
In the Matter of
JOSEPH HEATH CLAMPIT
PTA LICENSE A6899
Respondent

* LOUISIANA PHYSICAL THERAPY
* BOARD
*
* Case Number 2009 I 037

CONSENT ORDER

Respondent Joseph Heath Clampit and his employer, Medistar Home Health (Medistar), jointly and voluntarily reported to the Board that Heath Clampit, a physical therapist assistant licensed by the Board, had tested positive for marijuana in a random drug screen conducted at his place of employment in March, 2009.

Pursuant to the report by Respondent and his employer to the Board, Respondent was asked to meet with Board representatives on March 19, 2009. Respondent appeared and participated in the Informal Conference with Investigating Board Member Dan Wood, Board Executive Director Cheryl Gaudin and Board General Counsel Glenn Ducote on that date at the Board office in Lafayette. In the course of that conference, Respondent acknowledged that he had a long term problem with marijuana and that he used it for pain relief from migraine headaches and to help him cope with other stresses in his life.

Respondent subsequently tested positive on April 22, 2009 for barbiturates on a random drug screen at his place of employment. He reported this to the Board and subsequently met with Board representatives for another Informal Conference, at which he indicated that he had taken some samples of butalbital provided by one of his treating physicians for headache pain. He provided the names of his treating physicians and pharmacies and provided authority for release of his medical records, if needed.

FINDINGS OF FACT

Respondent tested positive for marijuana in March, 2009 and barbiturates in April, 2009—both in random drug screens initiated by his employer. He acknowledged his long-term use of marijuana and indicated a commitment to stop such usage. He identified the barbiturate as butalbital with caffeine which he received as a drug sample from his physician and took for the pain of migraine headaches.

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, or place probationary conditions upon such license, upon proof that the licensee has been guilty of unprofessional conduct or has violated the Louisiana Practice Act and Rules of the Board. La. R.

S. 37:2413A(7) and Board Rule 325.

2. As used in the Louisiana 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.

3. Respondent’s use of marijuana and un-prescribed barbiturate medication and reporting for work and providing treatment to physical therapy patients with those substances in his system is in violation of Rule 327C(2).

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 as a physical therapist assistant is placed on probation for three years, beginning April 1, 2009, during which period his personnel records with his employer(s) and his patient treatment records will be subject to random inspection and document requests for review of his work attendance, productivity, supervisory compliance and legal compliance by a designated Board representative. Respondent and his employers are required to cooperate fully with these monitoring visits or document requests. For each such monitoring visit by a Board representative, Respondent shall pay to Board the sum of \$150 as reimbursement for costs incurred.

B. The three-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 hours per week as such. If Respondent ceases to be regularly employed as a physical therapist assistant in Louisiana, he shall notify the Executive Director in writing within ten days of the last date Respondent has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist assistant within the State of Louisiana, he shall notify the Executive Director in writing within ten days of his return to practice.

C. During the three-year probationary period, Respondent shall be subject to random drug screens by his employer and those arranged by the Board, and shall reimburse the Board for the expense of drug screens initiated by the Board. Respondent shall notify the Board Executive Director on the date that he is tested by his employer of such test and shall request that his employer provide directly to the Board a copy of the drug test report, the Medical Review Officer Declaration and the Medical Review Officer Contact Record for each such screening. Respondent shall report to the Board Executive Director any medication prescribed for him and the purpose of such medication along with the name, address and telephone contact information for the prescribing doctor and the pharmacy where the prescription is filled. Such report shall be made by email within 36 hours of filling the prescription.

D Respondent shall notify the Executive Director in writing of all employment and/or contractual service arrangements which he has to work as a physical therapist assistant and shall update the Executive Director in writing within five days of any and all changes in such arrangements.

E. Respondent shall provide a copy of this Consent Order to his current employer within ten days of the completion of this document and then before providing services to any new employer and shall have his employer(s) notify the Executive Director in writing that they have received and reviewed a copy of this Consent Order; Respondent shall do this also with any new or subsequent employer(s) during his probationary period.

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 and practices are in place and being complied with in his practice.

G. Respondent declares that, before signing this Consent Order, he has carefully read this document, he waives the participation of legal counsel, understands the contents, and freely consents to it as valid and binding upon him. Recognizing his right to have notice of allegations or charges asserted against him, to administrative adjudication of such allegations or charges, pursuant to La. R.S. 49:955-958, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Joseph Heath Clampit nonetheless waives these rights and proceedings and, pursuant to La. R.S. 49:955D and Board Rule 335, agrees to entry of this Consent Order.

H. Respondent authorizes the Investigating Board Member, Dan Wood, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose to 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 Investigating Board Member's authority to file a formal Administrative Complaint against him, 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, his right to have notice of any allegations or charges asserted 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.

I. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair and recognizes that his failure to comply with any term of this Consent Order is a basis for further disciplinary action by the Board.

J. 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 as proof of compliance or commitment.

SWORN TO AND SUBSCRIBED on this 14th day of January, 2010.



Joseph Heath Clampit, P.T.A.

AGREED AND ACCEPTED by official action of the Board, the ____ day of _____,
2010 at Lafayette, Louisiana.

LOUISIANA PHYSICAL THERAPY BOARD

Dan Wood PT

Dan Wood, P.T., Chair