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

* LOUISIANA STATE BOARD OF
* PHYSICAL THERAPY EXAMINERS
*
* Case Number 2007I018

CONSENT ORDER

A complaint was transmitted to the Louisiana State Board of Physical Therapy Examiners (Board) by Schumpert Health System in Shreveport to report that Licensee Claire Joyner, in the course of an employment application with Schumpert, had failed a drug screen and tested positive for the controlled substance methadone.

After review of the allegations in the complaint and the drug screen report provided to the Board, Respondent was requested to participate in an Informal Conference (IC) on August 29, 2007 at the Board office with Investigating Board Member Todd Drury, Executive Director Cheryl Gaudin, and Board general counsel Glenn Ducote participating. Respondent indicated that she was staying with her sister a couple of nights before the Schumpert job interview and experienced back pain. She did not have her regular prescribed medication so asked her sister for something to help with the pain. Her sister provided her with a pill which was not identified and Respondent took the medication without inquiry. Respondent indicated that this was the only possible source of the methadone which was found in her system in the subsequent drug screen. She did indicate long-term use of prescribed hydrocodone for recurring back pain which she attributed to scoliosis. At the conclusion of the IC, Board representatives agreed to pursue further investigation and to convene a second IC.

Respondent consented to the release of her medical records from her general practitioner physician, Dr. Kirk Saucier, and those records were reviewed. Repeated attempts were made to locate and contact Respondent's sister who had provided the medication to Respondent the night before the drug screen, but she could not be located and Respondent could not provide reliable information, indicating that her sister was a drug-user and moved about frequently.

A second IC was held on February 6, 2008 in Alexandria with the same participants. At the end of that meeting, a Consent Order was proposed by the investigating Board member and agreed to by Respondent, as reflected in this document.

FINDINGS OF FACT

1. On April 20, 2007 Respondent tested positive for methadone in a pre-employment drug screen conducted by Schumpert Health System in Shreveport. As required by law, Schumpert reported that positive drug screen to the Board.
2. Respondent passed at least two other employment-related drug screens on occasions before and after the April drug screen at Schumpert.
3. Respondent did not inquire as to what medication was provided to her by her sister when

she suffered with lower back pain while staying with her sister prior to the April 20 drug test at Schumpert. She took the pill without inquiring about the type of medication.

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. Introducing an unknown medication into her body and making no effort to ascertain what the medication was constitutes 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 eighteen months, beginning on the date this Consent Order is accepted by the Board, 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 pay to the Board the sum of \$500 as partial reimbursement for the legal, investigative and administrative expenses incurred in this matter. Arrangements for payment of this amount no later than June 1, 2008 shall be made with the Board Executive Director.

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 the Investigating Board Member, Todd Drury, 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.

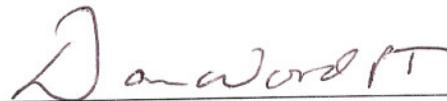
J. All communication regarding compliance with and/or fulfillment of the requirements of this Consent Order shall be in writing between Respondent and the Board Executive Director. No verbal communication shall be considered as proof of compliance or commitment.

SWORN TO AND SUBSCRIBED on this 1 day of March, 2008.

Claire Joiner, PT
Claire Joiner, P.T.

AGREED AND ACCEPTED by official action of the Board, the 20th day of February, 2008,
at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

A handwritten signature in cursive script that reads "Dan Wood PT". The signature is written in dark ink and is positioned above a horizontal line.

Dan Wood, P.T., Chair