



State of Louisiana

Board of Physical Therapy Examiners

120 REPRESENTATIVE ROW

P. O. BOX 80703

LAFAYETTE, LA 70598-0703

318/235-1462

In The Matter Of	-	CONSENT ORDER
DWIGHT A. TIETJEN, P.T.	-	-----
License No. 118	-	ADMINISTRATIVE CASE NO.
Respondent	-	92-101

TO: Dwight A. Tietjen, P.T.
 c/o Mr. John M. Madison, Jr.
 Wiener, Weiss, Madison & Howell
 P. O. Box 21990
 Shreveport, Louisiana 71120-1990

An Administrative Hearing was convened before the Louisiana State Board of Physical Therapy Examiners (the "Board") on March 26, 1992, to discuss alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, Dwight A. Tietjen ("Tietjen") to-wit: "practicing physical therapy in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act," La. Rev. Stat., Title 37, Section 2413A(1); violating provisions of the Physical Therapy Practice Act, La. Rev. Stat., Title 37, Sections 2404B, 2413A(7) and 2414(4); and for violating the Rules and Regulations promulgated by the Board, Rules and Regulations, Title 46, Sections 153A, 305A, 317 and 321 et seq.

In attendance, at the Administrative Hearing was Respondent, Dwight A. Tietjen, and John M. Madison, Jr., Respondent's attorney; Charles E. Jackson, Respondent's employee; Sharon Toups, Gregory Ward and Rebecca B. Lege', Board members; and Michael A. Tomino, Jr., attorney for the Board.

Upon consideration of the discussion and evidence presented at the Administrative Hearing, this Consent Order, effective April 1, 1992, is voluntarily entered into by and between the Board and Respondent, Dwight A. Tietjen:

FINDINGS OF FACT

1. Respondent, Dwight A. Tietjen, is 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, LSA R.S. 37:2401 et seq., as evidenced by License No. 118.

2. Beginning on or about August 28, 1991, through September 27, 1991, Charles E. Jackson, P.T., License No. 1438 ("Jackson"), was the employee, contractor and/or agent of Respondent d/b/a Tietjen's Physical Therapy, Inc. and as such rendered physical therapy to patients of Kimberly Quality Care in home health settings and/or nursing homes.

3. At all times pertinent herein, Respondent was owner of and/or doing business as Tietjen's Physical Therapy, Inc. to provide physical therapy services to home health and/or nursing home patients of Kimberly Quality Care.

4. Jackson was graduated from Louisiana State Medical Center at Shreveport, Louisiana, on August 17, 1991.

5. For the period of time from August 28, 1991, through September 23, 1991, Jackson was not licensed to provide physical therapy services to home health and/or nursing home patients.

6. Graduation ceremonies were conducted on August 24, 1991.

7. Pursuant to his written application, on September 24, 1991, Jackson was issued a temporary permit to practice physical therapy pursuant to law.

8. For the period of time commencing September 24, 1991, through September 27, 1991, Jackson possessed a temporary permit issued by the Board; however, Jackson practiced physical therapy services on home health and/or nursing home patients without the proper supervision of a licensed physical therapist.

9. Respondent was the supervising physical therapist for Jackson effective August 26, 1991, through September 27, 1991.

10. Respondent failed to properly supervise Jackson's physical therapy services rendered to home health and/or nursing home patients for the period of time commencing August 28, 1991, through September 23, 1991, in the home health and/or nursing home settings. For this period of time Jackson was considered "physical therapy supportive personnel" pursuant to law.

11. Respondent failed to properly supervise Jackson's physical therapy services rendered to home health and/or nursing home patients for the period of time commencing September 24, 1991, through September 27, 1991, in home health and/or nursing home settings. For this period of time, Jackson was considered a "temporary permittee" pursuant to law.

12. A formal Administrative Hearing, case number 91-103, was convened before the Board on January 23, 1992, to adjudicate alleged, specific violations of the Louisiana Physical Therapy Practice Act by Jackson.

13. In accordance with due process, and upon consideration of the evidence presented, the Board rendered a Final Decision, dated January 30, 1992.

14. Pursuant to the Final Decision, the Board entered judgment against the Jackson whereby his license to practice physical therapy was suspended for thirty (30) days for violating the Physical Therapy Practice Act, more particularly practicing without a temporary permit or license, and practicing without proper supervision. Thereafter, his license was placed on probation for twenty-three (23) consecutive months. The Final Decision is incorporated herein by reference.

15. For all pertinent times herein, Jackson was an employee, contractor and/or agent of Respondent to provide physical therapy services to home health and/or nursing home patients.

16. The Final Decision regarding Jackson's administrative case was mailed to Respondent as Jackson's supervising physical therapist and/or employer on February 18, 1992, by certified mail,

return receipt requested. The executed return receipt was thereafter received by the Board.

17. Pursuant to the Board's Final Decision, Jackson's renewed license was stamped with the sanctions set forth in the Final Decision. Effective February 14, 1992, through March 14, 1992, Jackson's license was under suspension. In addition, the probationary terms were stamped on the license which would become effective subsequent to the suspension period. Jackson's license with the stamped sanctions thereon was mailed to him certified mail, return receipt requested on February 13, 1992. The executed return receipt was thereafter received by the Board verifying that Jackson received his renewed license.

18. On February 19, 1992, through February 27, 1992, Jackson, as an employee, contractor and/or agent of Respondent practiced physical therapy on a patient and/or patients of Garden Park Nursing Home during the period of time that his license was under suspension, i.e., not a lawfully issued, current and valid license, and in violation of the Final Decision rendered by the Board, dated January 30, 1992.

19. Respondent was aware of Jackson's license being under suspension; however, he allowed Jackson, as an employee, contractor and/or agent of Respondent, to render physical therapy to a patient or patients of Garden Park Nursing Home during the suspension period.

20. Respondent voluntarily agrees to the above Findings of Fact and Terms of Consent Order.

TERMS OF CONSENT ORDER

Based upon the foregoing Findings of Fact, Respondent and the Board, by vote of the quorum, mutually agree to the following:

1. Effective April 1, 1992, through March 31, 1994, Tietjen's license to practice physical therapy shall be placed on probation for violating the Physical Therapy Practice Act as set forth above.

2. During the entire probation period, Tietjen is to be available for meetings with the Board or a representative committee of the Board upon reasonable notice.

3. At the end of the probation period, Tietjen shall meet with the Board or a representative committee of the Board to discuss compliance with the probation.

4. During the probation period, Tietjen shall not supervise a physical therapy student or temporary permit holder.

5. Tietjen's failure to comply with any of the terms of this Order shall be deemed just cause for the suspension or revocation of Tietjen's licensure, or any other disciplinary action, as if such violation were enumerated among the causes provided in LSA R.S. 37:2413 and the Rules and Regulations promulgated by the Board.

6. Tietjen shall return his license to the Board office within five (5) days of the effective date of the Consent Order for the sanctions to be stamped on his license.

7. If Tietjen ceases to practice physical therapy in Louisiana, or does not practice continuously, for the two (2) year term of his probation, the effect of the two (2) year probationary practice shall be suspended for the duration of the cessation. Tietjen may timely petition the Board in writing for review of this matter on the basis of personal hardship or other necessitous circumstances. The Board in its discretion may alter the terms of this provision depending upon the facts of the matter. "Timely" shall mean prior to the cessation or within five (5) days after the commencement of the cessation.

8. The existence and terms of this Consent Order will not be confidential or privileged information.

9. Each party shall bear the burden of paying their respective attorney's fees; however, Tietjen is to pay for the costs incurred in this matter.

10. Tietjen hereby releases the Board, its representatives and attorney from any obligations or liability in their endeavors to administer this Consent Order.

THUS DONE AND PASSED on the 7th day of April, 1992, at the City of Shreveport, Parish of CADDO, Louisiana, in the presence of the two undersigned competent witnesses, who hereunto sign their names with appearer and me, Notary, after due reading of the whole.

WITNESSES

Ann Barrett
Arthur M. Gates

Dwight A. Tietjen
Dwight A. Tietjen

[Signature]
Notary Public

THUS DONE AND PASSED on the 1st day of April, 1992, at the City of Lafayette, Parish of Lafayette, Louisiana, in the presence of the two undersigned competent witnesses, who hereunto sign their names with appearer and me, Notary, after due reading of the whole.

WITNESSES

Diane P. Projean
Angela S. Lujan

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS
BY: Rebecca B. Lege' P.T.
Rebecca B. Lege', P.T.
Chairman ad hoc

Michael A. [Signature]
Notary Public