



Jeff Landry
Governor

State of Louisiana
Department of Health and Hospitals

Charlotte F. Martin, M.P.A.
Executive Director

Louisiana Physical Therapy Board

IN THE MATTER OF

ANGELA BREWER

LICENSE NO. A8915R

CONSENT ORDER

NUMBER: 2022-I-013

CONSENT ORDER

ANGELA BRWER (“Ms. Brewer” or “Respondent”) is a Physical Therapist Assistant (“PTA”), as evidenced by License No. A8915R, and is subject to the jurisdiction and the Rules and Regulations of the Louisiana Physical Therapy Practice Act (La. R.S. 37:2401, et seq.), and the Rules and Regulations of the Louisiana Physical Therapy Board (“LPTB” or “Board”) (LAC 46:LIV §103, et seq.), and enters in the following agreement relative to Complaint No. 2022-I-013.

FACTUAL BASIS FOR CONSENT ORDER

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 Sherriff’s Office to obtain documents related to Ms. Brewer’s arrest.
4. On April 25, 2022, the Caddo Parish Sherriff’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 reschedule her evaluation due to financial reasons. She stated she would provide an update as soon as possible on the new date for the evaluation.
26. Thereafter, on March 15, 2023, Ms. Brewer signed a Consent Order and Agreement, which was presented to and approved by the Board on March 16, 2023. The Order suspended Ms. Brewer's license to practice as a physical therapist assistant until such time that she obtained a Fitness for Duty Evaluation by a Board-recognized provider, and such provider submitted a report to the Board indicating that she was safe to return to the practice of physical therapy with reasonable skill and safety to the public.
27. 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.

- 28. On April 15, 2024, Kathie Pohlman ("Ms. Pohlman"), administrator of the RPTP, contacted the Board's 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.
- 29. 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:
 - a. 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.
 - b. 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).

- c. 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.
 - d. 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.
30. At the meeting of the Board on April 17, 2024, the Board unanimously approved an Order of Summary Suspension summarily suspending the license of Ms. Brewer to practice as a physical therapist assistant pending an administrative hearing scheduled for May 15, 2024.

VIOLATIONS RELATED TO RESPONDENT'S CONDUCT

In addition to the specific provisions of Respondent's March 16, 2023 Consent Agreement and Order that were violated as set forth at Paragraph 27, above (which allegations are incorporated herein as if copied *in extenso*), 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 her practice of physical therapy:

1. LAC 46: LIV §2420(A)(5) 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;
2. LAC 46: LIV §353(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.

ORDER

Pursuant to the foregoing Factual Basis for Consent Order and Violations Related to Respondent's Conduct, and, in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of quorum, agree as follows:

1. Respondent's physical therapist assistant license is **SUSPENDED** until such time that Respondent complies with the recommendations provided by the Palmetto treatment team in their April 30, 2024, evaluation report and letter. As recommended, the Respondent must complete an in-patient relapse treatment program for chemically dependent professionals with a Board-approved provider. Upon completion of the treatment program, Respondent must submit to a Fitness For Duty Evaluation. Respondent will schedule the evaluation at her own expense. The Fitness For Duty Evaluation report must be sent directly to the Board upon completion for review. The respondent's license will remain suspended until receipt by the Board of an evaluation report from a Board-approved provider stating that Respondent is safe to return to the practice of physical therapy with reasonable skill and safety to the public.

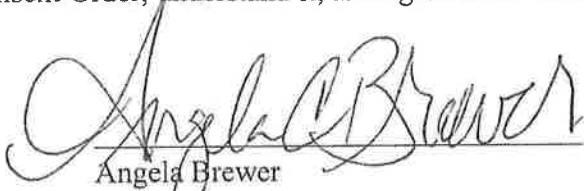
2. Respondent agrees to follow all treatment recommendations resulting from the in-patient relapse treatment program and the Fitness for Duty Evaluation. If individual therapy/treatment is recommended, Respondent shall choose an individual treatment provider that meets the LPTB Criteria for Individual Treatment Providers. Respondent shall sign all necessary medical release forms for the full initial evaluation report, Fitness For Duty Evaluation report and any treatment discharge summaries to be released directly to the individual treatment provider. Participant further agrees to allow the LPTB to send a copy of the Consent Order(s) and any other Orders issued by the Board relative to Respondent to the individual treatment provider. Individual therapy reports shall be sent directly to the LPTB from the individual therapy provider on a quarterly basis, to be received no later than the 15th of January, April, July, and October.
3. Once Respondent's license is reinstated after the suspension period set forth at Paragraph 1, above, Respondent's license shall be on probation for a minimum of five (5) years. Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of the probationary period a request for a letter from the Board formally acknowledging the close of the probationary period. Respondent's probationary period concludes upon receipt by respondent of a letter from the Board acknowledging the close of the probationary period and a final exit interview with the Board to be scheduled by the Board Executive Director.
4. Respondent shall complete a new RPTP Participation Agreement. During the suspension and probationary period, the respondent shall participate in the Recovering Physical Therapy Program ("RPTP") and follow all terms and conditions set forth in the RPTP Participation Agreement.
5. During the probationary period, the Board may make random unannounced monitoring visits to Respondent's work site. In the event of a monitoring visit, Respondent shall fully cooperate with the Board representative making the visit and Respondent shall provide complete access to her place of employment, employment and/or business records, patient treatment and billing records, and all other documentation necessary for a full legal compliance review. Respondent shall reimburse the Board for expenses related to the monitoring visit as invoiced and must be paid within 30 days of receipt of invoice.
6. During the five-year probationary period, Respondent shall provide a copy of this Consent Order to her employer(s), direct supervisor(s), and any physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) who are supervised by, work for, or contract with Respondent at any business, including, but not limited to, any business(es) Respondent owns, operates or manages before providing physical therapy services and shall have such person(s) notify the Executive Director in writing that she has received and reviewed a copy of this Consent Order prior to Respondent providing physical therapy services. Respondent shall do this also with any new or subsequent employer(s), direct supervisor(s), physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) during the probationary period;
7. The five-year probation 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 an aggregate over the month that is at *least twenty (20)* hours per week. If Respondent ceases to be regularly employed as a physical therapist assistant in Louisiana, she shall notify the Executive Director in writing within *ten (10) calendar days* of the last date 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) calendar days* of her return to practice;

8. Ms. Brewer shall pay the Board the sum of \$3,264.97 in partial reimbursement for legal and administrative expenses incurred in this matter. Failure to reimburse associated fees will require the Board to take further action in collection of this debt. Respondent has twenty-four (24) months to reimburse the expenses before the debt will be considered final and transferred to the Louisiana Office of Debt Recovery (ODR). After transfer, the debt is subject to an additional collection fee of up to twenty-five percent (25%) of the total debt liability, as provided for in LA R.S. 47:1676 (E).
9. Respondent shall comply with La R.S. 37:2415(B) and notify the Executive Director of the Louisiana Physical Therapy Board in writing and prior to a change of residence to another country, state, or jurisdiction. Upon relocation, all provisions of this Consent Order, except Paragraph 8 pertaining to reimbursement of legal and administrative expenses, are suspended until Respondent again resides within Louisiana, notifies the Executive Director of her Louisiana residence, and receives written confirmation from the Executive Director.
10. 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 meetings.
11. Respondent shall have reliable access to a computer, internet, and telephone. In accordance with Board Rule §385, Respondent shall provide to the Executive Director her preferred telephone number and/or email address in writing for expedited communications regarding compliance with this Board Order within forty-eight (48) hours of signing the Consent Order. Respondent shall reply to Board emails and telephone calls within four (4) hours of such communication. Respondent shall notify the Executive Director in writing of any change to her preferred telephone number and/or email address immediately upon such change.
12. Respondent declares that, before signing this Consent Order, she is of sound mind has carefully read this document, understands the contents, and freely consents to it as valid and binding upon her. She is aware of her right to a notice of hearing, to a formal administrative hearing and to judicial review of an administrative finding, and freely waives those rights. Further, she has had the opportunity to be represented by legal counsel in this matter and in the negotiation of this Agreement.
13. Respondent acknowledges that her failure to comply with any term of this Consent Order is a basis for the immediate summary suspension of her license and for further disciplinary action by the Board.
14. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above.

15. Respondent authorizes the Investigating Board Member, Phillip Page, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose 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 Investigative Board Member's authority to file a formal Administrative Complaint against her, or to the Board's capacity, as currently comprised, or any future composition of the Board, 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 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.
16. Respondent acknowledges that presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board, or any of its members, as the Board is currently constituted, or any future appointments to the Board, from further participation in hearings or resolution to these proceedings.
17. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.
18. Respondent acknowledges that all communication(s) 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(s) shall be considered proof of compliance or commitment. Respondent acknowledges that it is the responsibility of the Respondent to fully comply with the Consent Order and proactively communicate with the Board Executive Director.

I, Angela Brewer , have read this Consent Order, understand it, and agree to be bound by its terms and conditions.


 Angela Brewer

SWORN TO and subscribed before me, Notary Public this ___ day of May, 2024, in

_____, Louisiana.

 Notary Public

 Notary Name printed (#)

SUBMITTED FOR BOARD APPROVAL BY:

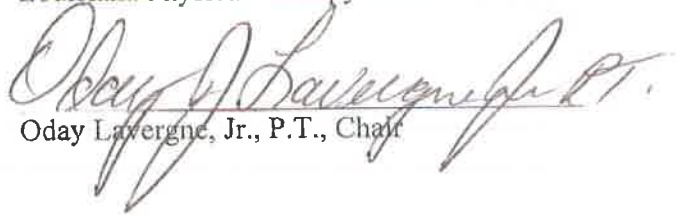


PHIL PAGE
Investigative Committee Board Member

AGREED AND ACCEPTED by official action of the Board, this 15th day of

may, 2024, at Lafayette, Louisiana.

Louisiana Physical Therapy Board



Oday Lavergne, Jr., P.T., Chair