



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**

**RUSSELL HEARNE**

**LICENSE NO. 09007R**

**CONSENT ORDER**

**NUMBER: 2023-I-009**

### CONSENT ORDER

RUSSELL HEARNE (“Mr. Hearne” or “Respondent”) is a Physical Therapist (“PT”), as evidenced by License No. 09007R and is subject to the jurisdiction and the Rules and Regulations of the Louisiana Physical Therapy Practice Act (La. R.S. 37:2401, *et seq.*), and the Rules and Regulations of the Louisiana Physical Therapy Board (“LPTB” or “Board”) (LAC 46:LIV §103, *et seq.*), and enters in the following agreement relative to Complaint No. 2023-I-009.

### FACTUAL BASIS FOR CONSENT ORDER

1. Respondent received his Physical Therapist license, number 09007R, on or about November 25, 2014.
2. On or about March 8, 2023, the Louisiana Physical Therapy Board received a confidential complaint alleging that Respondent billed for treatment that he failed to provide and potential Medicare/Medicaid fraud violations. More specifically, it was alleged that several patients were documented and billed as receiving physical therapy services twice a week by Respondent; however, the patients stated they only received physical therapy services once a week. It was further alleged that Mr. Hearne documented an initial evaluation of a patient that was not conducted.
3. In association with the complaint, on March 13, 2023, a subpoena was issued to Southern Home Health/LHC Group to obtain the personnel file of Mr. Hearne and the medical records for the referenced patients. In response thereto, Southern Home Health/LHC Group produced records, which were received by the Board on April 10, 2023.



4. The produced records revealed that LCH staff could not confirm which dates the referenced patients were treated because the medical records contained treatment dates showing treatment by Respondent twice per week.
5. By correspondence dated April 26, 2023, the Board noticed Mr. Hearne of the allegations against him, the sections of the law and rules potentially violated by him, and requested that he provide a written statement giving his review of the situation by May 10, 2023, and further requested that Mr. Hearne attend an Informal Conference at the board office to discuss the allegations on May 17, 2023.
6. On May 10, 2023, the Investigative Committee received Mr. Hearne's written statement as requested for review.
7. On May 17, 2023, Mr. Hearne attended the Informal Conference at the board office in Lafayette, LA.
8. Following the Informal Conference on May 17, 2023, the Investigative Committee issued Mr. Hearne a letter requesting him to provide any and all documentation supporting his statement that treatment was provided as documented to the referenced patients, with a response deadline of 5/31/2023. Mr. Hearne failed to respond to the request and later indicated he was unable provide any documentation in support of his position as he no longer had access to the client files.
9. In association with the complaint, on June 30, 2023, a subpoena was issued to Southern Home Health/LHC Group to obtain medical records for another patient of Respondent. In response thereto, Southern Home Health/LHC Group produced records, which were received by the Board on July 18, 2023.
10. The Board's investigation continued, and included the interview of multiple individuals, including the referenced patients. During an interview with Respondent's former employer, it was learned that he failed to come into work for the time period of February 20, 2023 through February 24, 2023, which was considered a resignation without notice. Accordingly, his patients were assigned to another physical therapist for treatment without any discharge or transfer of care.
11. By correspondence dated July 3, 2024, the Board noticed Mr. Hearne of the updated allegations against him, the sections of the law and rules potentially violated by him, and requested that he attend a second Informal Conference at the board office to discuss the allegations on July 17, 2024.
12. At the informal conference on July 17, 2024, Respondent admitted that he did not go to work for the time period of February 20, 2023 through February 24, 2023, resulting in his clients being assigned to another physical therapist without any discharge or transfer of care.



## **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:

1. La R.S. 37:2420(A)(1) - After due notice and hearing, the board may refuse to license any applicant, or may refuse to renew the license of any person, or may restrict, suspend, or revoke any license upon proof that the person has: (1) Practiced physical therapy in violation of the provisions of this Chapter, the rules of the board, or standards of practice;
2. La R.S. 37:2420(A)(7) - After due notice and hearing, the board may refuse to license any applicant, or may refuse to renew the license of any person, or may restrict, suspend, or revoke any license upon proof that the person has: (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;
3. LAC 46:LIV §345(B)(1)(h) - As used in R.S. 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: (1) departure from, failure to conform to, or failure to perform on a continuing basis to the minimal standards of acceptable and prevailing physical therapy practice as defined in §123, or the commission of any act contrary to honesty, justice, good morals, patient safety or the best interest of the patient, whether committed in the course of the licensee's practice or otherwise, regardless of whether actual injury to a patient results therefrom, including, but not limited to: h. abandoning a patient without documenting the transfer of care or by inappropriately terminating the patient/practitioner relationship.

## **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 license shall be on probation for one (1) year. Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of the 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 letter acknowledging the close of the probationary period and a final exit interview with the Board to be scheduled by the Board Executive Director.



2. During the one (1) year probationary period, Board representatives will make random unannounced monitoring visits to Respondent's work site(s). Respondent shall fully cooperate with Board representatives making random unannounced monitoring visits to his work site(s) 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 for expenses related to the monitoring visit as invoiced and must be paid within 30 days of receipt of invoice.
3. Within the first six (6) months of the probationary period, Respondent shall complete the PBI Education Medical Record Keeping (MR-17) Course. 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.
4. During the one (1) year probationary period, Respondent shall provide a copy of this Consent Order to his employer(s), direct supervisor(s), any business or agency with which Respondent has contracted with to provide services for, any physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) who are supervised by, work for, or contracted 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 they have 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), business or agencies with which Respondent has contract to provide services for, physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) during the probationary period.
5. The one (1) year probation 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 an aggregate over the month that is at *least eighty (80) hours* per month. 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.
6. Respondent shall pay the Board the sum of \$3,564.14 in reimbursement for legal and administrative expenses incurred in this matter. Failure to reimburse associated fees will require the Board to take further action in collection of this debt. Respondent has twelve (12) months to reimburse the expenses before the debt will be considered final and transferred to the Louisiana Office of Debt Recovery (ODR). After transfer, the debt is subject to an additional collection fee of up to twenty-five percent (25%) of the total debt liability, as provided for in La. R.S. 47:1676(E).
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.





8. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the 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 his preferred telephone number and/or email address in writing for expedited communications regarding compliance with this 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 his 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. He 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. Further, Respondent acknowledges that he has sought legal counsel and is currently represented in this matter.
11. Respondent acknowledges that his failure to comply with any term of this Consent Order is a basis for the 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 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. 49:977.2 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 him, or to the Board's capacity, as currently comprised, or any future composition of the Board, 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, his 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, as the Board is currently constituted, or any future appointments to the Board, from further participation in hearings or resolution to these proceedings.



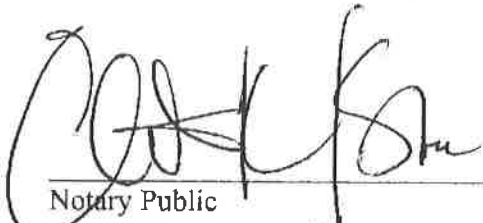
15. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.
16. Respondent acknowledges that all communication(s) regarding compliance with and/or fulfillment of the requirements of this Consent Order shall be in writing between Respondent and the Board Executive Director. No verbal communication(s) 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.

I, Russell Hearne, have read this Consent Order, understand it, and agree to be bound by its terms and conditions.

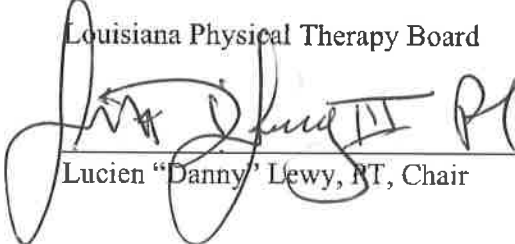
  
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 PT, DPT  
 RUSSELL HEARNE

SWORN TO and subscribed before me, Notary Public this 14<sup>th</sup> day of August, 2024,  
 in Vinton, Louisiana.



  
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 Notary Public  
 Elizabeth K. Istre  
 Notary Name printed (# 337 ) 302-2966

AGREED AND ACCEPTED by official action of the Board, this 15<sup>th</sup> day of August, 2024, at Lafayette, Louisiana.

Louisiana Physical Therapy Board  
  
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 Lucien "Danny" Lewy, PT, Chair

