
In the Matter of
RICHARD VILLEMARETTE, P.T.
License No. 01828
Respondent

* LOUISIANA STATE BOARD OF
* PHYSICAL THERAPY EXAMINERS
*
Case Number 2003-I27

CONSENT ORDER

A complaint received by the Louisiana State Board of Physical Therapy Examiners (Board) raised several issues regarding the professional conduct of Respondent Richard Villemarette, a physical therapist licensed by the Board, in the course of his employment at LaSalle General Hospital and also in his providing contract services to several home health providers, nursing homes, and other entities. Many documents were subpoenaed from Respondent's employers and reviewed and numerous witnesses were interviewed by Board agents. Based on serious evidence relating to patient safety and welfare, the Board invoked the Emergency Action provisions of Rule 343 and summarily suspended Respondent's license on October 30, 2003. After further investigation, Respondent was requested to participate in an Informal Conference on November 18, 2003 with Investigating Board Member Chuck Reynolds, Executive Director Cheryl Gaudin and Board Counsel Glenn Ducote participating. Respondent was represented by attorney Robert Patriquin. The informal conference was continued on December 17, 2003, at which time the terms of this Consent Order were agreed to by Board representatives and Respondent.

FINDINGS OF FACT

1. Respondent has failed to meet documentation standards for the period May 1-31, 2003. Records reviewed from LaSalle General Hospital and LaSalle Nursing Home reflect repeated incomplete evaluation reports, incomplete sixth visit treatment and or reassessments and incomplete or omitted goals. Further, the goals lacked time frames, were not measurable and were not based on documented tests or measurements. Physical therapist assistants who worked with Respondent state that they had incomplete clinical information from an evaluation by Respondent upon which to base safe treatment. They report having to contact the referring physician to obtain weight-bearing status or other precautions not documented in the evaluation. Further records obtained from Hardtner Medical Center sixth visit documentation is incomplete, with either the reassessment incomplete or the treatment provided incomplete or omitted. LaSalle Nursing Home records reflect repeated incomplete status on discharge or no discharge summary written. Further, at LaSalle General Hospital Outpatient Clinic, Respondent failed to meet sixth visit requirements for treatment and reassessment and reported incomplete evaluations with incomplete goals. Respondent scheduled nine physical therapy evaluations on one day back-to-back at fifteen minute intervals.

2. Respondent has failed to practice within the prevailing standards of practice by establishing a plan of care for the PTA to follow which called for the use of electrical stimulation when the patient had a pacemaker. Further, Respondent failed to practice safely by failing to record weight-bearing status and by calling for treatment modalities which had not been assessed during

evaluation in the LaSalle General Outpatient Clinic.

3. Respondent participated in client orientation in the LaSalle General Wellness Center without proper evaluation and workup.

CONCLUSIONS OF LAW

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. The Board has the authority to suspend or revoke a license which it has issued upon proof of that the licensee is repeatedly negligent or incompetent in the practice of physical therapy. La. R. S. 37:2413 and Board Rule 325.

2. As used in the Physical Therapy Practice Act, "unprofessional conduct" includes: departure from, or failure to conform to the standards of acceptable and prevailing physical therapy practice in the State of Louisiana, regardless of whether actual injury to a patient results therefrom. Rule 327E(1) and (6).

3. Board Rules incorporate the Code of Ethics and Guide for Professional Conduct of the American Physical Therapy Association. Rules 305B and 331.

4. A physical therapist is responsible for the appropriate delegation to and supervision of physical therapist assistants and other support personnel. Rule 321A and C.

5. A physical therapist shall never place his/her own financial interest above the welfare of individuals under his/her care. APTA Guide for Professional Conduct 7.1A, B.

DECISION

Pursuant to the foregoing Findings of Fact and Conclusions of Law, and in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of quorum, agree as follows:

A. Respondent's license to practice physical therapy is suspended for a total of six months from October 30, 2003, the date of summary suspension.

B. Respondent shall be eligible to have his license returned to active status and on probation for four additional years, during which period his employment records, place of employment and patient treatment records will be subject to random inspection and review for full legal compliance by a designated Board representative. Respondent and his employers are required to cooperate fully with these monitoring visits. After a minimum of two years of probation during which monitoring visits have resulted in positive reports on Respondent's professional performance, Respondent may petition the Board for termination of probation. The determination on any request for early termination of probation shall rest solely in the discretion of the Board, which decision shall be final. Respondent may reapply for review of probation no more than once each year. During this four year probationary period, Respondent shall remit to the Board by the fifth day of each month a monitoring fee of \$75 as reimbursement for the expenses of investigation and monitoring arising out of Respondent's conduct. This four year probationary period shall be extended for any period of time in which Respondent is not employed as a physical therapist and regularly working at least twenty hours per week within the State of Louisiana. If Respondent ceases to be regularly employed as a physical therapist in Louisiana, he shall notify the Board in writing within ten days of the last date Respondent has practiced physical therapy in Louisiana.

C. Respondent shall pay to the Board the sum of \$2,000 as partial reimbursement of legal, investigative and administrative expenses incurred in connection with his case. This amount may be paid by Respondent to the Board in monthly payments of \$250 beginning January, 2004 until paid in full.

D. At his own expense, Respondent shall enroll in and successfully complete during 2004, a continuing education course in treatment documentation, which course shall be approved in advance by the Board Executive Director. This course shall be in addition to continuing education hours required for the maintenance of Respondent's license.

E. Respondent shall contact Dr. John Thompson, M.D., of the Tulane Medical School to arrange for a forensic psychiatric evaluation to be completed before the end of his license suspension. Professional charges by Dr. Thompson shall be paid by the Board. Findings and recommendations by Dr. Thompson may provide the basis for further action by the Board.

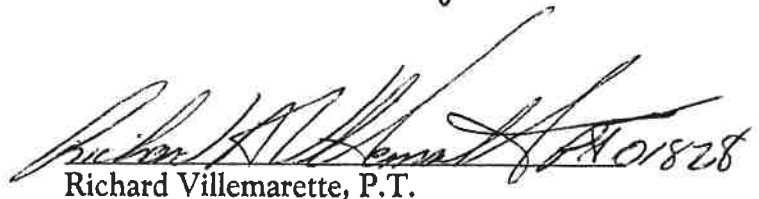
F. Respondent shall cooperate with Board representatives seeking to verify or document that the requirements of this Consent Order have been met and that legal and ethical procedures are in place and being complied with.

G. Respondent declares that, before signing this Consent Order, he 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. He has been represented by counsel throughout these proceedings and has reviewed this instrument with his counsel.

H. Respondent acknowledges that his failure to comply with any term of this Consent Order is a basis for further disciplinary action by the Board and that the 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 of these proceedings.

I. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.

SWORN TO AND SUBSCRIBED on this 26th day of January, 2004.


Richard Villemarette, P.T.

AGREED AND ACCEPTED by official action of the Board, the 18th day of December, 2003, at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS


Pat Adams, P.T., Chair



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

July 11, 2006

Richard Villemarette, P.T.
P.O. Box 858
Jena, LA 71342

Re: Completion of Consent Order requirements

Dear Mr. Villemarette:

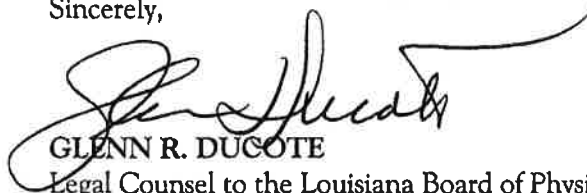
Thank you for meeting with the Louisiana State Board of Physical Therapy Examiners at its May meeting in Lafayette. Please pardon my delay in writing to confirm your status.

As you are aware, the Board voted at that meeting to accept your application for early termination of your probationary status under the Consent Order entered January 26, 2004. The Board was impressed with the change in your attitude and the professional performance which you have demonstrated in your employment since returning to work as a physical therapist.

This confirms that you have satisfactorily completed all requirements of the January 26, 2004 Consent Order and that your license is now restored to regular status. We appreciate your cooperation in providing the Board access to your practice and your attendance at our recent meeting.

We wish you the best in your personal and professional exploits going forward.

Sincerely,



GLENN R. DUCOTE

Legal Counsel to the Louisiana Board of Physical
Therapy Examiners
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c: Cheryl Gaudin
Mark Brown

