

JOHN BEL EDWARDS
GOVERNOR



CHARLOTTE F. MARTIN, M.P.A.
EXECUTIVE DIRECTOR

State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS

Louisiana Physical Therapy Board

IN THE MATTER OF

CATHERINE BOWEN

LICENSE NO. 10711

CONSENT ORDER

NUMBER: 2022-I-032

CONSENT ORDER

CATHERINE BOWEN (“Ms. Bowen” or “Respondent”) is a Physical Therapist (“PT”), as evidenced by License No. 10711, and is subject to the jurisdiction and the Rules and Regulations of the Louisiana Physical Therapy Practice Act (La. R.S. 37:2401, et seq.), and the Rules and Regulations of the Louisiana Physical Therapy Board (“LPTB” or “Board”) (LAC 46:LIV §103, et seq.), and enters in the following agreement relative to Complaint No. 2022-I-032.

FACTUAL BASIS FOR CONSENT ORDER

1. Respondent received her Physical Therapist license, number 10711, on or about September 1, 2020.
2. On or about August 25, 2022, the Board received a confidential complaint wherein it was alleged that Ms. Bowen engaged in an intimate relationship with patient, C.C., a married patient of Ms. Bowen.
3. In association with the complaint, on September 2, 2022, a subpoena was issued to Precision Rehabilitation, the former employer of Ms. Bowen, to obtain documents related to Ms. Bowen’s employment and medical records relative to the patient with whom she allegedly engaged in a relationship, C.C.
4. On September 19, 2022, Precision Rehabilitation provided the requested records.

5. By correspondence dated October 5, 2022, the Board noticed Ms. Bowen of the allegations against her, and requested that she provide a written statement giving her response to the allegations within thirty (30) days.
6. By correspondence dated October 19, 2022, and received by the Board on October 25, 2022, Ms. Bowen provided a written statement in response to the allegations set forth in the notice letter. Therein she denied that she had a relationship with C.C. while he was her patient, and advised that the relationship began after his discharge. She further stated that she learned after his discharge that he requested to be discharged so that he could pursue a relationship with her.
7. By correspondence dated November 3, 2022, the Board again noticed Ms. Bowen of the allegations against her, and that the investigative committee was scheduling an informal conference, or Bertucci hearing, in the captioned matter to give her an opportunity to show that she met all lawful requirements for the retention of her license.
8. Ms. Bowen and her attorney attended the informal conference with the investigative committee on December 2, 2022.
9. During the informal conference, Ms. Bowen confirmed the following facts related to her relationship with her former patient:
 - a. Beginning in April of 2022, while C.C. was her patient, Ms. Bowen hired C.C. to do some work at her home. C.C. worked at her home on multiple occasions, including on Mother's Day, May 8, 2022.
 - b. While C.C. was working at Ms. Bowen's home on May 8, 2022, he asked her on a date. She advised C.C. that she could not date him while he was her patient, and told him that he would have to be discharged in order for them to have a relationship.
 - c. On May 9, 2022, C.C. called Precision Rehabilitation and told the scheduler that he wanted to be discharged because he liked Ms. Bowen and wanted to date her.
 - d. C.C. appeared for his last appointment with Ms. Bowen on May 10, 2022, at which time he was discharged from treatment.
 - e. Prior to her treatment of him, C.C. treated for inpatient substance abuse from which he was discharged prior to his receipt of physical therapy from Ms. Bowen, and later continued out-patient therapy with Ms. Bowen which was discontinued prior to the beginning of their relationship.
 - f. Ms. Bowen stated that she considers May 11, 2022, as the start of her personal relationship with C.C. and they went out on a date that week. At the time of the informal conference, Ms. Bowen and C.C. were still in a personal relationship.
10. During the course of the investigation, the investigative committee reviewed evidence in addition to the medical records of C.C. The committee confirmed the following facts from a review of the evidence:

- a. During the winter of 2021, and through February of 2022, C.C. treated with Ms. Bowen. His wife also treated with her during this same period of time.
- b. C.C. returned to therapy with Ms. Bowen on March 24, 2022. He attended a couple of sessions in April.
- c. In the sessions leading up to the discharge of C.C., including appointments on May 4 and 6, 2022, there is no discussion of a potential discharge on May 10, 2022, in the patient notes.
- d. On May 18, 2022, C.C. booked a vacation for Ms. Bowen and him to Los Cabos.
- e. On May 26, 2022, C.C. added Ms. Bowen to a group chat, and the next day Ms. Bowen indicated her love for C.C.
- f. On June 4, 2022, Ms. Bowen and C.C. traveled to Los Cabos together, and returned on June 8, 2022.

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. La R.S. 37:2420(A)(1) - Practiced physical therapy in violation of the provisions of this Chapter, the rules of the board, or standards of practice;
2. La R.S. 37:2420(A)(7) - 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;
3. LAC 46: LIV §345(B)(1)(a) - As used in R.S. 37:2420(A)(7) of the Practice Act and in these rules, the term unprofessional conduct does not require actual injury to a patient, and includes, but is not limited to, the following: (1) departure from, failure to conform to, or failure to perform on a continuing basis to the minimal standards of acceptable and prevailing physical therapy practice as defined in §123, or the commission of any act contrary to honesty, justice, good morals, patient safety or the best interest of the patient, whether committed in the course of the licensee's practice or otherwise, regardless of whether actual injury to a patient results therefrom, including, but not limited to: (a) failure to use sound professional judgment;
4. LAC 46: LIV §345(B)(4)(b) - As used in R.S. 37:2420(A)(7) of the Practice Act and in these rules, the term unprofessional conduct does not require actual injury to a patient, and includes, but is not limited to, the following: (4) exercising undue influence—a PT shall exercise his professional judgment in the best interest of his patients. A licensee shall not: (b) exercise 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;

5. LAC 46: LIV §345(B)(5) - As used in R.S. 37:2420(A)(7) of the Practice Act and in these rules, the term unprofessional conduct does not require actual injury to a patient, and includes, but is not limited to, the following: (5) sexual misconduct—inappropriate sexual or intimate conduct, includes, but is not limited to sexual intimacy, contact, exposure, gratification, abuse, exploitation or other sexual behavior with or in the presence of a patient or any other individual in connection to the licensee's practice of physical therapy regardless of consent by the patient. Such conduct may be verbal, physical, visual, written or electronic, or it may consist of expressions of thoughts, feelings or gestures that are sexual or reasonably may be construed by a patient or other individual as sexual or which may reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or another individual. Sexual misconduct between a licensee and a former patient after termination of the therapist–patient relationship may also constitute unprofessional conduct if the sexual misconduct is a result of the exploitation of trust, knowledge, influence or emotions derived from the professional relationship;

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 quorum, agree as follows:

1. Respondent's physical therapy license is suspended for a minimum period of one year from the date of acceptance of the Consent Order by the Louisiana Physical Therapy Board. Respondent shall submit to the Board Executive Director in writing no less than thirty (30) calendar days prior to completion of the suspension period a request for a letter from the Board formally acknowledging the close of the suspension period. Respondent's suspension period concludes upon receipt by Respondent of a letter from the Board acknowledging the close of the suspension period and upon review at the Board meeting following completion of the suspension period dated from the acceptance of the Consent Order by the Board;
2. Within the first 30 days of suspension, Respondent will schedule at her own expense a Fitness for Duty Evaluation by a Board-recognized provider. The evaluation report must be sent directly to the Louisiana Physical Therapy Board upon completion for review. The respondent's license will remain suspended until receipt of the evaluation report stating that Respondent is safe to return to the practice of physical therapy with reasonable skill and safety to the public.
3. Respondent agrees to follow all treatment recommendations resulting from the Fitness for Duty Evaluation. If individual therapy is recommended in the Fitness for Duty Evaluation, the individual therapy provider must meet the LPTB Criteria for Individual Treatment Providers. Participant shall sign all necessary medical release forms for the full initial evaluation report, Fitness for Duty Evaluation report and any treatment discharge summaries released directly to the individual therapy provider. Participant agrees to allow the LPTB to send a copy of the Consent Order to the individual therapy provider. Individual therapy reports shall be sent directly to the LPTB from the individual therapy provider on a quarterly basis, to be received no later than the 15th of January, April, July, and October;

4. Once Respondent's license is reinstated after the suspension period set forth at Paragraph 1, above, Respondent's license shall be on probation for a minimum of one (1) year. Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of the probationary period a request for a letter from the Board formally acknowledging the close of the probationary period. Respondent's probationary period concludes upon receipt by respondent of a letter from the Board acknowledging the close of the probationary period and a final exit interview with the Board to be scheduled by the Board Executive Director;
5. During the probationary period, the Board may make random unannounced monitoring visits to Respondent's work site. In the event of a monitoring visit, Respondent shall fully cooperate with the Board representative making the visit and Respondent shall provide complete access to her place of employment, employment and/or business records, patient treatment and billing records, and all other documentation necessary for a full legal compliance review. Respondent shall reimburse the Board for expenses related to the monitoring visit as invoiced and must be paid within 30 days of receipt of invoice;
6. During the one-year probationary period, Respondent shall provide a copy of this Consent Order to her employer(s), direct supervisor(s), and any physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) who are supervised by, work for, or contract with Respondent at any business, including, but not limited to, any business(es) Respondent owns, operates or manages before providing physical therapy services and shall have such person(s) notify the Executive Director in writing that she has received and reviewed a copy of this Consent Order prior to Respondent providing physical therapy services. Respondent shall do this also with any new or subsequent employer(s), direct supervisor(s), physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) during the probationary period;
7. The one-year probation 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 an aggregate over the month that is at *least twenty (20)* hours per week. If Respondent ceases to be regularly employed as a physical therapist in Louisiana, she shall notify the Executive Director in writing within *ten (10) calendar days* of the last date she 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 (10) calendar days* of her return to practice;
8. Prior to the completion of the suspension period, Respondent shall complete the PBI Education Professional Boundaries Course (PB-24). Respondent shall provide documentation in the form of a course completion certificate to the Executive Director within five (5) calendar days of receipt of such documentation;
9. Ms. Bowen shall pay the Board the sum of \$4,328.00 in partial reimbursement for legal and administrative expenses incurred in this matter. Failure to reimburse associated fees will require the Board to take further action in collection of this debt. Respondent has twenty-four (24) months to reimburse the expenses before the debt will be considered final and transferred to the Louisiana Office of Debt Recovery (ODR). After transfer, the debt

is subject to an additional collection fee of up to twenty-five percent (25%) of the total debt liability, as provided for in LA R.S. 47:1676 (E).

10. Respondent shall comply with La R.S. 37:2415(B) and notify the Executive Director of the Louisiana Physical Therapy Board in writing and prior to a change of residence to another country, state, or jurisdiction. Upon relocation, all provisions of this Consent Order, except Paragraph 7 pertaining to reimbursement of legal and administrative expenses, are suspended until Respondent again resides within Louisiana, notifies the Executive Director of his Louisiana residence, and receives written confirmation from the Executive Director;
11. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the probationary period, and shall fully cooperate in providing information and documents requested in such meetings;
12. Respondent shall have reliable access to a computer, internet, and telephone. In accordance with Board Rule §385, Respondent shall provide to the Executive Director her preferred telephone number and/or email address in writing for expedited communications regarding compliance with this Board Order within forty-eight (48) hours of signing the Consent Order. Respondent shall reply to Board emails and telephone calls within four (4) hours of such communication. Respondent shall notify the Executive Director in writing of any change to her preferred telephone number and/or email address immediately upon such change;
13. Respondent declares that, before signing this Consent Order, she is of sound mind has carefully read this document, understands the contents, and freely consents to it as valid and binding upon her. She is aware of her right to a notice of hearing, to a formal administrative hearing and to judicial review of an administrative finding, and freely waives those rights. Further, she has represented by legal counsel in this matter and in the negotiation of this Agreement;
14. Respondent acknowledges that her failure to comply with any term of this Consent Order is a basis for the immediate summary suspension of her license and for further disciplinary action by the Board;
15. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;
16. Respondent authorizes the Investigating Board Member, John Marius, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose 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 Investigative Board Member's authority to file a formal Administrative Complaint against her, or to the Board's capacity, as currently comprised, or any future composition of the Board, 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 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;

17. Respondent acknowledges that presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board, or any of its members, as the Board is currently constituted, or any future appointments to the Board, from further participation in hearings or resolution to these proceedings;
18. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair; and
19. Respondent acknowledges that all communication(s) 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(s) shall be considered proof of compliance or commitment. Respondent acknowledges that it is the responsibility of the Respondent to fully comply with the Consent Order and proactively communicate with the Board Executive Director.

I, CATHERINE BOWEN, have read this Consent Order, understand it, and agree to be bound by its terms and conditions.


CATHERINE BOWEN

SWORN TO and subscribed before me, Notary Public this 17 day of April,
2023, in Lafayette, Louisiana.

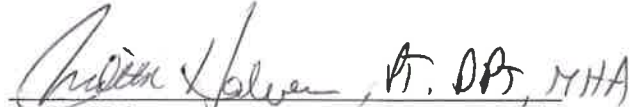

Notary Public

Olivia Regard
Notary Name printed (# La Bar # 27114)

OLIVIA SMITH REGARD
Notary Public
State of Louisiana Bar Roll #27114
My Commission Is Issued For Life

AGREED AND ACCEPTED by official action of the Board, this 19th day of April, 2023, at Lafayette, Louisiana.

Louisiana Physical Therapy Board


Judith Halverson, P.T., D.P.T., M.H.A., Chair