

LOUISIANA PHYSICAL THERAPY BOARD

**IN THE MATTER OF: GRETCHEN DUPLANTIS, P.T.
 LICENSE NO. 03314f
 ADMINISTRATIVE COMPLAINT NO. 2014-1-004**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Louisiana Physical Therapy Board (the “Board”) held an Administrative Hearing in the above referenced matter at the Board’s Office, located at 104 Fairlane Drive in Lafayette, Louisiana, on March 17, 2016. A quorum of the Board was present and participated in the hearing. Board Members participating were Al C. Moreau III, Danny P. Landry, Patrick Cook and Gerald J. Leglue, Jr., MD. Madeline S. Carbonette an assistant attorney general appointed to act as Hearing Officer was present. The case was prosecuted by Courtney P. Newton and George Papale. Respondent, Gretchen Duplantis was present and was represented by her attorney, Michael Fiser.

The Board appointed Al Moreau to act as chairman for the hearing and contact for the Hearing Officer. The Prosecutor proceeded with the hearing. Casey Reynolds, Kaleb Broussard, Marvin Louviere, Seth Kaplan, Charlotte Martin and Elizabeth A. Austin, after being duly sworn, offered testimony as witnesses. The depositions of Brenda Rills, Rene Marcel Gaudet, Myrtle Elaine Gaudet and Dr. Weiss were read into the record. Gretchen Duplantis, after being duly sworn, offered testimony first as a witness on cross-examination by the Prosecutor and second on direct examination by her attorney. Marvin Louviere and Heather Duplantis, after being duly sworn, offered testimony as witnesses.

After receiving the evidence presented, including exhibits and the testimony of witnesses, the Board made the following findings of facts and conclusions of law:

1. Gretchen Duplantis is, and all times pertinent hereto, was a physical therapist licensed by the Board as evidenced by license number 04772F.

2. At all times relevant to the allegations found within this Administrative Complaint, Ms. Duplantis practiced physical therapy at Spine and Body LLC located at 8460 Bluebonnet Blvd., Baton Rouge, LA.
3. On February 19, 2014, the Louisiana Physical Therapy Board received a complaint alleging numerous violations by Ms. Duplantis of the Louisiana Physical Therapy Practice Act ("Practice Act") and Louisiana Physical Therapy Board ("LPTB" or "Board") Rules and Regulations ("Rules") including, but not limited to, drug use, treating patients while under the influence, lack of/inadequate patient records, physical therapy technicians treating patients without supervision, and fraudulent billing.
4. Shortly thereafter an investigative committee was formed comprised of the Board Executive Director, a Board Attorney, and a Board Member to investigate the allegations within the complaint.
5. During the course of the investigation several witnesses were interviewed, documents were subpoenaed, and, after lawful service and notice, Informal Conferences were held. The information gathered revealed multiple violations of the Practice Act and Board Rules.
6. On or about March 10, 2014 an Informal Conference was held at the Louisiana Physical Therapy Board Office in Lafayette, LA. Respondent and all members of the Investigative Committee were present. Respondent arrived thirty (30) minutes late to the Informal Conference and repeatedly denied all allegations, including, but not limited to, illegal drug use, treating patients under the influence, and failure to supervise technicians. It was determined that the information provided by the Respondent at the Informal Conference was false and misleading. (Testimony of Charlotte Martin, Beth Austin, and Gretchen Duplantis)
7. Physical therapy and billing records subpoenaed reveal that Respondent repeatedly billed for physical therapy services she did not provide. (Testimony of Seth Kaplan, Exhibits 14, 13, 15, 16, 23, 25 and 27)
8. Respondent billed Medicare for physical therapy services that were not provided to patient M.R.G. on the following thirty (30) dates: 9/3/2013, 9/5/2013, 9/6/2013, 9/9/2013, 9/10/2013, 9/12/2013, 9/16/2013, 9/17/2013, 9/24/2013, 9/26/2013, 10/1/2013, 10/3/2013, 10/29/2013, 10/29/2013, 10/31/2013, 11/5/2013, 11/7/2013, 11/12/2013, 11/14/2013, 11/19/2013, 11/21/2013, 11/25/2013, 11/27/2013, 12/3/2013, 12/5/2013, 12/10/2013, 12/17/2013, 12/19/2013, 12/23/2013, and 12/30/2013. Ms. Duplantis fraudulently billed Medicare for all "treatment" dates. (Exhibit 23)

9. Respondent also fraudulently billed patient B.R. and/or B.R.'s insurance for physical therapy services that were not provided on the following twenty-two (22) dates: 5/22/2013, 5/23/2013, 5/24/2013, 8/15/2013, 10/9/2013, 10/14/2013, 10/15/2013, 10/16/2013, 10/17/2013, 10/18/2013, 10/21/2013, 11/6/2013, 11/8/2013, 11/15/2013, 11/22/2013, 11/29/2013, 12/13/2013, 12/20/2013, 12/23/2013, 12/27/2013, 12/30/2013, and 12/31/2013. Respondent fraudulently billed on twenty (20) of the (22) dates. On these dates Respondent billed for three (3) units of Manual Therapy, (4) units of Therapeutic Exercise, three (3) units of Therapeutic Activities, three (3) units of Neuromuscular Re-Education, and three (3) units of Gait Training. (Exhibit 24)
10. In addition, Respondent fraudulently billed patient C.R.'s insurance company for physical therapy services that were not provided on the following forty-eight (48) dates: 10/1/2013, 10/2/2013, 10/3/2013, 10/4/2013, 10/7/2013, 10/8/2013, 10/9/2013, 10/10/2013, 10/11/2013, 10/14/2013, 10/15/2013, 10/16/2013, 10/17/2013, 10/18/2013, 10/21/2013, 10/22/2013, 10/23/2013, 10/24/2013, 10/25/2013, 10/28/2013, 10/29/2013, 10/30/2013, 10/31/2013, 11/1/2013, 11/4/2013, 11/5/2013, 11/6/2013, 11/7/2013, 11/8/2013, 11/11/2013, 11/12/2013, 11/13/2013, 11/14/2013, 11/15/2013, 11/18/2013, 11/19/2013, 11/20/2013, 11/21/2013, 11/22/2013, 11/25/2013, 11/26/2013, 11/27/2013, 11/29/2013, 12/2/2013, 12/3/2013, 12/4/2013, 12/5/2013, and 12/6/2013. (Exhibit 23)
11. Scheduling records subpoenaed from Respondent's office from May 1, 2013 through December 31, 2013 disclose that Respondent provided physical therapy services to numerous patients including, but not limited to, patients P.B., D.K., H.D., G.R., G.P., J.H., E.K., J.S., M.I., L.H., C.L., B.R., R.W., J.L., C.R., T.P., B.P., J.R., B.M., W.M.W., L.S., J.H., S.G., L.H., S.M., D.M., T.D., R.M., A.H., K.M., A.M., P.C., P.C., B.H., R.M.G., and K.H.. The subpoena further required Respondent to produce physical therapy treatment records showing services provided to these patients. Respondent did not produce physical therapy records for the requested patients. Furthermore, Respondent disclosed that she did not possess and could not produce the physical therapy records for the thirty-six (36) patients who received physical therapy services. (Testimony of Seth Kaplan and Gretchen Duplantis; Exhibits 11-17 and 27)
12. Physical Therapy Records produced by Ms. Duplantis are incomplete and below standard. The Physical Therapy Records of S.G., W.M.W., and A.H. fail to contain written prescription or referral, daily treatment notes for all treatment dates, and discharge summaries. In addition, daily treatment notes included in the record do not include changes in objective status and there is no progression in treatment logs. Finally, neither the physical therapy record of W.M.W., nor the record of A.H. contains goal revisions within the re-evaluation. (Testimony of Seth Kaplan, Exhibits 12, 15, and 15)

13. Respondent instructed physical therapy technicians to falsify physical therapy records by utilizing billing records, schedules, or dates provided by Respondent to create patient records weeks after treatment. Respondent instructed technicians to copy the last page in the physical therapy record for each date added to the physical therapy record. (Testimony of Casey Reynolds)
14. On or about July 17, 2014, Respondent contacted the Board Executive Director, Charlotte Martin, by telephone from Palmetto Addiction Recovery Center ("PARC") to self-report drug abuse. Following her admission, Respondent participated in an Informal Conference held on July 23, 2014. At the Informal Conference Ms. Duplantis co-operated with requests of the Investigative committee to sign an agreement to abstain, produce records previously requested by subpoena, and provide medical releases for multiple treatment facilities. (Testimony of Charlotte Martin and Beth Austin)
15. Review of PARC treatment records revealed that Respondent was first treated for drug addiction, specifically opioid dependence in 2002. Following treatment she successfully remained sober for nine (9) years. Respondent relapsed on sedatives in 2011. She sought treatment at Sierra Tuscon, located in Tuscon, AZ, and remained sober for one (1) year. In 2012 Respondent began abusing Xanax, Oxycodone, and Adderall. From May 2, 2014 through July 15, 2014, Respondent received intensive inpatient treatment at Palmetto Addiction Recovery Center ("PARC"). (Exhibit 8)
16. In the Louisiana Physical Therapy physical therapy license renewal applications submitted in 2002 and 2003, Respondent answered "no" to the question: "Are you currently engaging, or within the past year have you engaged, in the abuse of alcohol and/or illegal use of drugs or controlled dangerous substance? If yes, please explain." Also within the 2002 and 2003 physical therapy license renewal applications, Respondent answered "no" to the question: "Are you currently participating in a supervised rehabilitation program or professional assistance program with regards to the abuse of alcohol and/or illegal use of drugs or controlled dangerous substances? If yes, please explain. If you have participated in such a program within the past year, please explain." Based on information and belief, Respondent intentionally provided false and misleading information on her 2002 and 2003 physical therapy license renewal applications. (Exhibits 3 & 4)
17. In the 2011 physical therapy license renewal application, submitted on December 31, 2011, and in the 2013 physical therapy license renewal application, submitted on March 25, 2013, Respondent answered "no" to the question: "Are you currently engaging, or within the past year have you engaged, in the abuse of alcohol and/or illegal use of drugs or controlled substances? If yes, please explain below." Also within the 2011 and 2013

physical therapy license renewal applications, Respondent answered “no” to the question: “Are you currently participating in a supervised rehabilitation program or professional assistance program with regards to the abuse of alcohol and/or illegal use of drugs or controlled dangerous substances? If yes, please explain.” Based on information and belief, Respondent intentionally provided false and misleading information on her 2011 and 2013 physical therapy license renewal applications. (Exhibits 5, 6 and 7)

18. Ms. Duplantis treated numerous patients while under the influence of mood altering substances. (Testimony of Casey Reynolds and Gretchen Duplantis)
19. In addition, during this time, Respondent, the supervising physical therapist of record, failed to manage the care of her patients, failed to train and keep required documentation for the physical therapy technicians under her supervision, and frequently instructed physical therapy technicians to treat patients while she was not on the premises. (Testimony of Casey Reynolds and Gretchen Duplantis)
20. At all times relevant, Respondent failed to treat patients as is dictated by the physical therapy standard of care and failed to exercise sound professional judgement. (Testimony of Casey Reynolds, Exhibits 22, 24,25 and 26)
21. By deliberately and repetitively billing patients and/or patient insurance companies for physical therapy services that were not provided, Respondent violated Board Rule §373(A) (8) and Board Rule §373 (A) (11). Furthermore, in billing fraudulently Respondent engaged in unprofessional conduct as specified in La. R.S. 37:2420 (A) (7), defined by Board Rule §345(B) (1) as failing to conform to the minimal standards of acceptable and prevailing physical therapy practice in Louisiana or the Code of Ethics and related documents of the APTA, including the commission of acts contrary to honesty, justice and good morals; and as further defined by Board Rule §345 (B) (10) by “making or participating in any communication [. . .] which is false, fraudulent, deceptive, misleading or unfair in violation of Board rules or which contain false, fraudulent, deceptive, misleading or unfair.”
22. Respondent violated Board Rule §341 and Board Rule §345 B (3) in failing to possess numerous patient physical therapy records and by failing to maintain physical therapy records in accordance with the required documentation standards.
23. In abusing and illegally using prescription medications, Respondent violated La. R.S. 37:2420 (A)(5), “been habitually intemperate”, as further defined by Board Rule §351 (A) (2), “the ingestion, self administration, or other use of legally controlled substances or medications which affect the central nervous system, other than pursuant to and used in accordance with a lawful prescription and/or medical advice.”

24. The Respondent intentionally falsified her 2002 renewal application providing false information in violation of Board Rule §345(B) (1), acts “contrary to honesty” and unprofessional. When engaging in this act Respondent “depart[ed] from, [and] fail[ed] to conform to, *the Minimal Standards of Acceptable and Prevailing Physical Therapy Practice* in the State of Louisiana” and the APTA Code of Ethics. Furthermore, in falsifying multiple license renewal applications, Respondent obtained a license by fraud or misrepresentation in violation of La. R.S. 37:2420 A (4).
25. By treating patients under the influence of drugs or other controlled substances, Respondent violated Board Rule §373 (A) (2) (a) which prohibits the practice of physical therapy while under the influence of a mood-altering substance.
26. In repeatedly allowing physical therapy technicians to treat patients without on-premises supervision Respondent violated Board Rule §373(A)(5) prohibiting delegation of “physical therapy functions or responsibilities to an individual lacking the license[,] ability or knowledge to perform the function or responsibility involved,” Board Rule §345 (B) (2) (a) and Board Rule § 345 (B) (2) (b) relating to improper delegation and supervision, and Board Rule §335 (A) (1) requiring “in-person supervision of the physical therapy technician.” By allowing physical therapy technicians to treat patients without oversight and supervision, Respondent violated La. R.S. 37:2418 (A) which establishes a physical therapist is responsible for managing all aspects of a physical therapy patient’s care, further defined by Board Rule §303(B).
27. In failing to maintain physical therapy technician files with documentation of education or in-service training completed by the physical therapy technician, Respondent violated Board Rule §335(A).
28. In fraudulently billing patients, failing to maintain lawful physical therapy records, instructing technicians to falsify physical therapy records, treating patients under the influence of mood altering substances, intentionally providing false and misleading information on four (4) license renewal applications, failing to train and supervise physical therapy technicians, failing to treat patients as is dictated by the physical therapy standard of care, and failure to exercise sound professional judgement, Respondent violated La. R.S. 37:2420 A (1), “practiced physical therapy in violation of the provisions of this Chapter, the rules of the board, or standards of practice.”
29. In intentionally providing the Investigative Committee with false and misleading information at the Informal Conference, Respondent violated Board Rule §383 (A) (2), failure to cooperate with the Board by attempting to influence with falsehoods.

After making the findings of facts and conclusions of law listed above, the Board voted that Respondent violated La. R.S. 37:2420 (A) (7), as defined by Board Rule §345 (B) (1) and Board Rule §345 (B) (10); Board Rule §373(A) (8) and Board Rule §373 (A) (11); Board Rule §341 and Board Rule §345(B)(3); La. R.S. 37:2420(A)(5), as defined by Board Rule §351(A)(2), Board Rule 351(A)(2), and Board Rule §345, and that the Board imposes the following sanctions, terms, conditions, restrictions upon Respondent's physical therapy license:

1. Respondent's license as a Physical Therapist is hereby suspended for a period of three (3) years, beginning on March 10, 2014 which was the date of the respondent voluntarily agreed to sustain from the practice of physical therapy. For the entirety of the suspension period, Respondent shall not participate in any physical therapy patient care services.
2. Following the three (3) year suspension of license, Respondent's physical therapy license will be placed on probation for a period of five (5) years beginning with the date of the Board's reinstatement of Respondent's PT license.
3. The probationary period shall be extended for any period of time in which the Respondent is not employed as a Physical Therapist within the State of Louisiana and regularly working at least twenty (20) hours each week as such. If Respondent ceases to be regularly employed as a Physical Therapist in Louisiana, she shall notify the Executive Director in writing within ten (10) days of the last day she 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 (10) days of her return to practice.
4. During the three (3) year suspension of license and the following probationary period, Respondent shall abstain from the use and ingestion by any means of any controlled dangerous substance as defined by Louisiana and federal laws, including, but not limited to alcohol. If Respondent is prescribed a medication by a treating physician which is a controlled dangerous substance, she shall within three (3) days of obtaining such a prescription provide documentation of the prescription, the condition for which the medication is prescribed and contact information for the prescribing physician. Respondent shall provide to the Board the names and contact information for all physicians who are treating her during the probationary period and a listing of all medication she

is prescribed for any medical condition. Respondent shall sign all releases and authorizations to all of her treating physicians authorizing the release of information on her diagnosis, treatment and prescriptions to the Board.

5. During the probationary period, Respondent shall participate in the Recovering Physical Therapy Program (RPTP). Respondent will enter into a RPTP Participation Agreement consistent with the recommendations of her most recent testing and/or evaluation. The Participation Agreement shall be in effect for the duration of the probationary period. Respondent shall sign all releases and authorizations required to enable the Board and its RPTP to obtain reports, evaluations, and test results from any drug testing facility, physicians, health care providers, group moderators or other treating professionals.
6. Respondent shall regularly attend meetings of Alcoholics Anonymous and/or Narcotics Anonymous, attending and documenting a minimum of three (3) meetings per week within the ninety (90) days from the date of Board's Findings of Fact and Conclusions of Law. Respondent shall provide proof to the Board, through its Executive Director, that she attended such meetings by means of a signed statement by any supervisor or person acting in a supervisory capacity of said meetings.
7. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the probationary period, and shall fully cooperate in providing information and documents requested in such meeting.
8. During the three (3) year suspension of license and the following probationary period, Respondent shall promptly comply, as directed, with Board requests for random drug tests, which may be supervised drug tests, arranged by the Board. Respondent shall pay for or reimburse the Board for the expense of such tests. During the probationary period, Respondent shall also authorize and direct her employer and any recovery treatment program in which she participates to furnish to the Board copies of results for all drug tests conducted by those entities.
9. If any drug test of Respondent results in a positive finding for any controlled dangerous substance or alcohol for which Respondent does not have a legitimate prescription as specified above in Paragraph 4. , Respondent's license shall be subject to further disciplinary action. Should such positive finding occur during the probationary period, Respondent's reinstated license shall automatically and summarily be suspended without further action by the Board, subject to Respondent's right to a full due process hearing before the Board within a reasonable time to determine her future status as a licensee.
10. Respondent shall write an essay of no fewer than 750 words explaining how her conduct violated the Practice Act and Board rules and what she has

learned as a result of this disciplinary process. This essay shall be submitted to the Executive Director within one hundred twenty (120) days from the date of the Board's Findings of Fact and Conclusions of Law.

11. During the probationary period, Respondent shall provide a copy of the Board's Findings of Fact and Conclusions of Law to her employer(s) and immediate supervisor(s) before providing services to that employer and shall have the employer(s) notify the Executive Director in writing that she has received and reviewed a copy of the Board's Findings of Fact and Conclusions of Law; Respondent shall do this also with any new or subsequent employer(s) during the probationary period.
12. During the probationary period, Respondent shall not seek or accept work in a setting that has not been approved in advance by the Executive Director and shall notify the Executive Director in writing of all employment and/or contractual service arrangements which she has to work as a Physical Therapist and shall update the Executive Director in writing within five (5) days of any and all changes in such arrangements.
13. During the probationary period, Respondent shall fully cooperate with the Board representatives making random unannounced monitoring visits to her work sites and shall provide complete access to patient treatment records, and all other documentation, and shall reimburse the Board \$150 for each such monitoring visit.
14. During the probationary period, Respondent's practice of physical therapy must be under continuous supervision as defined by Board Rule §123.
15. All communications regarding compliance with and/or fulfillment of the requirements the Board's Findings of Fact and Conclusions of Law shall be in writing between the Respondent and the Executive Director. No verbal communications shall be considered as proof of compliance or commitment.
16. Respondent shall, during each year of probation, complete traditional, on-site continuing education courses in Professional Ethics (4 hours), Documentation course related to Fraud (2 hours) and Live Jurisprudence (2 hours) in addition to the thirty (30) hours of Board-approved continuing education courses or activities required in the biannual renewal period under Rule §194. The above specified courses shall be approved in writing by the Executive Director. Respondent shall provide documentation of course completion to the Executive Director within five (5) days of receipt of such documentation.
17. Respondent's failure to comply any of the provisions of this Findings of Fact and Conclusions of Law is a basis for immediate disciplinary action by the Board.

18. Respondent shall be responsible for all costs associated with the administrative hearing and investigation expenses.

Signed this 26 day of April 2016.



Al C. Moreau III
Chairman