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In the Matter of * LOUISIANA STATE BOARD OF
KIM HEBERT, P.T., license 04756
GLENN C. DAWS, Jr., P.T.A., license A6678 * PHYSICAL THERAPY EXAMINERS
*
Respondents * Case Number 2004I 30

CONSENT ORDER

Respondent Glenn Daws was contracted to provide patient care through St. Margaret's Rehabilitation Service under the supervision of Respondent Kim Hebert. Daws took the licensing examination and failed, receiving notification on October 31, 2004. He advised Hebert that he had failed and Hebert asked if Daws' temporary permit from the Board was still valid. Daws advised Hebert that the permit was still in effect and Hebert took no action to verify this with the Board and allowed Daws to continue working as a P.T.A.. Daws did not apply to take the examination again and request another temporary permit until November 5, 2004, when a new permit was issued. The Board's letter to Daws notifying him of his failing grade indicated that his permit must be reissued and that he must reapply to take the examination again. Respondents participated in an Informal Conference at the Board office in Lafayette on January 19, 2005 with Board Member Pat Adams, Executive Director Cheryl Gaudin and Board Counsel Glenn Ducote participating.

FINDINGS OF FACT

1. Respondent Daws provided inaccurate information to his supervisor Kim Hebert regarding the status of his temporary permit after he was notified of his failing score on his first examination.
2. Respondent Hebert took no steps to verify that Daws' temporary permit was still valid, and allowed Daws to continue to provide patient care.
3. Respondent Daws treated patients without a permit or license from October 31, 2004 through November 5, 2004.

CONCLUSION OF LAW

1. Respondent Daws practiced physical therapy without a license or permit from October 31, 2004 through November 5, 2004 in violation of La. R. S. 37:2402A and 2414(2) and Rules 155 and 305; and
2. Respondent Hebert allowed Daws to provide patient treatments under his supervision without verifying that he had the requisite permit in violation of La. R. S. 37:2402A and 2414(2) and Rules 155 and 305.

DECISION

Pursuant to the foregoing Findings of Fact and Conclusion of Law, Respondent and the Board, by vote of quorum, agree as follows:

A. Respondents Daws and Hebert shall each take the jurisprudence continuing education course offered by the Board within one year from the date of their signing of this Consent Order;

B. Respondents Hebert and Daws shall each reimburse the Board in the amount of \$250 for legal and administrative expenses incurred in this matter, said payments to be made by April 30, 2005;

C. Respondents shall provide documentation that all patient charges for treatment provided by Respondent Daws from October 31, 2004 through November 5, 2004 have been refunded or reversed.;

D. Respondents shall provide documentation that St. Margaret's Rehabilitation Services has put in place acceptable policies and procedures for professional license and permit verification for its employees and contract workers;

E. Failure by a Respondent to comply with any term of this Consent Order shall constitute just cause for the suspension or revocation of Respondent's license under the auspices of this Board, and may subject him to any other disciplinary action within the statutory and regulatory authority of the Board.

F. Respondents declare that, before signing this Consent Order, each has carefully read this document, understands the contents and freely consents to it as valid and binding upon him. He is aware of his right to a formal hearing and he waives that right. He has been informed of his right to seek counsel and hereby waives that right.

SWORN TO AND SUBSCRIBED on this 24 day of March, 2005.

Glenn C. Daws Jr. P.T.A.
Glenn C. Daws, Jr., P.T.A.

Kim Hebert, M.P.T.
Kim Hebert, P.T.

AGREED AND ACCEPTED by official action of the Board, the 20th day of January, 2005 at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

Pat Adams, PT
Pat Adams, P.T., Chair