



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
GARY R. JOHNSON, L.P.T.
License No. 01209

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FINAL DECISION

ADMINISTRATIVE CASE NO.
91 - 101

TO: Gary R. Johnson, L.P.T.
5233 Buttercreek Lane, Apt. 5
Baton Rouge, LA 70809

A Formal Administrative Hearing was convened before the Louisiana State Board of Physical Therapy Examiners ("Board") on May 31, 1991, to adjudicate alleged, specific violations of the Louisiana Physical Therapy Practice Act by Gary R. Johnson, P.T. ("Johnson") to-wit: "practicing physical therapy in violation of the provisions of the Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act, " La. Rev. Stat., Title 37, Section 2413(1); and engaging in "unprofessional conduct." La. Rev. Stat., Title 37, Section 2413(7). "Unprofessional conduct shall include departure from, or failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice, in which proceeding actual injury to a patient need not be established," La. Rev. Stat., Title 37, Section 2413(7).

A quorum of the Board was present consisting of Rebecca B. Lege', Paul A. Lamothe, Jr., Sharon Toups and Dr. Thomas LaBorde. Gary R. Johnson, P.T. was present and chose to represent himself in proper person. The State was represented by attorney, Michael A. Tomino, Jr.

Upon consideration of the evidence presented, pursuant to LSA R.S. 49:958, the Board rendered the following findings of fact, conclusions of law and decision.

Findings of Fact

1. Mr. Johnson is a physical therapist duly licensed by the Board to practice physical therapy 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. 01209.

2. At all times pertinent herein, Mr. Johnson was engaged in the active practice of physical therapy as a temporary permit holder at Humana Hospital in Winnfield, Louisiana, and was an employee of Professional Therapy Management Services, Inc.

3. At all times pertinent herein, Professional Therapy Management Services, Inc. contracted with Humana Hospital in Winnfield, Louisiana, to provide a physical therapist and physical therapy services to patients of the hospital.

4. On November 20, 1990, Mr. Johnson failed to appear and complete his shift work as a physical therapist and supervisor of supportive personnel at Humana Hospital.

5. Additionally, on November 20, 1990, Mr. Johnson failed to notify his employer or make arrangements for a replacement physical therapist to perform his obligations at the hospital.

6. During Mr. Johnson's absence on November 20, 1990, Mr. Johnson directed the supportive personnel he was responsible for supervising to perform unsupervised physical therapy to several patients at the hospital. The supportive personnel did perform physical therapy to the patients. The patients ultimately were not billed for the physical therapy.

7. Mr. Johnson directed supportive personnel to document and bill for out-patient physical therapy services when in fact the patient, Mr. Charles Prine, failed to appear for the appointment.

Conclusions of Law

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

1. On November 20, 1990, Mr. Johnson failed to properly supervise supportive personnel rendering physical therapy to patients and, therefore, just cause exists for action against his license as provided for by LSA R.S. 37:2401(1), LSA R.S. 37:24413A(1) and Rules and Regulations, Title 46, Sections 305 and 321 et seq.

2. Mr. Johnson's directions on November 20, 1990, to supportive personnel he was responsible for supervising to perform unsupervised physical therapy is in violation of the Physical Therapy Practice Act and the Rules and Regulations promulgated thereto and, therefore, just cause exists for action against his license as provided by LSA R.S. 2401(1), LSA R.S. 37:2413A(1), and Rules and Regulations, Title 46, Sections 305 and 321 et seq.

3. Mr. Johnson's direction to supportive personnel to document and bill for physical therapy treatment to a patient, Mr. Charles Prine, for services not rendered is in violation of the Physical Therapy Practice Act and the Rules and Regulations promulgated thereto, and therefore, just cause exists for actions against his license as provided by LSA R.S. 37:2401(1), LSA R.S. 37:2413A(1), and Rules and Regulations, Title 46, Section 321 et seq.

4. Mr. Johnson's actions and/or inactions as set forth above, more particularly lack of proper supervision of supportive personnel and improper billing and documentation practices, fail to conform to the minimal standards of acceptable and prevailing physical therapy practice and, therefore, just cause exists for action against his license as provided by LSA R.S. 37:2413A(1) and (7) and Rules and Regulations, Title 46. Section 321 and 323.

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 physical therapist, Gary R. Johnson, P.T., and that based on the evidence, oral presentation and admissions under oath to the charges by Mr. Johnson which have been submitted in this matter, that his license to practice physical therapy be placed on probation for a period of twelve (12) consecutive months, effective with the date of this order.

IT IS FURTHER ORDERED that during this twelve (12) month period, it is Mr. Johnson' responsibility to have his employer provide quarterly reports to the Board addressing Mr. Johnson's documentation and billing practices, and supervision of supportive personnel. These reports should be received by the Board on or before the 15th of the following months, August 1991, November 1991, February 1992 and May 1992.

IT IS FURTHER ORDERED that Mr. Johnson shall send his license renewal card to the Board within five (5) working days after receipt of this decision in order for it to be stamped with probation and then returned to him.

IT IS FURTHER ORDERED that at the end of the twelve (12) month period, Johnson shall appear before the Board or a representative committee for an informal meeting to demonstrate to the Board satisfactory compliance with the terms of his probation.

IT IS FURTHER ORDERED that Mr. Johnson shall be responsible for the payment of the costs of the administrative hearing held in this matter.

IT IS FURTHER ORDERED that Mr. Johnson's failure to comply with any of the terms of this order shall be deemed just cause for the suspension or revocation of Mr. Johnson'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.

Lafayette, Louisiana, this 5th day of June, 1991.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

BY; Rebecca B. Lege' P.T.

Rebecca B. Lege', P.T.

Board Member and Presiding

Hearing Officer