

To show it may
concern, the reason
I haven't signed and
returned the consent
form was the dates of
employment are not correct.
I emailed Glenn Ducote
an never received any
answer. I have gone ahead
and signed the form; however
if this needs to be addressed
please let me know.

Thanks,

Michelle
Thibodeaux, PTA

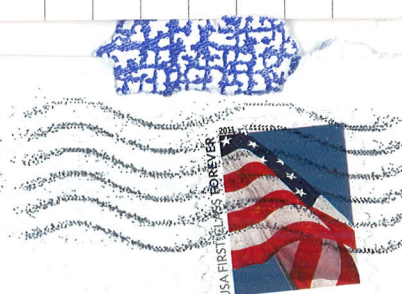
337-439-8280

337-912-3484

Thibodeaux
1707 Clarence
Westlake, LA 70669

Louisiana PTA Board
104 Fairlane Drive
Lafayette, LA 70507

LAFAYETTE, LA 70503
25 MAR 2012 11:11



In the Matter of

* LOUISIANA PHYSICAL THERAPY BOARD

*

MICHELLE THIBODEAUX

PTA License No. A7203

*

Respondent

*

Case Number 2010 I 022

CONSENT ORDER

While investigating a complaint regarding another licensee, it became apparent to the Investigating Board Member that there was conduct by several licensees which deserved further inquiry. The complaint resulting in this Consent Order was originated by the Board after extensive review of patient treatment records and work-time records during Respondent's employment at Lafayette Care Center (LCC) in Lafayette. Respondent was placed at LCC by Salus Solutions, a temporary staffing company, as an employee of Nexion Health which was contracted by LCC to provide therapy services to patients at their facility. Her employment there was only from February 15, 2010 to February 27, 2010.

While Respondent was licensed by this Board as a physical therapist assistant in 2010, she did not renew her license for 2011. The conduct resulting in this Consent Order occurred during her brief employment at Lafayette Care Center in February, 2010. After failing to voluntarily appear for a scheduled Informal Conference on April 8, 2010, Respondent was subpoenaed for an Informal Conference on April 28, 2011. Respondent appeared and participated in the Informal Conference with Investigating Board Member Danny Landry, Board Executive Director Cheryl Gaudin, Board Counsel Glenn Ducore and Allison Roux, Board Advisory Committee Member on that date at the Board office in Lafayette. Respondent answered many questions regarding her employment history and work at LCC but, to many questions, she indicated that she did not remember what occurred during the period in question. Respondent acknowledged that she tested positive for drugs while at LCC but subsequently produced records documenting a prescription for the substance in question. She confirmed that she was terminated by Nexion on February 27, 2010 for persistent failure to arrive timely for her work schedule. Pursuant to further investigation and record review by Investigating Board Member Danny Landry, the Board presents the following findings of fact which demonstrate violations of the Louisiana Physical Therapy Practice Act and the Rules of the Board, as specified below. By her signature on this agreement, Respondent signifies her acceptance of the terms of this Consent Order and agrees to its presentation to the Board.

FINDINGS OF FACT

1. Respondent routinely documented patient care without the information required by Board Rule 3223A(3).
2. There is no documentation of weekly face-to-face patient care conferences between Respondent and a supervising physical therapist as required by Board Rule 321A(3)(d).
3. Respondent's frequent failure to report on time for work, resulting in disruptions to patient scheduling and care constitutes unprofessional conduct in violation of La. R.S. 37:2420A(7), Board Rule 327E(1)(a).

CONCLUSIONS OF LAW

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. The Board has the authority to suspend or revoke a license which it has issued, or place probationary conditions upon such license, upon proof that the licensee has been guilty of unprofessional conduct or has violated the Practice Act or Rules of the Board. La. R. S. 37:2420A and Board Rule 325.
2. As used in the Physical Therapy Practice Act, "unprofessional conduct" includes: departure from, or failure to conform to the standards of acceptable and prevailing physical therapy practice in the State of Louisiana, regardless of whether actual injury to a patient results therefrom. Rule 327E.
3. Pursuant to La. R. S. 37:2405B(14) Board Rules incorporate the *Code of Ethics* and *Standards of Ethical Conduct for Physical Therapist Assistants* of the American Physical Therapy Association. Rules 305B and 331.
4. Respondent's inadequate documentation of patient treatment violates La. R.S. 37:2420A(1) and (7); Rule 321A(3)(d); and such conduct constitutes "unprofessional conduct" in violation of Board Rule 327E(1).
5. Respondent's inadequate documentation violates *APTA Standards of Ethical Conduct for Physical Therapist Assistants* 1, 2, 3, 4 and 5.
6. Respondent's unprofessional conduct in repeatedly reporting late for work constitutes unprofessional conduct in violation of Rule 327E(1) and violates *APTA Standards of Ethical Conduct for Physical Therapist Assistants* 1, 4 and 5.

DECISION

Pursuant to the foregoing Findings of Fact and Conclusions of Law, and in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of quorum, agree as follows:

- A. Respondent's license as a physical therapist assistant shall be placed on probation for two years from the date of her license reinstatement pursuant to a successful application, during which probationary period her employment records, place of employment, patient treatment and billing records will be subject to random inspection and review for full legal compliance by a

designated Board representative. Respondent and her employers are required to cooperate fully with these monitoring visits. During this two year probationary period, Respondent shall remit to the Board \$150 as reimbursement for the expenses of each such monitoring visit to her practice.

B. During her probationary period, Respondent shall document in each patient treatment note the name of the physical therapist supervising her at the time of that treatment.

C. The two-year probationary 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 at least twenty hours per week as such. If Respondent ceases to be regularly employed as a physical therapist assistant in Louisiana, she shall notify the Executive Director in writing within ten days of the last date Respondent has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist assistant within the State of Louisiana, she shall notify the Executive Director in writing within ten days of her return to practice.

D. During each of the two years of license probation, Respondent shall successfully complete continuing education courses on professional ethics (4 hours minimum) and on documentation of treatment (4 hours minimum) which have been approved in advance by the Board Executive Director and which shall be in addition to the usual continuing education required to maintain licensure. At least once during her probationary period, Respondent shall attend the Jurisprudence Course presented by the Board and pass the examination at the end of that course.

E. 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 may have learned as a result of this disciplinary process. This essay shall be submitted to the Board Executive Director no later than October 31, 2011.

F. Respondent shall notify the Executive Director in writing of all employment and/or contractual service arrangements which she has to work as a physical therapist assistant and shall update the Executive Director in writing within five days of any and all changes in such arrangements.

G. Respondent shall provide a copy of this Consent Order to her employer(s) before providing services to that employer and shall have the employer(s) notify the Executive Director in writing that she/he has received and reviewed a copy of this Consent Order; Respondent shall do this also with any new or subsequent employer(s) during her probationary period.

H. Respondent shall reimburse the Board in the sum of \$500 for legal and investigative expenses arising out of this matter. Payment of this amount may be made in installments over Respondent's probationary period, which must be arranged in advance on terms acceptable to the Executive Director.

I. Respondent shall cooperate with Board representatives seeking to verify or document that the requirements of this Consent Order have been met, and that legal and ethical procedures and practices are in place and being complied with in her practice. Respondent shall attend meetings requested by the Board or by her Board monitor.

J. Respondent declares that, before signing this Consent Order, she has carefully read this document, that she waives the participation of legal counsel, that she understands the contents, and freely consents to it as valid and binding upon her. Recognizing her right to have notice of allegations or charges asserted against her, to administrative adjudication of such allegations or

charges, pursuant to La. R.S. 49:955-958, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Michelle Thibodeaux nonetheless waives these rights and proceedings and, pursuant to La. R.S. 49:955D and Board Rule 335, agrees to entry of this Consent Order.

K. Respondent authorizes the Investigating Board Member, Danny Landry, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose to, 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 Investigating Board Member's authority to file a formal Administrative Complaint against her, or to the Board's capacity 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, his right to have notice of any allegations or charges asserted 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.

L. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair and recognizes that her failure to comply with any term of this Consent Order is a basis for further disciplinary action by the Board.

M. All communication 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 shall be considered as proof of compliance or commitment.

SWORN TO AND SUBSCRIBED on this _____ day of _____, 2011.


Michelle Thibodeaux, PTA

AGREED AND ACCEPTED by official action of the Board, the _____ day of _____,
2011, at Lafayette, Louisiana.

LOUISIANA PHYSICAL THERAPY BOARD

Jerry Jones, P.T., Chairman