



State of Louisiana
Department of Health and Hospitals
Louisiana Physical Therapy Board
104 Fairlane Drive, Lafayette, LA 70507
337/262-1043 FAX 337/262-1054

February 23, 2012

Ms Donna Johnson
411 Arrowwood Drive
Slidell, LA 70458

RE: Decision

Dear Ms. Johnson,

Enclosed is a copy of the Decision which resulted from the Formal Hearing held on January 19, 2012. The Decision has been executed by all parties.

Sincerely,


Cheryl Gaudin
Executive Director

Enclosure

Cc: Glenn Ducote
George Papale

SCAN

LOUISIANA PHYSICAL THERAPY BOARD

IN THE MATTER OF

ADMINISTRATIVE COMPLAINT

DONNA JOHNSON, PT

LICENSE NO. 07768R

CASE NUMBER: 2011-I-1021

DECISION AND ORDER

This matter came before the Louisiana Physical Therapy Board pursuant to an Administrative Complaint (Complaint) which charged Respondent Donna Johnson, a physical therapist (PT) from the state of Colorado holding License 07768R issued by the Board in 2010 by reciprocity, charging her with several violations of the Physical Therapy Practice Act, R.S. 37:2401 et seq. (Practice Act) and Board Rules. The case was heard by the Board on January 19, 2012 with Dan Wood, PT; Teresa Maize, PT; Dee Cochran, PT, DPT; Jerry Jones, Jr., PT; Al Moreau, III, PT, and Gerald LeGlue, MD, participating. Board Member Danny Landry, PTA, who served as Case Investigator for the original complaint, was present but was recused from participation in the hearing. Complaint Counsel George Papale presented evidence to the Board and Board Counsel Glenn Ducote conducted the hearing.

NOTICE TO RESPONDENT

The Administrative Record shows that Respondent was provided with timely notice of possible violations of the Practice Act and Board Rules and given the opportunity to show that she was in compliance with all legal requirements. She participated in an Informal Conference and further discussions with Board personnel and subsequently was offered a Consent Order to resolve all issues, but rejected the terms of that proposal. Subsequently, Respondent was timely served with the formal Administrative Complaint along with Notice of Administrative Complaint and Hearing which notified Respondent of the date, time and place of the hearing on the allegations of the Complaint.

THE COMPLAINT

The Complaint charged Respondent with:

- a. failure to document patient care conferences with the PTA she was supervising as required by Rule §321A(3);
- b. failure to document assessment of a patient, failure to document a progression or regression by the patient in relation to established treatment goals, and failure to sign the patient's progress note all in

violation of Rule 323A(3);

c. signing a treatment note indicating that she had treated a patient whom she did not treat, in violation of Rule 323A(3) and;

d. failure to document initial patient evaluations which she had performed, in violation of Rule 323A(2).

Each of these alleged violations also constitutes a breach of the requirements of La. R.S. 37:2420A.

RESPONDENT'S FAILURE TO APPEAR

When the case was called for a hearing at the designated time, Respondent was not present and the Board determined to receive evidence. Notwithstanding Respondent's failure to appear for the adjudication on the alleged violations set out above, the Board determined that the Respondent had been duly notified of the hearing, and that the hearing should proceed as scheduled. Board Executive Director testified to the official records of the Board which were introduced into evidence. Exhibit 5 was the certified mail receipt signed for the address provided by Respondent to the Board transmitting the Consent Order proposed to Respondent. Exhibit 6 was the certified mail receipt signed for on December 12, 2011 at the same address for the Notice of Administrative Complaint and Hearing.

Without regard to Respondent's failure to participate, the Board maintained a standard of proof by a preponderance of the evidence as a prerequisite to making any finding of fact on the evidence presented.

SUMMARY OF EVIDENCE AND FACTUAL FINDINGS

The evidence presented included the testimony of two fact witnesses, Allison Roux, PT, and Board Executive Director Cheryl Gaudin, as well as the introduction of documentary evidence. Among the documents received as evidence were: Exhibits 1 and 2, "physical therapy progress notes" for patients AG and AM, and Exhibit 3, the "CPT Log Physical Therapy" for patient AM.

Based on the content of Board Exhibits 1, 2 and 3, as supported and explained by witness Allison Roux, the Board finds that the factual allegations contained in paragraphs 5, 6, 7 and 8 of the Complaint were proved by a preponderance of the evidence. In summary, those established facts show that Respondent, while working at Lafayette Care Center in February, 2010, failed to appropriately document patient evaluations and treatments and failed to document PTA supervision, all as required by Rules 321, 323 and 327 and La. R.S. 37:2420A.

Executive Director Cheryl Gaudin testified that Respondent has not renewed her Louisiana physical therapist license for 2012.

CONCLUSIONS OF LAW

Based on the preceding findings of fact, the Board has reached the following conclusions of law:

During a brief period during February, 2010, while working as a physical therapist at Lafayette Care Center as a contract employee for Nexion Health, Inc., Respondent Donna Johnson, PT:

1. failed to document the occurrence of any face-to-face patient care conferences between Respondent and the PTA she was supervising, in violation of Board Rule 321A(3)(d) and accordingly has violated La. R.S. 37:2420A(1).
2. Failed to document patient assessment and progress toward treatment goals and failed to sign a progress note, in violation of Rule 323A(3) and accordingly has violated La. R.S. 37:2420A(1).
3. Signed a patient treatment note indicating that she had provided treatment when she had not done so, violating Rule 323A(3) and accordingly has violated La. R.S. 37:2420A(1) and also has thereby engaged in unprofessional conduct in violation of La. R.S. 37:2420A(7) as further defined in Rule 327E(1)(a) and (b), and
4. Failed to appropriately document initial patient evaluations for those patients she did evaluate in violation of Rule 323A(2) and accordingly has violated La. R.S. 37:2420(A)(1).

ORDER

Considering the law and the Board's findings of fact and conclusions of law, it is the unanimous decision of the members of this Board that Respondent's Louisiana physical therapist license shall not be reinstated until she has complied with the following requirements:

1. met with the Board for a personal interview; and
2. reimbursed the Board in the sum of \$2,500 for investigative and administrative expenses.

If Respondent's Louisiana physical therapist license is reinstated, that license will be subject to the following requirements in addition to those required by law:

A. Respondent's license as a physical therapist shall be placed on probation for three years from the date it is reinstated. During this probationary period Respondent's employment records, place of employment, patient treatment and billing records will be subject to random inspection and review for full legal compliance by a designated Board representative. Respondent and her employers are required to cooperate fully with these monitoring visits. Respondent shall remit to the Board \$150 as reimbursement for the expense of each such monitoring visit to her practice.

B. The three year probationary period shall be extended for any period of time in which Respondent is not employed as a physical therapist within the State of Louisiana and regularly working at least twenty hours

per week as such. If Respondent ceases to be regularly employed as a physical therapist in Louisiana, she shall notify the Executive Director in writing within ten days of the last date Respondent has practiced physical therapy as specified above. Likewise, if Respondent returns to work as a physical therapist as specified above, she shall notify the Executive Director in writing within ten days of her return to practice.

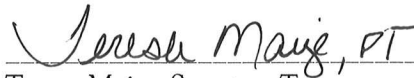
C. During each license renewal period while under probation Respondent shall complete a continuing education course in documentation of patient care which has been approved in advance by the Board Executive Director, and which shall be in addition to the usual continuing education required to maintain licensure.

Thus done and signed this 16th day of FEBRUARY, 2012.

LOUISIANA PHYSICAL THERAPY BOARD



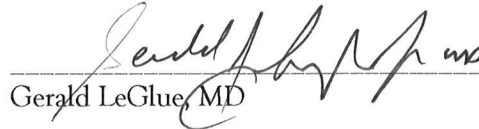
Jerry Jones, PT, Chairman



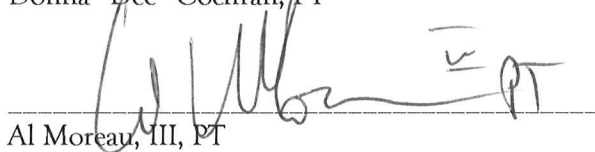
Teresa Maize, Secretary-Treasurer



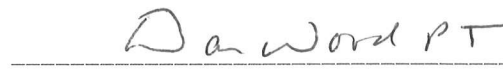
Donna "Dee" Cochran, PT



Gerald LeGlue, MD



Al Moreau, III, PT



Dan Wood, PT