whereby he pled guilty to the charge of “Possession of Schedule II Controlled Dangerous Substance, greater than 2 grams but less than 28 grams (methamphetamine).” Respondent was sentenced to 2 years hard labor, which was suspended, with satisfactory completion of 3 years of active supervised probation, enrollment and completion of an approved substance abuse treatment program, community service, and other fines.
7. Respondent failed to advise the Board of his arrest for the charges detailed at Paragraph 6, above, and also failed to advise of his guilty plea to “Possession of Schedule II Controlled Dangerous Substance, greater than 2 grams but less than 28 grams (methamphetamine).”
8. After Respondent entered into the Plea Recommendation on November 2, 2023, a new notice letter was sent to Respondent advising of the allegations against him, including the details of his guilty plea for the felony charge of “Possession of Schedule II Controlled Dangerous Substance, greater than 2 grams but less than 28 grams (methamphetamine).” The notice letter further scheduled an informal conference with Respondent to address the allegations raised in the notice letter.
9. An informal conference (Bertucci hearing) was held on November 16, 2023, regarding the complained of conduct addressed above. Respondent appeared for the conference but

failed to provide any evidence that he had not violated the laws and regulations of the Board.

10. After failing to reach an agreement with Mr. Smith regarding discipline related to the pending complaint against him, an Administrative Complaint was filed by the prosecutor for the Board and the Complaint and a Notice of Hearing were sent to Mr. Smith on February 20, 2024, scheduling the hearing on the complaint for March 21, 2024.

WHEREAS, Respondent, Mr. Smith, communicated his desire to voluntarily surrender his PTA license in lieu of further disciplinary proceedings;

WHEREAS, Respondent, Mr. Smith, acknowledges that the following will result due to his voluntary surrender of his license with the LPTB:

1. A report of this Voluntary Surrender of License and the conditions under which the license was surrendered shall be submitted to the National Practitioners Data Bank ("NPDB").
2. Public notification of this Voluntary Surrender of License by posting a copy of this Voluntary Surrender of License on the LPTB website.
3. Prior to applying for licensure with the LPTB, Mr. Smith must submit to a Fit for Duty evaluation by an evaluator to be determined by the LPTB.
4. A five (5) year waiting period before Mr. Smith will be eligible to apply for licensure with the LPTB.
5. Prior to the grant of licensure by the LPTB, a hearing shall be held by the LPTB to afford Mr. Smith an opportunity to present evidence that he is fit to practice as a Physical Therapist Assistant in Louisiana. After such hearing, the LPTB may deny or grant licensure, require the completion of a specific program or remedial education approved by the Board, and/or require monitoring of Mr. Smith's practice as specified by the Board.

WHEREAS, Mr. Smith acknowledges that he has had the opportunity to thoroughly review the content of this Voluntary Surrender of License and that he is informed of and understands his rights to due process in connection with administrative charges, and that prior to final disciplinary action against his license, he would be entitled to have notice of a hearing on the

allegations and charges asserted against him through the filing of an Administrative Complaint, and to have an administrative adjudication of such charges, at which time Mr. Smith would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. R.S. 49:950, *et seq.*;

WHEREAS, Notwithstanding his right to an administrative hearing and a decision thereon as provided by La. R.S. 49:975, *et seq.*, in recognition of the stipulations set forth above and for the final disposition of this administrative action, Mr. Smith, nonetheless, waives his right to formal adjudication and voluntarily surrenders to the Board his license to practice as a physical therapist in the state of Louisiana as evidenced by License No. A4816. Mr. Smith also hereby authorizes a member of the Investigative Committee or the Board attorney to present this Voluntary Surrender of License to the LTPB for its consideration, and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures under La. R.S. 49:950, *et seq.*;

WHEREAS, Mr. Smith acknowledges, stipulates and agrees that the voluntary surrender of his license in lieu of an administrative action shall have, and shall be deemed by the Board to have the same effect as if the Board had entered an order of revocation upon the conclusion of formal administrative proceedings. Mr. Smith further acknowledges, stipulates and agrees that as a result of the voluntary surrender of his license, he shall not have any right or entitlement to reinstate or renew his license to practice as a physical therapist in the state of Louisiana;

WHEREAS, by the voluntary surrender of his license in lieu of disciplinary action, Mr. Smith, moreover, acknowledges, stipulates, and agrees that he waives any right to which he may

be entitled pursuant to the Louisiana Administrative Procedure Act or which otherwise may be afforded to him by law, to contest his agreement to, or the force and effect of this document in any Court related to the matters referred to herein;

WHEREAS, Mr. Smith acknowledges that he has had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation;

WHEREAS, based upon the above, Roderick Smith, surrenders his license held with the LPTB, particularly No. A4816.

R. Smith
RODERICK SMITH

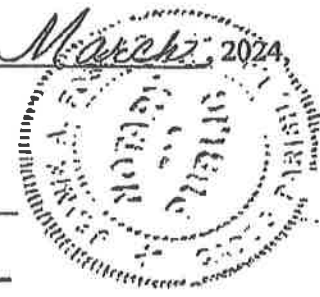
4-19-24
Date

I, **RODERICK SMITH**, have read the Voluntary Surrender of License, understand it, and agree to be bound by its terms and conditions.

DATED: 4-19-2024 R. Smith
RODERICK SMITH

SUBSCRIBED AND SWORN TO before me this 19th day of March, 2024,
at Shreveport, Louisiana.

Jeanne A. Foster
Notary Public 041918
Print Name: Jeanne A. Foster
My Commission Expires: "For Life"



ORDER

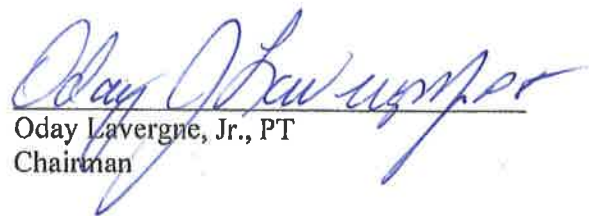
The Louisiana Physical Therapy Board, represented herein by its Chair, having examined the Voluntary Surrender of License, Case No. 2023-I-036, accepts the Voluntary Surrender of License in this matter on this 21ST day of March, 2024. Accordingly, the Board orders as follows:

1. A report of this Voluntary Surrender of License and the conditions under which the license was surrendered shall be submitted to the National Practitioners Data Bank ("NPDB").
2. Public notification of this Voluntary Surrender of License shall be made by posting a copy of this Voluntary Surrender of License on the LPTB website.
3. Prior to applying for licensure with the LPTB, Mr. Smith must submit to a Fit for Duty evaluation by an evaluator to be determined by the LPTB.
4. A five (5) year waiting period shall pass before Mr. Smith will be eligible to apply for licensure with the LPTB.
5. Prior to the grant of licensure with the LPTB, a hearing shall be held by the LPTB to afford Mr. Smith an opportunity to present evidence that he is fit to practice as a Physical Therapist Assistant in Louisiana. After such hearing, the LPTB may deny or grant licensure, require the completion of a specific program or remedial education approved by the Board, and/or require monitoring of Mr. Smith's practice as specified by the Board.

Date:

3-31-24^a

3-21-24



Oday Lavergne, Jr., PT
Chairman