
In the Matter of
ERIC WAGUESPACK, P.T.A.
License No. 04668; and
MICHAEL B. MURPHY, P.T.
License No. 05261R
Respondents

* LOUISIANA STATE BOARD OF
* PHYSICAL THERAPY EXAMINERS

* Case Number 2005127

CONSENT ORDER

Personnel of the Louisiana State Board of Physical Therapy Examiners (Board) became aware through records review in mid-February that Respondent Eric Waguespack, P.T.A., had not renewed his license for 2005. Upon contacting Respondent Waguespack, it was learned that he had continued to provide services as a physical therapist assistant from January 1, 2005 through February 14, 2005 without a license. During that period he was employed by Orthoptic Rehab Clinic of Metairie and was working under the supervision of physical therapists Mike Murphy and Edwin J. Porche. After review of Board records by Pat Adams, the investigating Board member, the Respondents were requested to participate in an Informal Conference to present their responses to the allegations. The Informal Conference was held at the Board Office on March 23, 2005 with Investigating Board Member Pat Adams, Executive Director Cheryl Gaudin and Board Legal Counsel Glenn Ducote participating, along with Respondents. Respondents waived representation by counsel, after being advised of that right. At the conclusion of the informal conference the terms of this Consent Order were agreed to by Board representatives and Respondents.

FINDINGS OF FACT

1. Respondent Eric Waguespack, P.T.A., did not renew his license for 2005 before January 1, 2005 as required by law and continued to practice until February 15, 2005 without a license.
2. Respondent Michael B. Murphy, P.T., allowed Waguespack to work as a physical therapist assistant from January 2, 2005 through February 14, 2005 without verifying current licensure for Waguespack as required by law.
3. Respondents were unaware that Waguespack license had not been renewed for 2005 until notified by Board personnel, each assuming that the other party was taking responsibility for license renewal. Upon notification of unlicensed status, Respondent Waguespack came to the Board office to complete the license process as quickly as possible.
4. Respondent Waguespack was responsible for seeing 15.6% of his employers patients during the period when he worked without a license.

CONCLUSIONS OF LAW

Respondents' conduct described above and otherwise reviewed in this action is subject to and/or in violation of the following provisions of law regarding her practice of physical therapy:

1. No person shall practice, or in any way hold himself out, or designate himself, as a physical therapist or a physical therapist assistant unless duly licensed by the Board in accordance with the Physical Therapy Practice Act. La. R. S. 37:2402 and 37:2414(2).

2. A physical therapist assistant shall only provide treatments under the direction and supervision of a licensed physical therapist. La. R.S. 37:2410C(1).

3. Licenses issued by the Board shall be renewed annually on or before December 31 of each year. Rule 165.

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.

DECISION

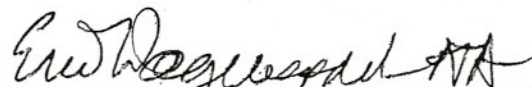
Pursuant to the foregoing Findings of Fact and Conclusions of Law, and in order to avoid further administrative and judicial proceedings, Respondents and the Board, by vote of quorum, agree as follows:


A. Respondents shall submit a written procedure adopted by the Orthotic Rehab Clinic of Metairie to avoid lapsed licenses by professionals in the future;

B. Respondents Waguespack and Murphy shall each pay to the Board the sum of \$250 in partial reimbursement for legal and administrative expenses incurred in this matter;

C. Respondent Murphy shall submit an acceptable plan for reimbursement of fees to patients who received treatment by Respondent Waguespack during the period when he was unlicensed, January 1, 2005 to February 15, 2005, and shall provide documentation that such charges have been refunded or reversed.

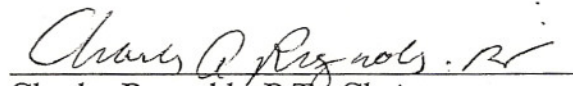
SWORN TO AND SUBSCRIBED on this 20TH day of MAY, 2005.


Eric Waguespack, P.T.A.


Michael B. Murphy, P.T.

AGREED AND ACCEPTED by official action of the Board, the 24th day of March, 2005, at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS


Charles Reynolds, P.T., Chair