

BEFORE THE LOUISIANA PHYSICAL THERAPY BOARD

IN THE MATTER OF

BRITTANY HALSEY COOK

**(LOUISIANA PHYSICAL THERAPIST
ASSISTANT LICENSE NO. A8332)**

CONSENT ORDER

**CONFIDENTIAL COMPLAINT NO.
2021-I-006**

CONSENT ORDER

Ms. Brittany Halsey Cook, Louisiana Physical Therapist Assistant License No. A8332, hereinafter "Ms. Cook" or "Respondent", initially came to the attention of the Louisiana Physical Therapy Board ("LPTB" or "Board") on or about April 27, 2021, when the Louisiana Physical Therapy Board received a complaint regarding the practice of physical therapy by Ms. Cook. The complaint alleged that on or about April 15, 2021 through April 30, 2021, Ms. Cook, a physical therapist assistant, serving as Rehab Director at Springlake Guest Care, located on Line Avenue in Shreveport, Louisiana, repeatedly asked a physical therapist (T.E.A.), who was not working at the facility at the time two patients were discharged and had never treated nor supervised either patient's plan of care, to complete and sign discharge summaries for those two patients, S.R. and M.B., and that, when T.E.A. failed to do so, Brittany Cook created a discharge summary for patients S.R. and M.B. utilizing the signature line of the physical therapist, T.E.A. Upon receipt of this information a confidential complaint was initiated, and an investigative committee was formed in accordance with Board Rule §123. On May 19, 2021, the Investigative Committee of the Board sent a letter to the Respondent notifying Ms. Cook of the complaint and requested a written statement concerning the incident. The Investigative Committee received Ms. Cook's written statement on June 11, 2021. On July 21, 2021, Ms. Cook attended an Informal Conference with the Investigative Committee to discuss the incident.

Through the course of the investigation, and following the Informal Conference, the Investigative Committee discovered the co-signature of Physical Therapist (R.A.) on April 10, 2021 for patient S.A.'s progress report of April 6, 2021 and on April 5, 2021 for patient M.B.'s progress report dated April 2, 2021. Neither of the co-signatures could have been completed by Physical Therapist (R.A.).

On December 7, 2021, Ms. Cook was requested to attend a second informal conference with the Investigative Committee to further discuss the matter. Ms. Cook, through attorneys, requested a continuance of the second informal conference. Ms. Cook attended a second informal conference on January 6, 2022, with and represented by attorney Alec Alexander.

FACTUAL BASIS FOR CONSENT ORDER

1. Respondent was originally licensed as a physical therapist assistant in Louisiana on or about November 6, 2012.

2. At all times pertinent hereto, Respondent was licensed as a physical therapist assistant in the state of Louisiana, Louisiana Physical Therapist License No. A8332.

3. On or about April 27, 2021, a complaint was submitted to the Board alleging that on or about April 15, 2021 through April 30, 2021, Ms. Cook, a physical therapist assistant, while serving as Rehab Director at Springlake Guestcare, located on Linc Avenue in Shreveport, Louisiana, repeatedly asked a physical therapist (T.E.A.), who was not working at the facility at the time two patients were discharged and had never treated nor supervised either patient's plan of care, to complete and sign discharge summaries for those two patients, S.R. and M.B., and that, when T.E.A. failed to do so, Ms. Cook created a discharge summary for patient S.R. and patient M.B. utilizing the signature line of the physical therapist, T.E.A.

4. Upon receipt of the complaint an Investigative Committee ("Committee") was created in accordance with Board Rule §123, which Committee consisted of Charlotte Martin, Executive Director of the Board, Oday Lavergne, Investigatory Board Member, and Tani Rawlings, Board investigator.

5. On June 30, 2021, the Investigative Committee of the Board sent a letter to Ms. Cook regarding her participating in an informal conference scheduled for July 21, 2021, in Baton Rouge, Louisiana. Ms. Cook attended the informal conference.

6. On November 30, 2021, the Investigative Committee of the Board sent a letter to Ms. Cook requesting her participation in an informal conference scheduled for December 7, 2021, at the Board office in Lafayette, Louisiana. The informal conference was rescheduled for January 6, 2022. Ms. Cook attended the informal conference with her attorney, Alec Alexander.

7. Investigation revealed that:

a Ms. Cook admitted that she, a physical therapist assistant, was the one who signed in to the account of R.A., a physical therapist no longer employed at Springlake Guestcare in Shreveport, Louisiana, and reset R.A.'s password so that Ms. Cook could sign in as the physical therapist of record, R.A., and co-sign his name to a progress report of 04/15/2021 for patient M.B. and on a progress report of 4/10/2021 for patient S.B. In this regard, Ms. Cook falsely counter-signed physical therapy progress notes and falsely authenticated the author of the progress notes.

b Ms. Cook failed to request the physical therapist of record, R.A., to complete a discharge summary for patient M.B.; and Ms. Cook asked two different physical therapists, neither of whom had ever treated the patient to complete the discharge summary for patient M.B.

c Ms. Cook failed to request the treating physical therapist of record, C.M. to complete a discharge summary for patient S.R.; and Ms. Cook asked two different physical therapists, neither of whom had ever treated the patient, to complete the discharge summary for patient S.R.

8. Following the completion of the Investigation, the Respondent was offered and agreed to this Consent Order.

VIOLATIONS RELATED TO RESPONDENT'S CONDUCT

Respondent's conduct described above and otherwise reviewed in this action is subject to and/or in violation of the following provisions of law regarding her practice as physical therapist assistant.

1. LAC 46: LIV § 341 (A) 7 - [§341. Documentation Standards. A written record of physical therapy treatment shall be maintained for each patient. A complete record shall include written documentation of prescription or referral (if such exists), initial evaluation, treatment(s) provided, PTIPTA conferences, progress notes, reevaluations or reassessments, and patient status at discharge all as defined in § 123 ... (7) Discharge summary is the written documentation of the reasons for discontinuation of care, degree of goal achievement and a discharge plan which shall be created and signed by the supervising PT of record. A discharge summary shall be written at the termination of physical therapy care when feasible];

2. LAC 46:LIV 345 (B)3(a) - [§345 B. As used in RS. 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: * * * (3) failing to create or maintain medical record-a licensee shall create and maintain adequate and legible patient records. In addition, a licensee shall: a. not falsely create or alter a medical record or destroy a medical record except as authorized by law];

3. La. RS. 37:2420(A)(7) [Been found guilty of unprofessional conduct or sexual misconduct, 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]; and

4. LAC 46: LIV § 341 (D) [§341. Documentation Standards. D Forms of electronic signatures, established pursuant to written policies and mechanisms to assure that only the author can authenticate his own entry, are acceptable.

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, Brittany Halsey Cook, La. Physical Therapist Assistant License No. A8332, and the Board, as of the date this Consent Order is approved by the Louisiana Physical Therapy Board, agree as follows:

1. Respondent's physical therapist assistant license is suspended for a minimum period of six months from the date of acceptance of the Consent Order by the Louisiana Physical Therapy Board. Respondent shall submit to the Board Executive Director in writing no less than 30 calendar days prior to completion of the suspension period or 15 days following successful

completion of and documentation of successful completion of all requirements of the suspension period, and a request for a letter from the Board formally acknowledging the close of the suspension period. Respondent's suspension period concludes upon receipt by Respondent of the Board a letter acknowledging the close of the suspension period and upon review at the board meeting following completion of the suspension period dated from the acceptance of the Consent Order by the Board.

2. At the conclusion of the period of suspension, Respondent's license shall be on probation for a minimum of three years and until the requirements of Paragraph 6 are satisfied. Respondent shall submit to the Board Executive Director in writing not less than 30 calendar days prior to completion of probationary period a request for a letter from the Board formally acknowledging the close of the probationary period. Respondent's probationary period concludes upon receipt by respondent of the Board a letter acknowledging the close of the probationary period and final exit interview with the Board to be scheduled by the Board Executive Director;
3. During the three year probationary period Respondent shall fully cooperate with the Board representatives making random unannounced monitoring visits to her work sites and shall provide complete access to her place of employment, employment and/or business records, patient treatment and billing records, and all other documentation necessary for a full legal compliance review. Respondent shall reimburse the Board \$150.00 for each such monitoring visit;
4. During the three year probationary period, Respondent shall provide a copy of this Consent Order to her employer(s), direct supervisor(s), and any physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) who are supervised by, work for, or contract with Respondent at any business, including, but not limited to, any business(es) Respondent owns, operates or manages before providing physical therapy services and shall have such person(s) notify the Executive Director in writing that he has received and reviewed a copy of this Consent Order prior to Respondent providing physical therapy services. Respondent shall do this also with any new or subsequent employer(s), direct supervisor(s), physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) during the probationary period;
5. The three year probation period shall be extended for any period of time in which Respondent is not employed as a physical therapist assistant within the State of Louisiana and regularly working at least an aggregate over the month that is at *least twenty* hours per week. If Respondent ceases to be regularly employed as a physical therapist assistant in Louisiana, she shall notify the Executive Director in writing within *ten calendar days* of the last date she has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist assistant within the State of Louisiana, she shall notify the Executive Director in writing within *ten calendar days* of her return to practice;
6. Respondent shall pay the Board the sum of \$8,400.00 in partial reimbursement for legal and administrative expenses incurred in this matter, this amount shall be paid in a lump sum, or monthly installments, if arranged in writing in advance with the Executive Director, over the minimum 6 months and 3 years of her suspension and probation. In the event that the Respondent reimburses the Board in monthly installments, payment shall be submitted to the

Board Executive Director no later than the 15th day of the month. Failure to provide payment by the 15th day of the month three times is a basis for further disciplinary action by the Board;

7. Respondent shall comply with La R.S. 37:2415.B, and notify the Executive Director of the Louisiana Physical Therapy Board in writing and prior to a change of residence to another country, state, or jurisdiction. Upon relocation, all provisions of this Consent Order are suspended until Respondent again resides within Louisiana, notifies the Executive Director of her Louisiana residence, and receives written confirmation from the Executive Director;
8. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the suspension and probationary period, and shall fully cooperate in providing information and documents requested in such meetings;
9. Respondent shall have reliable access to a computer, internet, and telephone. In accordance with Board Rule §385 Respondent shall provide to the executive director their preferred telephone number and/or email address in writing for expedited communications regarding compliance with board order within 48 hours of signing the Consent Order. Respondent shall reply to Board emails and telephone calls within four hours of such communication. Respondent shall notify the Executive Director in writing of any change to their preferred telephone number and/or email address immediately upon change;
10. Respondent declares that, before signing this Consent Order, she is of sound mind has carefully read this document, understands the contents, and freely consents to it as valid and binding upon her. She is aware of her right to a notice of hearing, to a formal administrative hearing and to judicial review of an administrative finding, and freely waives those rights. As is her right, she has been represented by legal counsel;
11. Respondent acknowledges that her failure to comply with any term of this Consent Order is a basis for immediate summary suspension of her license and for further disciplinary action by the Board;
12. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;
13. Respondent authorizes the Investigating Board Member Oday Lavergne 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. Respondent waives any objection to such disclosures under La. R.S. 49:960 and expressly acknowledges that the disclosure of such information to the Board shall be without prejudice to the Investigative Board Member's authority to file a formal Administrative Complaint against her, or to the Board's capacity 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, her right to have notice of any allegations or charges against her, to administrative adjudication of such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law;

- 14. Respondent acknowledges that presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board, or any of its members, from further participation in hearings or resolution to these proceedings; and
- 15. Respondent acknowledges that this Consent Order becomes effective only upon approval by the Louisiana Physical Therapy Board at a formal meeting; and
- 16. Respondent acknowledges that all communication 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 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.

Brittany Halsey Cook
 BRITTANY HALSEY COOK, Respondent
 Louisiana Physical Therapist Assistant
 License No. A332

M. Alexander

 ALEC ALEXANDER
 MICHAEL SCHULZE
 Sullivan Stolier Schulze, LLC
 1042 Camellia Blvd., Suite 2
 Lafayette, LA 70506

Attorney for Respondent, Brittany Halsey Cook

Submitted to the Board for approval by:
Oday Lavergne

 ODAY LAVERGNE, Investigatory Board
 Member

AGREED AND ACCEPTED by official action of the Board, this 15 day of June, 2022, at Lafayette, Louisiana.

LOUISIANA PHYSICAL THERAPY BOARD

Judith Halverson

 JUDITH HALVERSON, Board Chair