



State of Louisiana
 DEPARTMENT OF HEALTH AND HOSPITALS
 Board of Physical Therapy Examiners

714 EAST KALISTE SALOOM ROAD, SUITE D-2
 LAFAYETTE, LA 70508
 337/262-1043
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In the Matter of	-	CONSENT ORDER
DALTON "BUDDY" HEBERT, P.T.	-	-----
License No. 00300	-	ADMINISTRATIVE CASE NO.
Respondent	-	2000-001

A Formal Evidentiary Hearing was scheduled before the Louisiana State Board of Physical Therapy Examiners (the "Board") on March 23, 2000, to address alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, Dalton "Buddy" Hebert, P.T. ("Hebert"), to-wit: "practicing physical therapy in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act," LSA R.S. 37:2401 (1)(d), 37:2410 A, 37:2413A(1) and 37:2414 (4); violating provisions of the Physical Therapy Practice Act, LSA R.S. 37:2413 A (7) by engaging in unprofessional conduct; and for violating the Rules and Regulations promulgated by the Board, Rules and Regulations, Title 46, Sections 303, 305B, 323, 327E and 325 et seq.

In attendance, at the Pre-hearing Conference were Respondent, Dalton "Buddy" Hebert, P.T.; the Complainant, Becky Lege', P.T.; and Michael A. Tomino, Jr., attorney for the Board.

Upon consideration and discussion and evidence presented at the Conference and thereafter to the Board, this Consent Order, effective April 1, 2000, is voluntarily entered into by and between Respondent, Dalton "Buddy" Hebert, P.T. and the Board which was comprised of Sharon Toups, Pat Adams and Gail Pearce for the purposes of this proceeding.

FINDINGS OF FACT

I. Respondent, Dalton "Buddy" Hebert, P.T., is a physical therapist possessing Louisiana License No. 00300 issued by the Board to practice physical therapy in the State of Louisiana in 1999 through the date of the filing of this Administrative Complaint pursuant to the Physical Therapy Practice Act of Louisiana, LSA R.S. 37:2401 et seq.

2. Respondent practiced physical therapy while employed at or under contract with Physical Therapy Clinic of Lafayette.

3. Respondent set up traction for a patient at Cornerstone North Infirmary, located in Lafayette, Louisiana, on or about January 8, 1999.

4. Respondent failed to, or improperly documented, the procedure provided to the patient.

CONCLUSION OF LAW

5. It was unlawful for Respondent, as a licensed physical therapist, to fail to, or improperly document, the procedure provided to a patient. LSA R.S. 37:2413 A (1); and Rules and Regulations, Title 46, Sections 323 and 325 et seq.

6. It was unlawful for Respondent, as a licensed physical therapist, to violate any of the provisions of the Physical Therapy Practice Act and the Rules and Regulations promulgated by the Board. LSA R.S. 37:2413 A (1) and 37:2414(4); and Rules and Regulations, Title 46, Sections 323 and 325 et seq.

7. Respondent's violations of the provisions of the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated thereto constitute lawful grounds for the Louisiana State Board of Physical Therapy Examiners to sanction Respondent's license as provided by law and as agreed upon in this Consent Order. LSA R.S. 37:2413 A(1), 37:2413 A(7) and 37:2414 (4); and Rules and Regulations, Title 46, Sections 323 and 325 et seq.

DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, Respondent and the Board, by vote of the quorum, mutually agree to the following:

8. Respondent shall acquire four (4) contact hours of Continuing Education Units regarding the subject of "documentation" to be completed within ninety (90) days of the effective date of this Consent Order. These are additional continuing educational units in excess of the required twelve (12) contact hours of continuing education units required for licensure renewal for 2001 licensure.

9. For a one (1) year period commencing April 1, 2000 through March 31, 2001, upon reasonable notice the Board may request a copy of the medical records of patients treated by Respondent. Such records may be sanitized so as to protect the identity of the

patients.

10. For a one (1) year period commencing April 1, 2000 through March 31, 2001, unannounced site visits may be made by the Board at any location where Respondent is practicing physical therapy to review records and inspect or view Respondent's clinical work.

11. Within five (5) days of the effective date of this Consent Order, Respondent shall submit a signed Affidavit to the Board that he has read the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated thereto.

12. Respondent shall pay the investigative costs, including attorney's fees, in the amount of \$500.00, associated with this proceeding within forty-five (45) days of the effective date of this Consent Order.

13. Respondent's failure to comply with any of the terms of this Order shall be deemed just cause for the suspension or revocation of Respondent's licensure, or any other disciplinary action, as if such violation were enumerated among the causes provided in LSA R.S. 37:2413 and the Rules and Regulations by the Board.

14. The existence and terms of this Consent Order will not be confidential or privileged information.

15. Respondent hereby releases the Board, its representatives and attorney from any obligations or liability in their endeavors to administer this Consent Order.

16. During the one (1) year period commencing April 1, 2000 through March 31, 2001, Respondent is to be available for meetings with the Board or a representative committee of the Board upon reasonable notice.

17. At the end of the one (1) year period commencing April 1, 2000 through March 31, 2001, Respondent shall meet with the Board or a representative committee of the Board to discuss compliance with this Consent Order.

18. If Respondent ceases to practice physical therapy in Louisiana, or does not practice continuously, for the one (1) year period commencing April 1, 2000 through March 31, 2001, the effect of this Consent Order shall be suspended for the duration of the cessation. Respondent may timely petition the Board in writing for review of this matter on the basis of personal hardship or other necessitous circumstances. The Board in its discretion may alter the terms of this provision depending upon the facts of the matter. "Timely" shall mean prior to the cessation or within five (5) days after the commencement of the cessation.

19. The effective date of this Consent Order shall be April 1, 2000, if Respondent executes and returns the Consent Order to the Board within five (5) days of his receipt of same.

20. Respondent declares that, before signing this Consent Order, he has carefully read this document, he knows and understands the contents thereof, he signs it as an act of his own free will, he understands its meaning and effect, he has had the opportunity to retain counsel if he so chose, he waives all rights to a formal public hearing and he consents to this Order.

THUS DONE AND PASSED, on the 14 day of April, 2000, at the City of Lopoyette, Parish of Lepayette, Louisiana., in the presence of the two undersigned competent witnesses, who hereunto sign their names with Appearer and me, Notary, after due reading of the whole.

WITNESSES:

Stephanie Heikamp
Cheryl Gaudin

Delta "Buddy" Hebert PT
Dalton "Buddy" Hebert, P.T.

Michelle M.
Notary Public

AGREED TO AND ACCEPTED this 2nd day of May, 2000

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

Sharon A. Toups, P.T.
Sharon Toups, P.T.