CONSENT ORDER

A Board initiated complaint was instituted after Board staff became aware that Aubrey Yarbrough, P.T., Respondent, had failed to renew his license for 2003, but had continued to practice at his place of employment, Cornerstone Physical Therapy and Rehabilitation (Cornerstone) in Shreveport. Respondent submitted a reinstatement/renewal application dated June 17, 2003 and was issued a Temporary Permit June 19, 2003, pending the outcome of these disciplinary proceedings.

FINDINGS OF FACT

Respondent’s license lapsed at the end of December, 2002. Respondent indicates that he prepared his license renewal application in mid-December, 2002 and placed it in outgoing mail at a nursing home where he was providing services. He is not certain where the application was placed in the mail and it has not been returned to him, nor has it been received at the Board office. Respondent could produce no proof of mailing. He did not take note that no 2003 license was received and his employer did not request that he produce proof of current licensure. As a result, Respondent practiced from January 1, 2003 until June 19, 2003, all the while continuing to provide services to patients in the course of his employment with Cornerstone. Respondent has now met the requirements for renewal/reinstatement.

CONCLUSIONS OF LAW

1. La. R.S. 37:2402A provides that “No person shall practice, or in any way hold himself out, or designate himself, as a physical therapist or a physical therapist assistant unless duly licensed by the Board in accordance with this Chapter.”

2. R.S. 37:2407 provides: “Every person licensed under the provisions of this chapter shall annually renew the license on or before January first of each year.”

3. R.S. 37:2408 provides: “A licensee who allows his license to lapse by failing to renew the license as provided in R.S. 37:2407 may be reinstated upon satisfactory explanation for the failure to renew and the payment of both the renewal fee for the current year and the reinstatement fee, which fees are provided in R. S. 37:2406.”

4. Respondent has met the burden of explaining his failure to timely renew his license.
DECISION

Pursuant to the foregoing Findings of Fact and Conclusions of Law, Respondent and the Board, by vote of quorum, agree as follows:

A. Respondent is reprimanded for the careless conduct described above which allowed his license to lapse and yet his practice continued. Respondent is placed on probation for a period of two years, beginning July 24, 2003.

B. Respondent shall fully cooperate with a monitor designated by the Board Chair, who shall be given full access to the places where Respondent provides professional services and shall facilitate the Board Monitor's access to patient charts for review, and access to patients and co-workers for interviews.

C. Respondent shall complete an extra Ethics continuing education course, which course shall be approved in advance by the Executive Director, and will attend the Board's jurisprudence workshop presently being offered to licensees.

D. Respondent will pay to the Board the amount of $500 by November 1, 2003 as reimbursement for administrative and legal expenses incurred in resolving this matter.

E. Respondent will provide to his employer a copy of this Consent Order and written notice that he was practicing from January 1, 2003 to June 19, 2003 without licensure.

SWORN TO AND SUBSCRIBED on the 24th day of July, 2003.

Aubrey Yarbrough, P.T.

AGREED AND ACCEPTED by official action of the Board, the 24th day of July, 2003 at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF PHYSICAL THERAPY EXAMINERS

Pat Adams, P.T., Chair
Aubrey Yarbrough
FINDINGS OF FACT

1. Respondent's license lapsed at the end of December, 2002. Respondent indicates that he prepared his license renewal application in mid-December, 2002 and placed it in outgoing mail at a nursing home where he was providing services. He is not certain where the application was placed in the mail and it has not been returned to him, nor has it been received at the Board office. Respondent could produce no proof of mailing. He did not take note that no 2003 license was received and his employer did not request that he produce proof of current licensure. As a result, Respondent practiced from January 1, 2003 until June 19, 2003, all the while continuing to provide services to patients in the course of his employment with Cornerstone. Respondent has now met the requirements for renewal/reinstatement.

DECISION

a. A. Reprimand for careless conduct and placed on probation for 2 years, beginning July 24, 2003
b. B. Cooperate with a monitor designated by the Board and provide the board Monitor's access to patient charts for review and access to patients and co-workers for interviews

c. C. Complete an extra Ethics CE course, which shall be approved in advance by the Executive Director
d. D. Will attend the board's Jurisprudence workshop presently being offered to licensees.

e. E. Pay to the board the amount of $500 by November 1, 2003
f. F. Provide to his employer a copy of this Consent Order and written notice that he was practicing from Jan. 1, 2003 to June 19, 2003 w/o licensure
LOUISIANA STATE BOARD OF PHYSICAL THERAPY EXAMINERS
Monitor Tracking Guide
Case Number 2003-126

Date: 4/7/05  Licensee: Aubrey Yarbrough

Purpose of monitor visit: Monitoring visit of Mr. Yarbrough at Tensas Care Rehabilitation to review charts & interview co-workers as to respondent's performance in patient care setting.

Evidence of Compliance: All charts appeared up to date. He continues to follow up with all NPS involved and continues to take Meds.

Linda Bump (Supervisor) stated she is happy with Aubrey's performance and did not have any complaints.

Evidence of Non-Compliance: I did not find any evidence of non-compliance.

Attachments: None.

Board Designee: Angelle Gust, MPT