
In the Matter of
CLAIRE JOINER, P.T.
License No. 07100
Respondent

* **LOUISIANA STATE BOARD OF**
* **PHYSICAL THERAPY EXAMINERS**
*
* Case Number 20071018

CONSENT ORDER

While under a previous Consent Order entered March 1, 2008 arising out of a positive drug screen in a pre-employment test, Respondent tested positive on March 17, 2008 in a routine drug screen required by her employer. She voluntarily entered a church-affiliated substance abuse program in Texas. After completion of that program she self-reported her positive test result to the Board and agreed to the emergency suspension of her license which had been invoked by the Board on April 24, 2008. After completion of the treatment program, Respondent continued in residence at the treatment facility for an additional 60 days.

Respondent has since returned to live in Shreveport with her supportive family and has requested reinstatement of her license to practice physical therapy. She participated in an Informal Conference in Natchitoches on January 13, 2009, with Board Member Jerry Jones, Executive Director Cheryl Gaudin and Board attorney Glenn Ducote present. Respondent spoke candidly of an extended period of addiction to pain killers which began when she sought relief from back pain. She maintained this addiction with multiple prescriptions from several physicians. She now indicates that she has been drug free since entering treatment on April 14, 2008 and that she has developed a new circle of support through her church, in addition to her family.

Upon recommendation of Board Member Jerry Jones, the terms of this Consent Order were agreed to.

FINDINGS OF FACT

1. Respondent tested positive for methadone on April 20, 2007 in a pre-employment drug screen which was reported to the Board. On March 1, 2008, Respondent entered a Consent Order with the Board for this violation.
2. On March 17, 2008 Respondent tested positive in a random drug screen conducted at her job at ~~Schumpert~~ ^{Willis Knighton} Medical Center.
3. Respondent entered treatment at Eternal Awakenings Christina Rehabilitation in Gonzales, TX, on April 14, 2008 and completed treatment there on May 23, 2008.
4. On May 24, 2008 Respondent reported her March 17 positive test result to the Board and on April 24, 2008 the Board entered an emergency suspension of Respondent's license.
5. Respondent now seeks the reinstatement of her physical therapist license.

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 is addicted to habit-forming drugs. La. R. S. 37:2413A(5) & (7) 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.

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

4. The misuse and abuse of prescription medications and providing physical therapy services while under the influence of controlled substances constitute unprofessional conduct by Respondent. Board Rule 327E 1, 3 and 6; APTA Code of Ethics Principles 1, 2, 4 and 7; and APTA Guides for Professional Conduct 1.1 B; 2.1 A, B; 2.2; 4.1; and 7.1 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 physical therapist license is placed on probation for three years for the date of January 6, 2009, during which period she will be subject to random drug screens which will be conducted at her expense. Respondent shall also provide to the Board Executive Director a copy of the report on any and all drug screens conducted on behalf of her employer or any other entity during this probationary period.

B. Respondent shall provide to the Board Executive Director a photocopy of any prescription ordered for her by a prescriber within five days of the writing of that prescription, along with an indication of the medical condition for which the prescription was issued.

C. Respondent shall notify the Executive Director in writing of all employment and/or contractual service arrangements which she has to provide physical therapy services and shall update the Executive Director within five days of any and all changes in such arrangements.

D. Respondent shall provide a copy of this Consent Order to her employer before providing services to that employer and shall have the employer notify the Executive Director in writing that she/he has received and reviewed a copy of this Consent Order. Respondent shall do this also with any new or subsequent employer during her probationary period.

E. The probationary 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 twenty hours per week. If Respondent ceases to be regularly employed as a physical therapist in Louisiana, she 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 within the State of Louisiana, she shall notify the Executive Director in writing within ten days of her return to practice.

F. Respondent shall regularly attend meetings of Alcoholics Anonymous and/or Narcotics Anonymous, attending and documenting at least two meetings each week and shall provide such documentation to the Board Executive Director on a monthly basis.

G. Respondent declares that, before signing this Consent Order, she has carefully read this document, has been advised of her right to counsel and has either reviewed it with an attorney or waives counsel. She understands the contents of this Consent Order, and freely subscribes to it as valid and binding upon her. Recognizing her right to have notice of allegations or charges asserted against her, 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, Claire Joiner 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 Investigating Board Member Jerry Jones, 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 her, 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, her right to have notice of any allegations or charges asserted against her, 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 her 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 18 day of February,
2009.

Claire Joiner, PT
Claire Joiner, P.T.

AGREED AND ACCEPTED by official action of the Board, the ___ day of February, 2008, at Lafayette, Louisiana.

**LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS**

Dan Wood, P.T., Chair