CONCLUSIONS OF LAW

Respondent, a licensed physical therapist, was employed by his employer from April 2012 to April 2014. He was observed obtaining, possessing, and using steroids from a source described as a 'steroid distributor' and was reported to the Board for this conduct.

The Board has the authority to suspend or revoke a license which has been suspended or revoked for violation of the following provisions of law regulating the practice of physical therapy:

1. The Board has the authority to suspend or revoke a license which has been suspended or revoked for violation of the following provisions of law regulating the practice of physical therapy:

   a. Respondent's conduct described above and otherwise referred to in this action is subject to

   CONSENT ORDER

   Case Number 2012 1 013

   Respondent

   PTA License No. AG91
   DAVID WATKINS

   In the Matter of
unprofessional conduct or has violated the Practice Act of Rules of the Board. La. R. S. 37:2420A(7) and Board Rule 345B(1)(a),(6) and 351.

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 345B(1).


4. Respondent’s ingestion, self-administration or other use of a controlled substance affecting the central nervous system without a lawful prescription is in violation of La. R.S. 37:2420A(5) and Rules 351 and 373.

5. By working as a physical therapist assistant during a period of chronic drug use, Respondent engaged in unprofessional conduct. Rules 345B(1) and 373.

ORDER

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 shall remain suspended until April 20, 2013.

B. Upon the expiration of that one year license suspension, Respondent’s license as a physical therapist assistant is placed on probation for five years, during which period his 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 his employers are required to cooperate fully with these monitoring visits. During this five year probationary period, Respondent shall remit to the Board $150 as reimbursement for the expenses of each such monitoring visit to his practice.

C. The five-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 each week as such. If Respondent ceases to be regularly employed as a physical therapist assistant in Louisiana, he shall notify the Executive Director in writing within ten days of the last date he has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist assistant within the State of Louisiana, he shall notify the Executive Director in writing within ten days of his return to practice.

D. During his license suspension and probation Respondent shall abstain from the use and ingestion by any means of any controlled dangerous substance as defined by Louisiana and federal laws. If Respondent is prescribed a medication by a treating physician which is a controlled dangerous substance, he shall within three days of obtaining such a prescription provide documentation of the prescription, the condition for which the medication is prescribed, and contact information for the prescribing physician. He will provide to the Board names and contact information for all
physicians who are treating him during his suspension and probationary periods and a listing of all medications he is prescribed for any medical condition and by signing this document authorizes his treating physicians to provide information on his diagnosis, treatment and prescriptions to the Board Executive Director.

F. Respondent shall submit to and fully cooperate in psychological and substance abuse evaluations and testing to be performed by an appropriate professional designated by the Board and shall reimburse the Board for the expense of such testing and evaluation on a schedule agreed to with the Executive Director. Respondent shall authorize release to the Board of the report made and data gathered as a result of this testing and evaluation. If, as a result of such evaluations, it is recommended that Respondent participate in a substance abuse treatment program, Respondent shall do so at his own expense.

G. Respondent shall meet with the Board, or with the Board’s representative, whenever requested during his suspension and probationary period and shall fully cooperate in providing information and documents requested in such meetings.

H. During his license suspension and probation periods, Respondent shall promptly comply, as directed, with Board requests for random drug tests arranged by the Board and shall reimburse the Board for the expense of such tests. He shall also authorize and direct his employer and any recovery treatment program in which he participates to furnish to the Board copies of results for all drug tests conducted by those entities.

I. If any drug test of Respondent results in a positive finding for any controlled dangerous substance, Respondent’s license shall automatically and summarily be suspended without further action by the Board, subject to Respondent’s right to a full due process hearing before the Board within a reasonable time period to determine his future status as a licensee.

J. Respondent shall attend each week no less than two meetings of Alcoholic Anonymous, Narcotics Anonymous or other recovery support program approved by the Executive Director and shall document attendance on Board-provided forms.

K. Respondent shall write an essay of no fewer than 750 words explaining how his conduct violated the Practice Act and Board rules and what he has learned as a result of this disciplinary process. This essay shall be submitted to the Board Executive Director no later than November 1, 2013.

L. Respondent shall not seek or accept work in a setting that has not been approved in advance by the Board Executive Director and shall notify the Executive Director in writing of all employment and/or contractual service arrangements which he 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.

M. Respondent shall provide a copy of this Consent Order to his 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 the probationary period.

N. Respondent declares that, before signing this Consent Order, he has carefully read this document, that he waives the participation and advice of legal counsel, that he
understands the contents, and freely consents to it as valid and binding upon him. Recognizing his right to have notice of allegations or charges asserted against him, to administrative adjudication of such allegations or charges, pursuant to La. R.S. 49:955-958, and to a subsequent decision rendered upon written findings of fact and conclusions of law, David Watkins nonetheless waives these rights and proceedings and, pursuant to La. R.S. 49:955D and Board Rule 387, agrees to entry of this Consent Order.

O. Respondent authorizes the Investigating Board Member, Al Moreau, III, 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 him, 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 him, to administrative adjudication of such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law.

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

Q. 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.

David Watkins, P.T.A.

SWORN TO AND SUBSCRIBED on this 19th day of December, 2012, before me, Notary Public, at [Location], Louisiana.

[Signature]

[Notary Public Stamp]
AGREED AND ACCEPTED by official action of the Board, the 19th day of April, 2012, at Lafayette, Louisiana.

LOUISIANA PHYSICAL THERAPY BOARD

[Signature]
From
Date
To
Address
City
State
ZIP
Phone

1  2  3  4  5  6  7

Name
Name
317 Orleans Ave
New Orleans, LA 70112

David Watkins
Cheryl Gaudin

1-800-GO-FEDEX 1-800-463-3339

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If you have any questions, please call 1-800-463-3339.