
In the Matter of
ROBYN ALLEMAN
PT License No. 05219
Respondent

* **LOUISIANA STATE BOARD OF**
* **PHYSICAL THERAPY EXAMINERS**
*
* Case Number 2009 I 029

CONSENT ORDER

Respondent Robyn Alleman and her employer, Senior Home Care, d/b/a Synergy Home Care (SHC), jointly and voluntarily reported to the Board that Robyn Alleman, a physical therapist licensed by the Board, had tested positive for a controlled substance in a drug screen conducted at her place of employment after two home healthcare patients treated by Respondent reported during the same week that they were missing prescription medications after treatment visits by Ms. Alleman. The drug screen was positive for propoxyphene (Darvon) and Ms. Alleman was terminated from her employment by SHC.

Pursuant to the report by Respondent and her employer to the Board, Respondent was asked to meet with Board representatives on August 25, 2009. Respondent appeared and participated in the Informal Conference with Investigating Board Member Dan Wood and Board General Counsel Glenn Ducote on that date at the public library in Monroe. In the course of that conference, Respondent indicated that she was dealing with stress and depression from the recent death of a child of a close friend and that she had used four prescription medications: Darvocet, Lortab, Xanax and Atavan. Respondent indicated that she had a July, 2009 prescription for Lortab obtained when she was suffering shoulder pain; a 2008 prescription for Atavan obtained for anxiety; a 2007 prescription for Xanax obtained to help her sleep; and that the Darvocet had been provided to her by her babysitter. She acknowledged that patients had reported missing prescription drugs including Lortab, Ambien and Xanax but denied that she had ever taken medications from the home of a physical therapy patient.

FINDINGS OF FACT

Respondent tested positive for Darvocet on July 27, 2009 while working as a physical therapist and treating home health patients in the Shreveport area. She was terminated by Senior Home Care on August 3, 2009 based on a positive drug screen report after reports by two unrelated patients that prescription medications were missing after treatment visits by Respondent. Respondent denies ever having taken medications from her physical therapy patients but acknowledged that she did not have a valid prescription for Darvocet when tested by her employer.

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. 37:2413A(7) and Board Rule 325.
2. As used in the Louisiana 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. Board Rules incorporate the *Code of Ethics* and *Guide for Professional Conduct* of the American Physical Therapy Association. Rules 305B and 331.

4. Respondent's use of Darvocet without a valid prescription and working as a physical therapist while under the influence of an un-prescribed narcotic drug constitutes un-professional conduct in violation of Rule 327C(2) and 327E(1).

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 is placed on probation for three years, beginning October 1, 2009, during which period her personnel records with employers will be subject to random inspection and documents reviewed for work attendance, productivity and supervisory compliance by a designated Board representative. Board representatives may also review and inspect patient treatment records for all patients treated by Respondent. Respondent and her employers are required to cooperate fully with these monitoring visits or document requests. For each such monitoring visit by a Board representative, Respondent shall pay to Board the sum of \$100 as reimbursement for costs incurred.

B. The three-year probationary period shall be extended for any period of time in which Respondent is not employed as a physical therapist 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 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 within the State of Louisiana, she shall notify the Executive Director in writing within ten days of her return to practice.

C. During the probationary period, Respondent shall be subject to random drug screens by her employer and those arranged by the Board, and shall reimburse the Board for the expense of drug screens initiated by the Board. Respondent shall notify the Board Executive Director on the date that she is tested by her employer of such test and shall request that her employer provide directly to the Board a copy of the drug screen report, the Medical Review Officer Declaration and the Medical Review Officer Contact Record for each such screening. Respondent shall report to the Board Executive Director any medication prescribed for her and the purpose of such medication along with the name, address and telephone contact information for the prescribing doctor and the pharmacy where the prescription is filled. Such report shall be made by email within 36 hours of filling the prescription.

D. Respondent shall report for substance abuse evaluation by qualified addiction specialists who are designated by the Board and shall comply with recommendations for treatment which may result from such evaluations. The cost for such treatment shall be borne by Respondent.

E. 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 and shall update the Executive Director in writing within five days of any and all changes in such arrangements. At no time during her probationary period, shall Respondent work providing physical therapy services in a home health setting.

F. Respondent shall provide a copy of this Consent Order to her employer at the time this Consent Order is completed, and then before providing services to any new employer. She shall have her employer(s) notify the Executive Director in writing that they have 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.

G. During the first year of her probation, Respondent shall successfully complete a traditional continuing education course in the ethics of physical therapy for a minimum of six contact hours. This course must be approved in advance by

the Board Executive Director.

H. 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.

I. Respondent declares that, before signing this Consent Order, she has carefully read this document, she waives the participation of legal counsel, understands the contents, and freely consents to it as valid and binding upon her. Recognizing her right to have notice of the 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, Respondent 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.

J. Respondent authorizes Investigating Board Member Dan Wood 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, her 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.

K. 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.

L. 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 21st day of December, 2009.

Robyn Alleman, P.T.
Robyn Alleman, P.T.

AGREED AND ACCEPTED by official action of the Board, the 21st day of October, 2009, at Lafayette, Louisiana.

**LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS**

Dan Wood PT
DAN WOOD, P.T. CHAIR