

JOHN BEL EDWARDS
GOVERNOR



CHARLOTTE F. MARTIN, M.P.A.
EXECUTIVE DIRECTOR

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

July 27, 2017

Rick Schenck, Jr.
133 Sugar Creek Drive
Youngsville, LA 70592

RE: Complaint 2017-I-011 **Notification of Signed Consent Order**

Dear Mr. Schenck,

Enclosed you will find a copy of the signed final Consent Order, which was approved by the board and signed by the Chairman, Don Cassano on July 26, 2017. Your physical therapist assistant license is placed on a period of probation for a minimum period of one (1) year from the date of acceptance. Please review the terms of your Consent Order frequently to be sure you remain in compliance with the Board. It is your responsibility to understand fully the requirements to fulfill all agreements that you have made with the Louisiana Physical Therapy Board.

Please sign and date the bottom of this letter to acknowledge your responsibility in fulfilling the terms and conditions of the Consent Order, and return it to the Board office **no later than Monday, August 7, 2017**. Please contact me at 337-262-1043 ext. 102 if you have any questions.

Best regards,

A handwritten signature in blue ink that reads "Charlotte Martin".

Charlotte F. Martin, MPA
Executive Director

CC:
Courtney Newton, Board Attorney
Don Cassano, Chairman of the Board

Respondent Signature: _____

Date: _____

JOHN BEL EDWARDS
GOVERNOR



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CHARLOTTE F. MARTINI, M.P.A.
EXECUTIVE DIRECTOR

State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS

Louisiana Physical Therapy Board

IN THE MATTER OF

RICK SCHENCK, JR., PTA

LICENSE NO. A09359

CONSENT ORDER

NUMBER: 2017-I-011

CONSENT ORDER

Mr. Rick Schenck, Jr., PTA ("Mr. Schenck" or "Respondent") initially came to the attention of the Louisiana Physical Therapy Board ("LPTB" or "Board") on or about May 19, 2017 when the Board received information that Mr. Schenck treated patients as a physical therapist assistant in the home health setting prior to completing one (1) year of supervised work experience as required by Board Rule § 303.D. Thereafter, an investigative committee was created pursuant to Board Rule § 123. On Tuesday, June 20, 2017 Respondent and his legal counsel met with the Investigative Committee at the Board office located in Lafayette, LA at which time Respondent cooperated fully with the Investigative Committee. At the Informal Conference, Respondent admitted to treating patients as a physical therapist assistant in the home health setting prior to completing one (1) year of supervised work experience. Thereafter, Respondent was offered and accepted a Consent Order acknowledging violations of the LPTB Practice Act and Board Rules, specifically Board Rules § 303.D. and § 345.B.1.a., and agreeing to disciplinary action.

FACTUAL BASIS FOR CONSENT ORDER

1. Respondent is, and, at all times pertinent hereto, was a physical therapist assistant licensed by the Board as evidenced by license number A09359.
2. Respondent was issued his provisional physical therapist assistant license on June 6, 2017. Shortly thereafter, on July 13, 2016, Respondent received his physical therapist assistant license.

3. On or about May 19, 2017 the Louisiana Physical Therapy Board received information alleging Mr. Schenck treated patients as a physical therapist assistant in the home health setting prior to completing one (1) year of supervised work experience as required by Board Rule § 303.D.
4. An investigative committee was formed which consisted of the Board Executive Director, Charlotte Martin; Board Attorney, Courtney Newton; and Board Investigating Member, Craig Prejean.
5. During the course of the confidential investigation documents were subpoenaed and witnesses interviewed. Review of subpoenaed records revealed that Respondent provided physical therapy services in the home health setting to three (3) patients on March 3, 2017, four (4) patients on March 6, 2017; five (5) patients on March 7, 2017; and four (4) patients on March 8, 2017.
6. On Tuesday, June 20, 2017, Respondent and his legal counsel, Gary McGoffin, met with the investigative committee at the Board office located in Lafayette, LA. At the Informal Conference, Respondent cooperated fully and answered all questions asked. Respondent admitted to treating patients as a physical therapist assistant in the home health setting prior to completing one (1) year of supervised work experience.
7. Respondent, in the presence of his attorney, informed the Investigative Committee of his willingness to enter into a Consent Order with the Louisiana Physical Therapy Board.

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 his practice of physical therapy:

- A. The Board has the authority to suspend or revoke a professional license which it has issued, or place probationary conditions upon such license, upon proof that the licensee has practiced physical therapy in violation of the Practice Act, Board Rules, or standards of practice. La. R.S. 37:2420A.(1) and Board Rule §343.
- B. By providing physical therapy services as a physical therapist assistant in the home health setting prior to completing one (1) year of supervised work experience, Respondent violated Board Rule § 303.D. and Board Rule § 345.B.1.a., failure to use sound professional judgement.

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 and the Board, by vote of quorum, agree as follows:

1. Respondent's physical therapist assistant license shall be on probation for a minimum of one (1) year 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 not less than thirty (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;
2. For the entirety of the probationary period, Respondent shall fully cooperate with Board representatives making random unannounced monitoring visits to his work sites and shall provide complete access to his 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;
3. The one (1) year probationary 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 *twenty (20) hours* each week as such. If Respondent ceases to be regularly employed as a physical therapist in Louisiana, he shall notify the Executive Director in writing within *ten (10) calendar days* of the last date he has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist within the State of Louisiana, he shall notify the Executive Director in writing within *ten (10) calendar days* of his return to practice;
4. Respondent shall complete thirty (30) hours of board-approved continuing education courses or activities required in the biennial renewal period under Rule § 194 during the license renewal period following acceptance of this Consent Order by the Louisiana Physical Therapy Board. In addition, Respondent shall complete an additional two (2) hours of continuing education courses with an emphasis on ethics to be completed during the probationary period. The additional two (2) hours of continuing education courses shall be submitted in writing to the Board Executive Director for approval prior to taking the course. Respondent shall also attend one (1) live Jurisprudence Seminar during the probationary period. Respondent shall provide documentation in the form of a course completion certificate to the Executive Director within five (5) calendar days of receipt of such documentation;

5. Respondent shall submit an essay of no fewer than 750 words explaining how his conduct violated the Practice Act and Board Rules and what he learned as a result of the disciplinary process. The essay shall be signed by the Respondent and mailed to the board office postmarked no later than Wednesday, August 16, 2017;
6. Respondent shall pay the Board the sum of \$300.00 in partial reimbursement for legal and administrative expenses incurred in this matter, this amount may be paid in a lump sum, or monthly installments, if arranged in writing in advance with the Executive Director, over the course of the one (1) year probation period. 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 Board Rule §363 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, except Paragraph "6" pertaining to reimbursement of legal and administrative expenses, are suspended until Respondent again resides within Louisiana, notifies the Executive Director of his 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 one (1) year 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 forty-eight (48) hours of signing the Consent Order. Respondent shall reply to Board emails and telephone calls within four (4) 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 such change;
10. Respondent declares that, before signing this Consent Order, he is of sound mind has carefully read this document, understands the contents, and freely consents to it as valid and binding upon him. Respondent is aware of his 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 Respondent's right, he has been represented by legal counsel;
11. Respondent acknowledges that his failure to comply with any term of this Consent Order is a basis for immediate summary suspension of his 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, Craig Prejean, PTA, 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 Respondent, 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, Respondent's right to have notice of any allegations or charges against him, 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 signature by the Board Chair.
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.

[REMAINDER OF THE DOCUMENT INTENTIONALLY LEFT BLANK.]

Rick Schenck, Jr. PTA
Rick Schenck, Jr., PTA

SWORN TO and subscribed before me, Notary Public 12th day of July, 2017
Lafayette, Louisiana.

Gaymard
Notary Public

AGREED AND ACCEPTED by official action of the Board, the 26th day of
July, 2017, at Lafayette, Louisiana.

Louisiana Physical Therapy Board

Donald Cassano
Donald Cassano P.T., Chair