



State of Louisiana
 DEPARTMENT OF HEALTH AND HOSPITALS
Board of Physical Therapy Examiners

2014 WEST PINHOOK ROAD, SUITE 701
 LAFAYETTE, LA 70508
 318/262-1043
 FAX 318/262-1054

In the Matter of
DEMETRICH THROWER, P.T.
License No. 00788
Respondent

CONSENT ORDER

ADMINISTRATIVE CASE NO.

95-104 *95I07*

A Formal Evidentiary Hearing was scheduled before the Louisiana State Board of Physical Therapy Examiners (the "Board") on April 25, 1996, to address alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, Demetrich Thrower ("Thrower"), to-wit: failure to properly supervise supportive personnel rendering physical therapy services to patients, LSA R.S. 37:2413A(1), Rules and Regulations, Title 46, Sections 305, 321 and 325 et seq.; performing and/or allowing the treatment of physical therapy to be performed without a physician's referral or prescription, LSA R.S. 37:2410A and 37:2413A(1), Rules and Regulations, Title 46, Sections 311 and 325 et seq.; failure to properly supervise a physical therapist assistant rendering physical therapy services to patients, LSA R.S. 37:2413A(1), Rules and Regulations, Title 46, Sections 305, 321 and 325 et seq.; and practicing physical therapy which does not conform to the minimal standards of acceptable and prevailing physical therapy practice, such failure constituting unprofessional conduct, LSA R.S. 37:2413A(7), Rules and Regulations, Title 46, Sections 325 et seq. and 327 more particularly.

In attendance, at the Pre-hearing Conference were Respondent, Demetrich Thrower and his attorney, Anthony Hollis; the Complainant, Lana I. Wilson, P.T.; and Michael A. Tomino, Jr., attorney for Board.

Upon consideration and discussion and evidence presented at the Conference and thereafter to the Board, this Consent Order, effective April 25, 1996, is voluntarily entered into by and between Respondent, Demetrich Thrower and the Board which was comprised of Sharon A. Toups, Rebecca B. Lege, Gregory Ward and Paul A. Lamothe, Jr. for the purposes of this proceeding.

FINDINGS OF FACT

1. Respondent, Demetrich Thrower, P.T., is and at all pertinent times was, a physical therapist duly licensed by the Board to practice as a physical therapist in the State of Louisiana pursuant to the Physical Therapy Practice Act of Louisiana, La.R.S. 37:2401 et seq., as evidenced by License No. 00788.

2. Beginning during the summer of 1993 through March 1995, Respondent was engaged in the act of practicing as a physical therapist at P.T.S. Physical Therapy Services, Inc. in Shreveport, Louisiana.
3. Beginning during the summer of 1993 through March 1995, Respondent failed to properly supervise supportive personnel rendering physical therapy services to patients at P.T.S. Physical Therapy Services, Inc.
4. Beginning during the summer of 1993 through March 1995, Respondent performed and/or allowed treatment of physical therapy to be performed without a physician's referral or prescription.
5. Beginning during the summer of 1993 through March 1995, Respondent failed to properly supervise a physical therapist assistant at P.T.S. Physical Therapy Services, Inc.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes, as a matter of law, that:

1. Respondent failed to properly supervise supportive personnel rendering physical therapy services to patients. LSA R.S. 37:2413(A)(1); Rules and Regulations, Title 46, Sections 305, 321 and 325 et seq.
2. Respondent failed to properly supervise the supportive personnel under his authority and did not conform to the minimal standards of acceptable and prevailing physical therapy practice, such failure constituting unprofessional conduct on his part. LSA R.S. 37:2413(A)(7); Rules and Regulations Title 46, Section 325 et seq. and 327 more particularly.
3. Respondent performed and/or allowed treatment of physical therapy to be performed without a physician's referral or prescription. LSA R.S. 37:2410(A) and 37:2413(A)(1); Rules and Regulations, Title 46, Sections 311 and 325 et seq.
4. Respondent performed and/or allowed treatment of physical therapy to be performed without a physician's referral or prescription and did not conform to the minimal standards of acceptable and prevailing physical therapy practice, such failure constituting unprofessional conduct on his part. LSA R.S. 37:2410(A) and 37:2413(A)(7); Rules and Regulations, Title 46, Sections 325 et seq. and 327 more particularly.
5. Respondent failed to properly supervise a physical therapist assistant rendering physical services to patients. LSA R.S. 37:2413(A)(1); Rules and Regulations, Title 45, Sections 305, 321 and 325 et seq.
6. Respondent failed to properly supervise the physical therapist assistant under his authority and did not conform to the minimal standards of acceptable and prevailing physical therapy practice, such failure constituting unprofessional on his part. LSA

R.S. 37:2413(A)(7); Rules and Regulations, Title 46, Sections 325 et seq. and 327 more particularly.

DECISION

Considering the foregoing, and pursuant to the authority vested in the Board by LSA R.S. 37:2401 et seq.:

IT IS ORDERED that judgment be rendered against Demetrich Thrower, P.T. and based on the evidence, testimony introduced at the hearing and admissions under oath by him to the charges which have been submitted in this matter, that his license to practice physical therapy be suspended for one year beginning May 1, 1996 and thereafter, be placed on probation for a period of two (2) years of active practice, to run consecutively to the period of suspension.

IT IS FURTHER ORDERED that during the period of suspension of the license, Respondent shall not be entitled to perform any clinical role, nor supervisory role, nor be included in any ratio of physical therapists to supportive personnel.

IT IS FURTHER ORDERED that during the two (2) years probation period set forth above should Thrower not practice physical therapy as a licensee in the State of Louisiana, then the remaining term of the probationary period yet to be served at that time shall be suspended for the duration of the cessation. During the cessation period referenced herein, Respondent's license shall remain under sanction by the Board.

IT IS FURTHER ORDERED that within five (5) days after the receipt of this Final Decision, Respondent shall submit to the Board office a sworn affidavit under oath that he has read and understands the Physical Therapy Practice Act, the Rules and Regulations promulgated by the Board, and the American Physical Therapy Association's Code of Ethics, Guide for Professional Conduct, and Standards of Practice, a copy of which has been supplied to him.

IT IS FURTHER ORDERED that Respondent shall return his license to the Board office on or before May 1, 1996.

IT IS FURTHER ORDERED that Respondent shall be available for attendance at scheduled Board meetings upon reasonable advance notice to review compliance with the terms of the probation.

IT IS FURTHER ORDERED that an Informal Conference will be conducted at the end of the entire sanction period referenced above between a representative committee of the Board and Respondent whereby a Respondent's case will be reviewed at that time.

IT IS FURTHER ORDERED that Respondent, must pay the costs of the Administrative Hearing held in this matter upon demand.

IT IS FURTHER ORDERED that Respondent's failure to comply with any of the terms of this Consent Order shall be deemed just cause for the suspension or revocation of his license or temporary permit, or other disciplinary action, as if such violation were enumerated among the causes provided by LSA R.S. 37:2413 and the Rules and Regulations promulgated by the Board.

IT IS FURTHER ORDERED that the existence and terms of this Consent Order are not confidential or privileged information.

IT IF FURTHER ORDERED that Respondent hereby releases the Board, its representatives and attorney from any obligations or liability in their endeavors to administer this

Consent Order

THIS SIGNED before me, Notary Public, on the 14th day of January, 1997, in
Houston, Texas.



[Signature]
Derech Hthrower

[Signature]
Notary Public

THIS SIGNED before me, Notary Public, on the 23rd day of January, 1997, in
Cosport, Louisiana.

[Signature]
Sharon A. Joys, P.T.

[Signature]
Notary Public

