



*State of Louisiana*

*Department of Health and Hospital*

***Louisiana Physical Therapy Board***

*104 Fairlane Drive, Lafayette, Louisiana 70507*

*337/262-1043 FAX 337/262-1054*

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**In The Matter Of**

**JANE WETHERINGTON, PT**  
(License No. 00439R)

**Complaint No. 2015-I-002**

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This **STIPULATION AND AGREEMENT FOR SURRENDER OF PHYSICAL THERAPY LICENSE** is made and executed by Jane Wetherington, PT (“Mrs. Wetherington”) who, at all times pertinent, has been a Louisiana Physical Therapist licensed to practice as a physical therapist in the state of Louisiana, with and in favor of the Louisiana Physical Therapy Board (“LPTB” or “Board”).

1. **Acknowledgment and Stipulations.** Mrs. Wetherington hereby acknowledges, stipulates and agrees that:

(a) **Adjudication and Board Order.** On August 27, 2015 proceedings to adjudicate an administrative enforcement action took place at the Louisiana Physical Therapy Board office located in Lafayette, Louisiana. During the proceedings a hearing panel comprised of members of the Louisiana Physical Therapy Board heard evidence related to a February 2, 2015 positive non-DOT Breath Alcohol test following treatment of multiple physical therapy home health patients. Mrs. Wetherington was present and represented by counsel. On October 7, 2015 a Board order was rendered finding that Mrs. Wetherington treated patients under the influence of alcohol on February 2, 2015 in violation of Board Rule §373(A)(2)(a) and §345(B)(1); intentionally misled the investigative committee when answering questions related to the consumption of alcohol during the formal investigation in violation of Board Rule §345(B)(1); and failed to maintain physical therapy records in accordance with required documentation standards in violation of Board Rule §341. Sanctions were imposed including, but not limited to, a three year probationary period, evaluation by a qualified substance abuse and psychological evaluator, a home health practice restriction until Board approval based upon evaluation

findings, prohibition on alcohol and controlled dangerous substances, a 750 word essay, attendance of 90 meetings of Alcoholic Anonymous and/or Narcotic Anonymous in 90 days, and reimbursement of all investigation and adjudication expenses. The October 7, 2015 Board Order in incorporated herein, *in extenso*.

(b) **Continuing Education Audit.** On August 14, 2015, pursuant to Board Rule §197(D), the Board conducted a random continuing education ("CE") audit. Mrs. Wetherington was randomly selected for the audit to determine compliance with the continuing education requirements. Mrs. Wetherington was required to submit to the Board copies of all records and documentation showing completion of the continuing education courses or activities previously submitted for fulfillment of continuing education requirements.

(c) **Mrs. Wetherington's Non-compliance.** On November 24, 2015, Mrs. Charlotte Martin, Executive Director of the Louisiana Physical Therapy Board spoke with Mrs. Wetherington by telephone to discuss Mrs. Wehtrington's failure to both fulfill the terms of the October 7, 2015 Board order and to provide all records and documentation of continuing education courses submitted during the license renewal process. During the telephone conversation Mrs. Wetherington informed Mrs. Martin that she refused to comply with the sanctions contained within the October 7, 2015 and will not submit CE proof of completion certificates. Mrs. Martin explained that failure to comply with the Board Order and CE requirements will result in additional disciplinary action. To avoid additional disciplinary action and formal administrative hearing, Mrs. Wetherington expressed a desire to voluntarily surrender her license.

(d) **Rights to Due Process.** Mrs. Wetherington acknowledges that she has had the opportunity to thoroughly review the content of this Stipulation and Agreement for Voluntary Surrender of Physical Therapy License and that she has been fully informed of her rights to due process in connection with administrative charges and that prior to final disciplinary action against her physical therapy license she would be entitled to have notice of a hearing on the allegations and charges asserted against her and to have an administrative adjudication of such charges, at which time Mrs. Wetherington would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §§ 49:955-965.

2. **Voluntary Surrender of License.** Notwithstanding her right to administrative hearing and a decision thereon as provided by La. Rev. Stat. §§ 49:955-965, in recognition of the stipulations set forth herein above and for the final disposition of administrative action, Mrs. Wetherington, nonetheless, hereby waives her right to formal adjudication and hereby voluntarily surrenders to the Board her license to practice as a physical therapist in the state of Louisiana as evidenced by license number 00439R. Mrs. Wetherington acknowledges that she may submit an application for a Physical Therapy License not before December 3, 2020, and will be granted such license only upon a satisfaction of all requirements for licensure found within La. R.S. 37:2411 and the corresponding Board Rules and Regulations including, but not limited to, a satisfactory mental health and substance abuse evaluation, a finding of good moral character, and fitness to practice as a physical therapist. By her subscription hereto, Mrs.

Wetherington also hereby authorizes a member of the Investigative Committee to present this Stipulation and Agreement for Voluntary Surrender of Physical Therapy License to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and she waives any objection to such disclosures under La. Rev. Stat. §§ 49:960.

**3. Effect of Voluntary Surrender of License.** Mrs. Wetherington acknowledges, stipulates and agrees that the voluntary surrender of her physical therapy license effected here by in lieu of an administrative action shall have, and shall be deemed by the Board to have, the same effect as if the Board had entered an order of revocation upon the conclusion of formal administrative proceedings. Mrs. Wetherington further acknowledges, stipulates and agrees that as a result of the voluntary surrender of her physical therapy license effected hereby she shall not have any right or entitlement to reinstatement or renewal of her license to practice as a physical therapy license in the state of Louisiana.

**4 Termination of Proceedings.** By the voluntary surrender of her physical therapy license in lieu of disciplinary action, Mrs. Wetherington, moreover, acknowledges, stipulates and agrees that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act or to which otherwise may be afforded to her by law, to contest her agreement to, or the force and effect of, this document in any court relating to the matters referred to herein.

**5. Reimbursement of Costs.** Mrs. Wetherington hereby agrees to partially reimburse the Louisiana Physical Therapy Board the cost of the investigation, initiation of disciplinary proceedings, legal fees, and administrative costs incurred in this matter in the amount of 3,000.00 thereby satisfying the requirement found within the October 7, 2015 Board Order. Mrs. Wetherington acknowledges that this amount may be paid in a lump sum, or equal monthly installments for a period of no more than five (5) years, if arranged in advance with the Executive Director .

**6. Advice of Counsel.** Mrs. Wetherington acknowledges that she has had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation.

**7. Public Record.** Mrs. Wetherington acknowledges, stipulates and agrees that this Stipulation and Agreement for Voluntary Surrender of Physical Therapy License shall be and shall be deemed to be a public record.

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**STIPULATION, ACKNOWLEDGMENT AND AGREEMENT**

I, **Jane Wetherington, PT** hereby acknowledge, approve, accept, stipulate, agree and consent to entry of the above in forgoing this 30<sup>th</sup> day of November, 2015.

Jane Wetherington PT  
**Jane Wetherington, PT**

WITNESSES:

Rickey J. Couvillion  
Signature

Rickey J. Couvillion  
Printed Name

1401 W. University Ave.  
Address Lafayette, LA 70506

Mandy Domingue  
Signature Mandy Domingue

Mandy Domingue  
Printed Name

1401 W. University Ave.  
Address Lafayette, LA 70506

Sworn to and subscribed before me at Lafayette, Louisiana, this 30<sup>th</sup> day  
Of November, 2015, in the presence of the two stated witnesses.

Rhonda M. David  
Notary Public (signature)

Rhonda M. David, Notary ID #050812  
State of Louisiana  
Parish of Lafayette  
Printed Name/Notary #

THIS DOCUMENT NOT  
PREPARED BY NOTARY  
PUBLIC ATTESTING TO  
SIGNATURES ONLY



**ACCEPTANCE**

CONSIDERING THE ABOVE AND FORGOING, the Stipulation in Agreement for Voluntary Surrender of Physical Therapy License is hereby **APPROVED AND ACCEPTED** by the Louisiana Physical Therapy Board and effective, this 3rd day of December, 2015.

**Louisiana Physical Therapy Board**

BY: Al Moreau III, P.T.  
President