

**LOUISIANA STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS**

**IN THE MATTER OF**

**BOARD DECISION**

**ADAM LA FLEUR, P.T.**

**LICENSE NO. 06409**

**NUMBER: 2006 - I - 53**

**STATEMENT OF THE CASE**

Based upon a complaint filed with the Louisiana Board of Physical Therapy Examiners (Board) against Adam LaFleur (Respondent), a Louisiana licensed physical therapist, a formal Administrative Complaint was lodged with the Board, which alleged that Respondent violated the provisions of the Physical Therapy Practice Act of Louisiana (Practice Act), the Board's Rules and Regulations (Rules) and the American Physical Therapy Association's (APTA) *Code of Ethics and Guide for Professional Conduct*, which are incorporated into the Board's Rules by reference, and failed to conform to minimum standards of practice, and thereby engaged in unprofessional conduct by:

- I. Repetitively sending to and receiving e-mail messages from a female physical therapy patient and the patient's 14-year-old daughter, which messages contained explicit anatomical, sexual, romantic and intimate references to the patient, the patient's daughter and to himself for the purpose of personal gratification or benefits unrelated to the provision of physical therapy services, Respondent failed to conform to the minimal standards of acceptable and prevailing physical therapy practice in the State of Louisiana and abused and exploited the physical therapy patient relationship thereby repetitively engaging in unprofessional conduct as further defined in the Physical Therapy Rules and Regulations (Rules) §327 (E) (1) and (6), all in violation of LA R.S. 37:2413 (A)(7). Respondent's conduct also failed to conform to the American Physical Therapy Association Code of Ethics Principle 4 ( a physical therapist shall exercise sound professional judgment) and thereby failed to conform to the minimal standards of acceptable and prevailing physical therapy practice in the State of Louisiana, which, pursuant to Board Rule 305 (B.) includes but is not limited to the American Physical Therapy Association Code of Ethics, and accordingly Respondent repeatedly violated LA R.S. 37:2413 (A) (1).
  
- II. Allowing the 14-year-old daughter of a physical therapy patient to be present at the Moreau Clinic in view of patients who were receiving physical therapy treatments and by taking the patient's daughter with him on home visits exposed the patients to a person who had no physical therapy training nor the maturity to understand or maintain patient confidentiality, Respondent compromised the patient's privacy interests, thereby repetitively engaging in unprofessional conduct by disclosing information relating to the physical therapist provider patient relationship to a third-party not involved in the

patients' care without such patients' prior written consent as specified in Board Rule 327 (E) (4) and also failed to conform to the minimal standards of acceptable and prevailing physical therapy practice in the State of Louisiana, which, pursuant to Board Rule 305 (B.) includes but is not limited to the American Physical Therapy Association Code of Ethics, by Respondent's failure to adhere to said code with respect to Principle 2 ( a physical therapist shall act in a trustworthy manner towards patients/clients, and in all other aspects of physical therapy practice), and Respondent's failure to adhere to Principle 4 ( a physical therapist shall exercise sound professional judgment), and accordingly, Respondent repetitively violated LA R.S. 37:2413 (A) (1).

- III. Repetitively communicating through the previously alleged e-mails and by personal conversation with a female physical therapy patient and the patient's 14-year-old daughter, which communications expressly fostered, promoted and encouraged a personal relationship between the Respondent and the patient's 14-year-old daughter and which communications were calculated to engender a belief that Respondent was interested in an intimate and possible long-term relationship with the patient's daughter, Respondent repetitively engaged in conduct for personal gratification and for benefits unrelated to the provision of physical therapy services, and Respondent failed to conform to the minimal standards of acceptable and prevailing physical therapy practice in the State of Louisiana and abused and exploited the physical therapy patient relationship and thereby repetitively engaged in unprofessional conduct as further defined the Physical Therapy Rules and Regulations (Rules) §327 (E) (1) and (6) all in violation of LA R.S. 37:2413 (A)(7).
- IV. Possessing actual knowledge of the conduct of Jonathan Coscart, PTA and his participation in the e-mail correspondence as alleged herein Respondent was, at all times, aware that the conduct of the PTA did not conform to the minimal standards of acceptable and prevailing physical therapy practice in the State of Louisiana, which, pursuant to Board Rule 305 (B.) includes but is not limited to the American Physical Therapy Association Code of Ethics, which provides in Principle 9 ( a physical therapist shall protect the public and the profession from unethical, incompetent and illegal acts) and, notwithstanding this knowledge, failed to report the violations of the PTA to the Board as required by Board Ruled 331 and was therefore in violation of LA R.S. 37:2413 (A) (1).

Pursuant to LSA-R.S. 37:2401, et seq. (Practice Act), and specifically LSA-R.S.37:2413, LSA-R.S. 49:950, et seq. (Louisiana Administrative Procedure Act), and Chapter 3, Subchapter D. of the Board rules and regulations entitled "Disciplinary Proceedings", a formal administrative hearing was held before the Board on May 18, 2007.

Members of the Board who participated in the hearing are: Barbara Adcock, P.T., New Orleans, Board Chair; Mark Brown, P.T., Pineville; Dan Wood, P.T., Monroe; and B. Todd Drury, M.D., Alexandria. Board legal counsel Glenn Ducote presided at the hearing. Also present was George Papale, complaint counsel for the Board. Respondent Adam LaFleur, P.T., and his attorney Jerry L. Mallet of Lafayette were also present.

After completion of the hearing, the matter was taken under advisement by the Board. Having considered the law, the evidence and argument of counsel, the Board has reached the following findings of fact and conclusions of law and come to the following decision.

### **FINDINGS OF FACT**

1. Respondent is a physical therapist, licensed to practice physical therapy in Louisiana. He holds license No. 06409 and has a master's degree in physical therapy.

2. From December, 2003 until November, 2007, Respondent was employed by Moreau Physical Therapy at their clinic in Port Barre, Louisiana, and occasionally provided services at other clinics operated by Moreau Physical Therapy. At all times relevant to this proceeding Respondent served as clinical director at the Port Barre Clinic and supervised Jonathan Coscart, P.T.A., who worked at the same facility.

3. On September 18, 2006, Respondent performed the initial physical therapy evaluation on patient Kathy L. and provided additional documented physical therapy treatments to her on 11 occasions between September 18, 2006 and November 2, 2006.

4. During a physical therapy treatment session, patient Kathy L. disclosed personal information about her 14 year-old daughter, Katelyn L., and requested permission to bring her daughter to Moreau Physical Therapy during her physical therapy sessions. Respondent granted his permission and the patient then brought her daughter to the clinic on several occasions.

5. Subsequently, Respondent authorized Katelyn L. to serve as a "volunteer" at the Port Barre Clinic where she observed patient treatments and heard communications between patients and Respondent. Katelyn L. also accompanied Respondent while he made visits to patients treated in their homes. Respondent terminated Katelyn L.'s volunteering on October 24, 2006 after being told to do so by Al Moreau, III, one of the co-owners of Moreau Physical Therapy

6. In connection with his employment at the Moreau Clinic, Respondent had password access to computer workstations with which he could process and record patient clinical information. These computer workstations also had access to an e-mail server maintained by Moreau Physical Therapy through which Respondent could receive and send e-mails using the e-mail address of "[adamlafleur@moreaupt.com](mailto:adamlafleur@moreaupt.com)".

7. Through the Moreau Physical Therapy e-mail server there were multiple e-mails of a sexually explicit nature between Respondent and patient Kathy L. which began on October 5, 2006 and continued until Respondent was terminated by his employer on November 3, 2006. Respondent admitted that he participated actively in these communications.

8. Through the Moreau Physical Therapy e-mail server there were multiple e-mails of a sexually explicit nature between Respondent and someone identified as Katelyn L., the 14 year-old

daughter of patient Kathy L., which began on October 12, 2006 and continued until Respondent was terminated by his employer on November 3, 2006. Respondent admitted that he participated actively in these communications.

9. Responding to a complaint from another patient at the Port Barre clinic, Christina Faucheux, P.T., a part-owner of Moreau Physical Therapy, on the evening of November 2, 2006 accessed the company e-mail server and discovered the sexually explicit e-mails which had been exchanged between Respondent and patient Kathy L. and those between Respondent and the person identified in the e-mails as Katelyn L.

10. On the morning of November 3, 2006, Christina Faucheux and Al Moreau, Jr., P.T., another of the co-owners of Moreau Physical Therapy, went to the Port Barre clinic where they confronted Respondent with their conclusions after reviewing the e-mails and terminated his employment with Moreau Physical Therapy immediately.

11. Respondent admitted that he took no measures to terminate the sexually explicit e-mails on his work computer prior to his termination by his employer.

12. Respondent admitted that he treated patient Kathy L. between October 12, 2006 and November 1, 2006 without documenting this patient care.

13. Respondent acknowledged that he received instruction and training regarding boundary issues and professional conduct while studying to become a physical therapist at the LSU Medical Center in New Orleans.

\*\*\*\*\*

The essential facts in this matter are not in dispute. Respondent is charged with unprofessional conduct in his practice of physical therapy by engaging in a month-long sexually explicit e-mail correspondence with a patient whom he was treating at the time the correspondence occurred. There was also sexually explicit e-mail correspondence between the therapist and a person identified in the messages as the 14 year old daughter of the patient who initiated the correspondence.

Much emphasis was given in testimony to the assertion that the e-mails using the name of the patient's daughter were actually written by the patient and not the daughter. Respondent himself testified that he believed this misrepresentation from the beginning. The Board did not find such evidence credible in light of many indications in the evidence to the contrary.

In any event, such distinction would only go to the weight of the evidence and not to the undisputed and admitted fact that Respondent participated in a month-long sexually explicit email correspondence with a patient and with someone identified as the patient's daughter. To have engaged in such a correspondence with a minor would add to the gravity of the violation, but such weight is not needed to arrive at a conclusion on the basic merits of the charge of unprofessional conduct. Respondent in his testimony admitted to that very characterization of his conduct.

The Board finds that Respondent's conduct in carrying on this inappropriate and reprehensible correspondence from his workplace with a patient is ample grounds to find that he engaged in

unprofessional conduct of a most egregious variety. Although these grotesque communications were recklessly initiated by the patient, Respondent, as a medical professional and licensee of this Board, had a responsibility from the outset to reject and put an end to such salacious communications coming into his workplace. He could have responded to the first messages with disapproval; he could have blocked the e-mails from coming in; he could have told the patient to cease such communication; he could have told the patient to go elsewhere for treatment, but he did none of these things.

Instead of immediately putting an end to the suggestive messages and attempts at bawdy humor, he blithely responded to them and even encouraged them with offers of "in-home massages" with "no body parts off limits". These exchanges of pornographic language continued for nearly a month without objection from Respondent. Indeed, if he had not been terminated by his employer when they discovered what was occurring, the sexually explicit messages might still be going on. At no point during this course of events did Respondent assert any objection, interpose any caution or exercise any element of professional responsibility or conduct.

Likewise, although not of the same gravity, Respondent demonstrated unprofessional conduct by allowing a 14 year old girl described by her mother as emotionally unstable to be present and to observe patient treatments and communications, both in the clinic and in home health sessions. Regardless of Moreau Physical Therapy Clinic policies and his lack of knowledge of, or compliance with, those policies, such an arrangement should not have been undertaken without appropriate documentation and ascertaining that it was not violative of company or school board policy.

Although Respondent was not formally charged with failure to document treatments which were provided to patient Kathy L., he initiated testimony indicating that, in addition to the 12 documented treatment sessions, he repeatedly treated this patient without making entries in the treatment record for the care provided.

### LAW

In reaching its decision, the Board considered and relied upon the following law, rules and codes:

LSA-R.S. 37:2401, et seq. (the Practice Act) provides, in pertinent part, as follows:

**Sec. 2413 Refusal, suspension, or revocation of license**

**A. The board after due notice and hearing may refuse to license any applicant, or may refuse to renew the license of any person, or may suspend or revoke any license upon proof that the person:**

**(1) Practices physical therapy in violation of the provisions of this Chapter and any rules and regulations promulgated thereto . . . .**

**(7) Has been found guilty of unprofessional conduct. 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.**

.....

**B. Minimal Standards of acceptable and prevailing physical therapy practice shall include but not be limited to the American Physical Therapy Association Code of Ethics.**

Board Rule 327, entitled Definitions, provides, in pertinent part, as follows:

E. As used in R.S. 37: 2413. A. (7) of the Physical Therapy Practice Act, the term "unprofessional conduct" means:

1. departure from, or failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice in the State of Louisiana, regardless of whether actual injury to a patient results therefrom; . . .

3. making or participating in any communication, advertisement, or solicitation which is false, fraudulent, deceptive, misleading or unfair, or which contains a false, fraudulent, deceptive, misleading or unfair statement or claim; . . .

6. abuse or exploitation of the physical therapy provider patient relationship for the purpose of securing personal compensation, gratification, or benefit unrelated to the provision of physical therapy services.

The APTA *Code of Ethics*, with each Principle followed by the relevant provision of the *Guide for Professional Conduct*, provides, in pertinent part, as follows:

**PRINCIPLE 2: A physical therapist shall act in a trustworthy manner towards patients/clients, and in all other aspects of physical therapy practice.**

#### **2.1 Patient/Physical Therapist Relationship**

A. A physical therapist shall place the patient/client's interest(s) above those of the physical therapist. Working in the patient/client's best interest requires knowledge of the patient/client's needs from the patient/client's perspective. Patients/clients often come to the physical therapist in a vulnerable state and normally will rely on the physical therapist's advice, which they perceive to be based on superior knowledge, skill, and experience. The trustworthy physical therapist acts to ameliorate the patient's/client's vulnerability, not to exploit it.

B. A physical therapist shall not exploit any aspect of the physical therapist/patient relationship.

C. A physical therapist shall not engage in any sexual relationship or activity, whether consensual or non-consensual, with any patient while a physical therapist/patient relationship exists. Termination of the physical therapist/patient relationship does not eliminate the possibility that a sexual or intimate relationship may exploit the vulnerability of the former patient/client.

#### **2.2 Truthfulness**

A physical therapist has an obligation to provide accurate and truthful information. A physical therapist shall not make statements that he/she knows or should know are false, deceptive, fraudulent, or misleading. See Section 8.2.C and D.

**PRINCIPLE 4: A physical therapist shall exercise sound professional judgment.**

#### **4.1 Professional Responsibility**

A. A physical therapist shall make professional judgments that are in the

patient/client's best interests. . . .

**D. A physical therapist shall exercise sound professional judgment based upon his/her knowledge, skill, education, training, and experience.**

....

**PRINCIPLE 9: A physical therapist shall protect the public and the profession from unethical, incompetent, and illegal acts.**

**9.1 Consumer Protection**

**A. A physical therapist shall provide care that is within the scope of practice as defined by the state practice act.**

**B. A physical therapist shall not engage in any conduct that is unethical, incompetent or illegal.**

**C. A physical therapist shall report any conduct that appears to be unethical, incompetent, or illegal.**

**CONCLUSIONS OF LAW**

In response to the Violations Alleged in Paragraphs 29-32 of the Administrative Complaint, the Board has reached the following Conclusions of Law:

29. Findings of Fact 6, 7 and 10 clearly support a finding that Respondent repeatedly engaged in unprofessional conduct as defined in Rule 327E (1) and (6), all in violation of La. R.S. 37:2413A (7). The conduct described in Findings of Fact 6, 7 and 10 also failed to conform to the American Physical Therapy Association Code of Ethics and Guide for Professional Conduct 2.1A, B and C; 4.1A and D; and 9.1A, B and C.

30. Findings of Fact 3 and 4 clearly support a finding the Respondent engaged in unprofessional conduct as defined in Rule 327E (4) and (6), all in violation of La. R.S. 37:2413A (7). The conduct described in Findings of Fact 3 and 4 also failed to conform to the APTA *Code of Ethics* Principle 2 [A physical therapist shall act in a trustworthy manner towards patients/clients, and in all other aspects of physical therapy practice.], and Principle 4 [A physical therapist shall exercise sound professional judgment.].

31. Findings of Fact 4, 6 and 7 clearly support a finding that Respondent repeatedly engaged in unprofessional conduct as defined by Rule 327E (6) in that his conduct was for personal gratification and for benefits unrelated to the provision of physical therapy services, all in violation of La. R. S. 37:2413A (7).

32. The Board finds it unnecessary to reach a conclusion with regard to Respondent's conduct in connection with the Violation Alleged in Paragraph 32 of the Administrative Complaint.

**DECISION**

Considering the law and the Board's findings of fact and conclusions of law, it is the decision of a majority of the members of this Board that:

1. Respondent's physical therapist license shall be suspended for one year, beginning June 4, 2007.
2. After the completion of the period of suspension, Respondent shall be placed on probation for three years during which time Board representatives may make random visits to his place of employment and review any and all records related to his employment, attendance, patient treatment, and all forms of communication between patient and therapist.
3. 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. If Respondent ceases to be regularly as a physical therapist in Louisiana, he 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, he shall notify the Executive Director in writing within then days of his return to practice.
4. Respondent shall notify the Executive Director in writing of all employment and/or contractual service arrangements which he has to work as a physical therapist, and shall update the Executive Director within five days of any and all changes in such arrangements.
5. Respondent shall provide a copy of this Decision to his employer before providing services to that employer and shall have the employer notify the Executive Director in writing that he has received and reviewed a copy of the Decision. Respondent shall do this with any new or subsequent employer during his probationary period.
6. During the period of license suspension and probation, Respondent shall continue to participate in the Professional Boundaries Maintenance & Accountability Group, unless the director of such program certifies that he recommends terminating such participation.
7. If a criminal conviction of Respondent results from the conduct arising out of the communications and relationships presented in the Administrative Complaint in these proceedings, the Board may examine the evidence leading to such a conviction and reconsider the sanctions which have been levied herein.

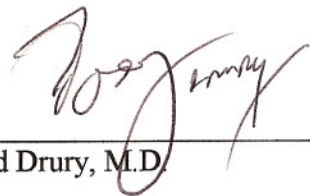



Thus done and signed this 30th day of May, 2007 at Lafayette, Louisiana.

**LOUISIANA STATE BOARD OF PHYSICAL THERAPY EXAMINERS**

  
\_\_\_\_\_  
Barbara Adcock, P.T., Chair

  
\_\_\_\_\_  
Mark Brown, P.T.

  
\_\_\_\_\_  
B. Todd Drury, M.D.

  
\_\_\_\_\_  
Dan Wood, P.T.

**MINORITY REPORT**

While I concur in the Decision reached by the Board above, I feel that the testimony of Kathy L. was not convincing and that she and Respondent may have been playing twisted games and role playing. If this was the case, the hearing did not completely implicate an inappropriate relationship between Respondent and the 14 year old daughter of the patient.

May 30, 2007

Handwritten signature of Dan Wood in cursive script.

---

Dan Wood, Board Member