

LOUISIANA PHYSICAL THERAPY BOARD

IN THE MATTER OF

ANGELA BREWER

LICENSE NO. A8915R

ORDER OF SUMMARY SUSPENSION

COMPLAINT NUMBER: 2022-I-013

ORDER OF SUMMARY SUSPENSION

Pursuant to La. R.S. 49:977.3, the Louisiana Physical Therapy Board (“LPTB” or “Board”) summarily suspends License number A8915R issued to Angela Brewer (“Ms. Brewer”), pending an administrative hearing scheduled for May 15, 2024, at 9:00 a.m.

This Order of Summary Suspension is effective as of April 17, 2024. Upon execution of this Order, Ms. Brewer is not authorized to engage in the practice of physical therapy and must immediately cease and desist from the practice of physical therapy, as defined by La. R.S. 37:2407. Further, Ms. Brewer must cease and desist from referring to herself as a licensed Physical Therapist Assistant.

I. FACTUAL BASIS FOR ORDER

To protect public health, safety, and welfare, emergency action is required due to the nature of the allegations against Ms. Brewer. On March 16, 2023, the Board approved a Consent Agreement and Order in the captioned matter wherein the Physical Therapist Assistant license of Ms. Brewer was suspended until she submitted to a Fitness for Duty Evaluation by a Board-recognized provider. The Consent Agreement and Order further provided that once Ms. Brewer’s license was reinstated after the suspension period, her license would be on probation for a minimum of five years. Further, during the suspension and probationary period, Ms. Brewer was required to participate in the Recovering Physical Therapy Program (“RPTP”).

The factual basis for the Consent Agreement and Order was as follows:

1. Respondent received her Physical Therapist Assistant license, number A8915R, on or about August 6, 2014.
2. On or about April 4, 2022, the Board received a confidential complaint wherein it was alleged that Ms. Brewer was arrested on or about March 31, 2022, on charges related to alcohol abuse and drug abuse in Shreveport, Louisiana. Arrest records indicate Ms. Brewer was charged with six misdemeanors and one felony.
3. In association with the complaint, on April 7, 2022, a subpoena was issued to the Caddo Parish Sheriff's Office to obtain documents related to Ms. Brewer's arrest.
4. On April 25, 2022, the Caddo Parish Sheriff's Office provided the requested records.
5. In association with the complaint, on April 25, 2022, a subpoena was issued to the Shreveport Police Department to obtain documents related to Ms. Brewer's arrest.
6. On May 20, 2022, the Shreveport Police Department provided the requested records.
7. By correspondence dated June 2, 2022, the Board noticed Ms. Brewer of the allegations against her, and requested that she provide a written statement giving her response to the allegations within thirty (30) days.
8. By correspondence received by the Board on July 29, 2022, Ms. Brewer provided a written statement in response to the allegations set forth in the notice letter.
9. In association with the complaint, on August 19, 2022, a subpoena was issued to the Shreveport Police Department to obtain video footage related to Ms. Brewer's arrest.
10. On September 21, 2022, the Shreveport Police Department provided the requested video footage.
11. By correspondence dated September 9, 2022, the Board again noticed Ms. Brewer of the allegations against her, and that the investigative committee was scheduling an informal conference, or Bertucci hearing, in the captioned matter for September 28, 2022, to give her an opportunity to show that she met all lawful requirements for the retention of her license.
12. Ms. Brewer attended the informal conference with the investigative committee on September 28, 2022.
13. During the informal conference, Ms. Brewer confirmed the following facts related to her arrest:
 - a. As Ms. Brewer was leaving home to go to dinner, she found a fanny pack containing marijuana in her driveway. She advised that she assumed it was her daughter's boyfriend's fanny pack and put it in her glove box. She stopped at her boyfriend's home and left the fanny pack there because she didn't want it in her vehicle, and went to dinner.

- b. Ms. Brewer had a few margaritas at dinner and later returned to her boyfriend's home, after which they got into an argument. She reported that her boyfriend put the fanny pack back in her car because he didn't want it at his house.
 - c. Ms. Brewer left her boyfriend's house and got pulled over for running a red light. She didn't recall much of the interactions with the police officers, but she admitted to being removed from the vehicle by the female police officer, only after failing to comply with officer instructions. Ms. Brewer did not recall resisting or assaulting an officer during the incident, and advised that if she did, it was a poor choice.
 - d. Ms. Brewer advised that she was not proud of the situation and that "alcohol makes you crazy".
 - e. When advised that her statement did not match the explanation of the incident in the police report, especially regarding where the marijuana was placed, Ms. Brewer advised that her boyfriend must have put the bag in her back seat, and she just didn't recall or forgot that fact. Ms. Brewer thought there was only about 13 grams in the bag, however, the police report indicated the bag contained 44 grams, which she thought was a lot.
 - f. Ms. Brewer only admitted to having the open beer container in her vehicle after prompting and said that she was drinking beer at her boyfriend's house.
 - g. Ms. Brewer advised that she had a court date on Oct 6th, and she should be entered into the court's diversion program.
14. The committee confirmed the following facts from a review of the evidence:
- a. Ms. Brewer was arrested on March 31, 2022, for running through a red light and was pulled over. Upon approaching Ms. Brewer, the officer detected a strong odor of alcohol.
 - b. The arresting found an open beer, approximately 44 grams of marijuana, and a glass pipe in the vehicle. The vehicle's registration was out of date as well.
 - c. Ms. Brewer refused to participate in any field sobriety, blood or breath alcohol tests, therefore her BAC levels were not documented in the police report; however, the report does indicate that she was transported to Selective for further testing. While being transported, Ms. Brewer became combative and verbally abusive.
 - d. Ms. Brewer was charged with 6 misdemeanors and 1 felony: 1. M Operating a vehicle while intoxicated 2. M Open container law 3. M Failure to register vehicle 4. F Poss. Sch 1 CDS 5. M Resisting Officer 6. M Prohibited acts / Drug Paraphernalia 7. Red lights.
15. By correspondence dated October 13, 2022, the Board issued Ms. Brewer a letter directing her to submit to an evaluation by a board recognized provider to address the issues found during an intake interview with the RPTP administrator, Ms. Kathie Pohlman. A deadline

of thirty days was given to complete the evaluation.

16. By correspondence dated November 23, 2022, the Board issued Ms. Brewer a second notice letter, requesting her to submit to an evaluation by a board recognized provider to address the issues found during an intake interview with the RPTP administrator, Ms. Kathie Pohlman. A deadline to schedule the evaluation was set for December 31, 2022.
17. By email correspondence dated January 6, 2023, Ms. Brewer contacted Ms. Martin and informed her that she scheduled an evaluation at Palmetto Addiction Recovery Center in Rayville, LA for March 7, 2023.
18. By correspondence dated January 12, 2022, the Board issued Ms. Brewer a notice letter requesting her to submit to a drug/alcohol screen at a testing facility selected by the board.
19. On January 13, 2023, Ms. Brewer submitted to the drug/alcohol screen as requested. However, the lab was unable to obtain the blood draw for the Peth test, and the hair sample collected for the Hair Stat 12 test was inadequate.
20. Ms. Brewer was notified of the test rejection and was instructed to resubmit for the drug/alcohol screens again. The PEth test and Hair Stat 12 panel test was collected on January 20, 2023.
21. On January 26, 2023, the board was notified of a positive Peth test result for Ms. Brewer.
22. On February 2, 2023, Ms. Brewer contacted Charlotte Martin and informed her that she was going in for an assessment with the Willis Knighton employee assistance recovery program on the following day, and she was going to be in inpatient for 4-6 days, and would then participate in group therapy for 30 days, for 4 hours after work.
23. By correspondence dated February 17, 2023, James Raines, board legal counsel sent Ms. Brewer a letter via email requesting her to complete a medical release form for the Board to obtain the medical records related to her treatment at Willis Knighton within seven (7) days.
24. On March 2, 2023, and March 6, 2023, Stephanie Boudreaux emailed Ms. Brewer regarding her failure to respond to the February 17, 2023, email sent to her by James Raines.
25. On March 2, 2023, Ms. Brewer emailed Charlotte Martin, informing her that she was going to have to re-schedule her evaluation due to financial reasons. She stated she would provide an update as soon as possible on the new date for the evaluation.

Paragraph 14 of the Consent Agreement and Order provides:

Respondent acknowledges that her failure to comply with any term of this Consent Order and Agreement is a basis for the immediate summary suspension of her license and for further disciplinary action by the Board.

After approval of the Consent Agreement and Order, Ms. Brewer executed a document entitled Recovering Physical Therapy Program Terms and Conditions of Participation (“Participation Agreement”) on July 20, 2023. The Participation Agreement provides as follows:

9. Non-Compliance

Participant acknowledges and agrees that the practice of physical therapy by an impaired professional poses a serious threat to public health, safety, and welfare. Therefore, participant specifically agrees that non-compliance or complications relative to participant’s impairment during the monitoring period, as herein specified, warrant immediate action to enable the LPTB to protect the public:

- e. Receipt by the LPTB of any positive, unexplained substance abuse test or screen.
- f. Receipt by the LPTB of apparently reliable information of participant’s relapse related to impairment.

Upon Participant’s notice from the LPTB of any noncompliance or complications relative to participant’s impairment during the monitoring period, participant voluntarily agrees to immediately cease practicing any form of physical therapy until participant has undergone a fitness for duty evaluation by an independent evaluator, recognized by the LPTB-RPTP, and participant [h]as received written notification from the LPTB that participant may resume the practice of physical therapy. Participant understands if required to cease the practice of physical therapy secondary to non-compliance, the employer(s) of record will be notified and may be provided a copy of the Notice of Non-compliance.

In the event that Participant receives notice of their non-compliance or complications relative to participant’s impairment during the monitoring period and participant does not immediately cease practicing physical therapy or resumes practicing physical therapy prior to receiving written notification from LPTB, Participant acknowledges that such conduct will provide the LPTB just cause to take action pursuant to §361 of the Rules to protect the health, safety and welfare of the public as deemed necessary by the LPTB, including but not limited to the summary suspension of participant’s physical therapy license as authorized by §379.A.

23. Relapse and Relapse Prevention

Participant agrees to immediately notify the RPTP Manager, and the Louisiana Physical Therapy Board Executive Director or Compliance Officer of any relapse related to impairment, including but not limited, to any authorized use of mood-altering drugs. Upon entry into the RPTP and prior to exit, Participant must submit

a Relapse Prevention Plan to be approved and signed by Participant, Sponsor and Aftercare provider.

On April 15, 2024, Kathie Pohlman (“Ms. Pohlman”), administrator of the RPTP, contacted the Board disciplinary committee and advised that Ms. Brewer had a positive screen for EtS and a follow-up positive PEth test, indicating alcohol consumption. Mr. Brewer subsequently admitted to consuming alcohol.

Ms. Pohlman also sent a letter to Ms. Brewer dated April 15, 2024, regarding her non-compliance, and noted the following instances of non-compliance:

1. On April 1, 2024, Ms. Brewer submitted a random drug screen that resulted as POSITIVE on April 10, 2024, with an Ethyl Sulfate LC/MS/MS of 129 ng/mL. In addition, the urine drug screen resulted as DILUTE, with a creatinine level of 18.8 mg/dL and a specific gravity of 1.0029.
2. On April 10, 2024, the RPTP Manager contacted Ms. Brewer via telephone and Ms. Brewer stated she had taken ZzzQuil to sleep after having lost her prescription for Trazodone. She then requested a review of the test by the Medical Review Officer (MRO).
3. On April 10, 2024, Ms. Brewer was contacted by Dr. Barry Lubin, MRO, who determined the results were DILUTE and POSITIVE, and that the results could be explained by the ingestion of NyQuil if follow up PEth is negative.
4. On April 11, 2024, Ms. Brewer submitted to a PEth blood screen that resulted on April 14, 2024, as POSITIVE for Alcohol at 46.0 ng/mL. This screen tests phosphatidylethanolols in blood which are only produced with significant alcohol consumption.

Based on the foregoing, it is alleged that Ms. Brewer may have violated the March 16, 2023 Consent Agreement and Order, her Participation Agreement, and the following rules and regulations applicable to the LBPT:

La. R.S. 37:2420 DISCIPLINARY ACTIONS

- A. After due notice and hearing, the board may refuse to license any applicant, or may refuse to renew the license of any person, or may restrict, suspend, or revoke any license upon proof that the person has:

- (5) Been habitually intemperate or abused controlled dangerous substances as defined by federal or Louisiana law;

LAC 46:LIV §353 RECOVERING PHYSICAL THERAPY PROGRAM (RPTP)

H. When a licensee ceases to be in compliance with his RPTP agreement, he shall be referred back to the board for regular disciplinary proceedings or such action as authorized in the RPTP agreement.

LAC 46:LIV §379 EMERGENCY ACTION

A. In accordance with La. R.S. 49:961, if the board finds that public health, safety, and welfare require emergency action and incorporates a finding to that effect in its order, a summary suspension of a license may be ordered pending proceedings for suspension, revocation or other action. Such proceedings shall be promptly instituted and determined.

II. DECISION AND ORDER

After presentation of the evidence at the hearing on April 17, 2024, upon motion, LPTB went into executive session to deliberate its ruling in this matter. After conducting deliberations, the Board voted to come out of executive session and pursuant to motion, the LPTB affirmed, by a unanimous vote of those present at the hearing, the following Order:

To maintain public health, safety, and welfare, emergency action is required due to the allegations set forth above, specifically that Ms. Brewer is in violation of her Consent Agreement and Order and Participation Agreement. Accordingly, LPTB License Number A8915R issued to Angela Brewer is **SUSPENDED**, effective immediately, pending proceedings for suspension, revocation of licensure or other action(s) as the Board deems fit.

Proceedings before the Louisiana Physical Therapy Board shall be promptly instituted and determined. Accordingly, an administrative hearing before the Louisiana Physical Therapy Board is scheduled for May 15, at 9:00 a.m., at the Louisiana Physical Therapy Board, located at 2110 W. Pinhook Rd., Suite 202, Lafayette, Louisiana, 70508. The hearing panel will consist of current Board Members or ad hoc members appointed for the purpose of the hearing. The hearing will be

conducted in accordance with the Administrative Procedure Act, the Louisiana Physical Therapy Practice Act, and the rules promulgated by the Board.

Ms. Brewer will be given a full opportunity to appear and be heard, with or without counsel, and is entitled to hear a statement of what accusations have been made against her, to present evidence, to cross-examine witnesses, and to have witnesses subpoenaed. Ms. Brewer may request that subpoenas be issued by the Louisiana Physical Therapy Board and must send a request to the Louisiana Physical Therapy Board office at least 5 days prior to the hearing, listing the names and addresses of the individuals to be subpoenaed, along with a brief summary as to what each individual will testify. The testimony will be under oath and a court reporter will record the proceedings at the hearing, and any party wishing to obtain a transcript of the hearing may do so at their expense.

Date:

April 17th 2024

Oday Lavergne, Jr. PT
Oday Lavergne, Jr., PT, Chairperson
Louisiana Physical Therapy Board