
In the Matter of

* LOUISIANA PHYSICAL THERAPY BOARD

RYAN ROUSSEL, PT

*

License No. 08111

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Respondent

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Case Number 2014-1-003

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CONSENT ORDER

Ryan Roussel, PT ("Mr. Roussel" or "Respondent"), who was licensed as a physical therapist in 2011, was the subject of a complaint filed with the Louisiana Physical Therapy Board ("Board") on February 10, 2014 by a fellow professional. Mr. Roussel subsequently self-reported to the Board the same conduct which was the subject matter of the complaint.

Mr. Roussel attended an Informal Conference at the Board office on February 20, 2014, at which time he admitted to Board Member, Kristina Lounsberry, PT and George M. Papale, Board legal counsel, that he had intimate relations with a 20-year-old female physical therapy patient. Mr. Roussel acknowledged that the relationship began when the patient shared personal information about herself, about which he showed interest and for which he provided advice to the patient. Mr. Roussel admitted that the subject matter of these discussions was outside the scope of physical therapy practice.

Thereafter, he and the physical therapy patient exchanged cell phone numbers, carried on conversations and exchanged text messages unrelated to physical therapy services and through these communications an intimate relationship developed. The relationship with the patient continued for at least a month until it was discovered by Respondent's wife, who confronted Respondent and shared the information with Respondent's employer. Respondent admitted that he discharged the female patient from physical therapy services several days after he was confronted about the relationship. Respondent asserted that the termination of physical therapy services was by mutual agreement.

Mr. Roussel has asserted that no intimate contact with the patient occurred during physical therapy treatment or at the clinic and that such conduct has not occurred with any other patient.

At the Informal Conference, Mr. Roussel acknowledged culpability for his actions and expressed remorse. Respondent has cooperated with the Investigative Committee's requests by submitting to a psychological evaluation, drug testing and a criminal background check prior to entering into this Consent Order. In the judgment of the Investigative Committee, the results of these additional inquiries did not disclose information which indicated that Mr. Roussel's return to physical therapy practice, as conditioned by the terms of this Consent Order, would pose a danger to the public.

FACTUAL BASIS FOR CONSENT ORDER

The information contained in the aforementioned complaint, self-reported by the Respondent and acknowledged by the Respondent at the Informal Conference and during the psychological evaluation involves a sexual relationship between a physical therapist and his female physical therapy patient which occurred during the physical therapist/patient relationship.

Predicated upon the information outlined above, the Committee has determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Ryan Roussel, PT charging him with the following violations the Physical Therapy Practice Act and Board Rules.

VIOLATIONS RELATED TO RESPONDENT'S CONDUCT

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 his practice of physical therapy:

1. The Board has authority to restrict, suspend or revoke a license upon proof that a licensee has: Practiced physical therapy in violation of the provisions of this Chapter, the rules of the board, or standards of practice. La. R.S. 37:2420 A (1).
2. The Board has authority to restrict, suspend or revoke a license upon proof that a licensee has: Been found guilty of unprofessional conduct or sexual misconduct, including but not limited to 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. R.S. 37:2420 A (7)
3. 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, or the commission of any act contrary to honesty, justice, good morals, patient safety or in the best interest of the patient, whether committed in the course of the licensee's practice or otherwise, regardless of whether actual injury to the patient results therefrom; and includes failure to use sound professional judgment. Rule §345 B (1)
4. As used in the Physical Therapy Practice Act, "unprofessional conduct" includes exercising undue influence over a patient in such a manner as to abuse or exploit the physical therapy provider/patient or client relationship for the purpose of securing personal compensation, gratification, gain or benefit of any kind or type, unrelated to the provision of physical therapy services. Rules §345 B (4) (b) and
5. As used in the Physical Therapy Practice Act, "unprofessional conduct" includes sexual misconduct by inappropriate sexual or intimate conduct, which includes, but is not limited to sexual intimacy, contact, exposure, gratification, abuse, exploitation or other sexual behavior with or in the presence of the patient, regardless of the consent of the patient. Rules §345 B (5).

ORDER

Pursuant to the foregoing Factual Basis for Consent Order and Violations Related to Respondent's Conduct and, in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of a quorum agree as follows:

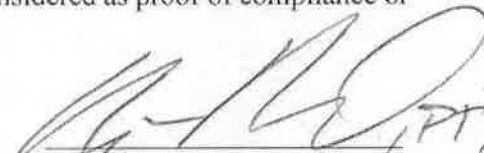
- A. Respondent's license as a physical therapist is hereby suspended for a period of six (6) months, beginning with the date this Consent Order is agreed and accepted by the action of the Board. Following these six-month suspension of license, Respondent's license will be placed on probation for a period of five (5) years ("probationary period") beginning with the day the Board reinstates Respondent's physical therapy license.
- B. Respondent shall write an essay of no fewer than 750 words explaining how his conduct violated the Practice Act and Board Rules, the negative effects of his conduct on his patient, 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 June 27, 2014.
- C. Within one year of the Board's acceptance of this Consent Order, Respondent will pay to the Board the sum of \$2500 as partial reimbursement of legal and administrative expenses in connection with his case; including but not limited to reimbursement of the fees prepaid by the Board for the psychological evaluation.
- D. Within one year of the Board's acceptance of this Consent Order, Respondent, at his own expense, shall enroll in and successfully complete no less than six hours of continuing education courses on Professional Boundaries and no less than three hours of continuing education courses on Professional Ethics. These courses shall be in addition to the continuing education hours required for the maintenance of Respondent's license, shall be approved in advance by the Board's Executive Director and Respondent shall provide written evidence of satisfactory completion to the Board's Executive Director.
- E. During the probationary period Respondent's employment records, place of employment, patient treatment records and all forms of communication between patient and therapist 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. To facilitate said monitoring visits, Respondent will fully comply with Board Rule §385. Respondent shall remit to the Board \$150 as reimbursement for the expenses of each such monitoring visit to his practice.
- F. During the first year of the probationary period, Respondent shall not work in a home health setting and shall not provide any physical therapy services to any female patients.
- G. Respondent, during the probationary period, shall provide a copy of this Consent Order to his employer before providing any 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 Consent Order. Respondent also shall provide any new or subsequent employer with a

copy of this Consent Order with the same notification requirements to the Executive Director.

- H. Respondent shall notify the Executive Director in writing of all employment and/or contractual service arrangements which he has for working as a physical therapist and shall update the Executive Director within five days of any and all changes in such arrangements or employment.
- I. Following the first year of the probationary period, Respondent shall provide physical therapy services only in a practice setting where there is another physical therapist, a physical therapist assistant, or other staff person on the premises at all times during his work hours.
- J. The probationary period shall be extended for any period of time in which the Respondent is not employed as a physical therapist within the State of Louisiana and regularly working at least twenty (20) hours each week as such. If Respondent ceases to be regularly employed as a physical therapist in Louisiana he shall notify the Executive Director in writing within ten (10) days of the last day he practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapy within the State of Louisiana, he shall notify the Executive Director in writing within ten (10) days of his return to practice.
- K. Respondent shall meet with the Board or with a Board representative whenever requested during the probationary period, and shall fully cooperate in providing information and documents requested at such meetings. In addition, Respondent further agrees to appear before the Board relative to any question of compliance with this Consent Order during the probationary period and as may be requested by the Board prior to the completion of the probationary period.
- L. This Consent Order shall be deemed to be a public record.
- M. Respondent declares that, before signing this Consent Order, he has carefully read this document, that he has had an opportunity for participation and advice of legal counsel with respect to this Consent Order, that he understands the contents and freely consents to it as valid and binding upon him. Recognizing his right to have notice of allegations and charges asserted against him, to administrative adjudication of such allegations or charges, pursuant to La. R.49: 955-958, and to a subsequent decision rendered upon written findings of fact and conclusions of law, Ryan Roussel, PT, nevertheless waves these rights and proceedings and, pursuant to La. R.S. 49:955 D and Board Rules §387, agrees to entry this Consent Order.
- N. Respondent authorizes the Investigating Board Member, Kristina Lounsberry, PT 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

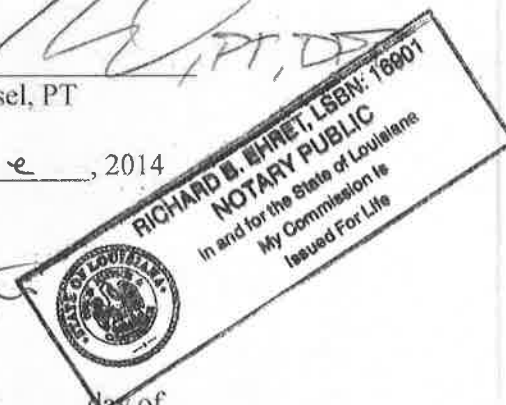
information to the Board shall be without prejudice to the Investigating Board Member's authority to file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order. Should the Board decline to approve 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 the subsequent final decision rendered upon written findings of fact and conclusions of law.

- O. 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 the basis for further disciplinary action by the Board.
- P. All communications 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.


Ryan Roussel, PT

SWORN TO AND SUBSCRIBED on this 17 day of June, 2014
before me, Notary Public, at New Orleans, Louisiana


NOTARY PUBLIC



AGREED AND ACCEPTED by official action of the Board, the _____ day of _____, 2014, at Lafayette, Louisiana

LOUISIANA PHYSICAL THERAPY BOARD
