

JOHNNY BEL EDWARDS  
GOVERNOR



State of Louisiana  
DEPARTMENT OF HEALTH AND HOSPITALS

**Louisiana Physical Therapy Board**

RECEIVED  
MAR 16 2017  
BY: CHARLOTTE F. MARTIN, M.P.A.  
EXECUTIVE DIRECTOR

**IN THE MATTER OF**  
**TOMAS BRYANT, PT**  
**LICENSE NO. 07511**

**CONSENT ORDER**  
**NUMBER: 2016-I-018**

**CONSENT ORDER**

Mr. Tomas Bryant, PT (“Mr. Bryant” or “Respondent”) initially came to the attention of the Louisiana Physical Therapy Board (“LPTB” or “Board”) on August 15, 2016 when a complaint was submitted to the Board office therein alleging that the Respondent was practicing physical therapy below the standard of care and fraudulently billing for physical therapy home health treatments. Thereafter, an investigative committee was created pursuant to Board Rule §123. Records were subpoenaed from multiple home health agencies for which Respondent provided physical therapy home health services. Review of subpoenaed medical records revealed that on multiple occasions respondent fraudulently billed for home health services and practiced physical therapy below standard. On November 3, 2016 Respondent and his legal counsel met with the Investigative Committee at the Board office located in Lafayette, LA at which time Respondent cooperated fully with the Investigative Committee. At the Informal Conference, Mr. Bryant assured the Investigative Committee that he understood the serious nature of the allegations, had reduced the number of patients that he saw in one day, and was practicing in a manner that was at or above the standard of care. On or about December 8, 2016, the Investigative Committee received information from Thompson Home Health, Mr. Bryant’s employer, that Mr. Bryant was terminated on December 1, 2016 following a patient complaint that Mr. Bryant spent an inadequate amount of time conducting an initial evaluation on November 29, 2016. Thereafter Respondent was offered and accepted a Consent Order acknowledging violations of the LPTB Practice Act and Board Rules and agreeing to appropriate disciplinary action.

## FACTUAL BASIS FOR CONSENT ORDER

1. Respondent is, and at all times pertinent hereto, was a physical therapist licensed by the Board as evidenced by license number 07511.
2. On or about August 15, 2015 the Louisiana Physical Therapy Board received a complaint against Mr. Bryant therein alleging that for years Mr. Bryant has for years routinely treated sixteen (16) to eighteen (18) patients daily providing physical therapy treatment that is less than fifteen (15) minutes in duration. The complaint further alleged fraudulent record keeping and billing.
3. An investigative committee was formed which consisted of the Board Executive Director, Charlotte Martin; Board Attorney, Courtney Newton; and Board Investigating Member, Elizabeth Austin.
4. The investigative committee conducted a confidential investigation which included issuance of multiple subpoenas and review of numerous patient records and treatment schedules.
5. Subpoenaed physical therapy records establish that Mr. Bryant provided physical therapy home health services on July 21, 2016 for four (4) different companies, three (3) home health and one (1) rehabilitation hospital, providing home health physical therapy treatment to twenty (20) patients each at a different location.
6. Physical therapy treatment records dated July 21, 2016 also indicate that Mr. Bryant would depart a patient's treatment location at the exact time he arrived at another patient's treatment location on seven (7) different occasions. Comparison of documentation from each of the four (4) companies for which Mr. Bryant provided physical therapy services establish that treatment and travel times were fraudulently entered by Mr. Bryant as Mr. Bryant recorded the same departure and arrival time with zero (0) time entered for travel on multiple occasions.
7. The investigative committee performed the same analysis for records dated February 9, 2015. The documentation dated February 9, 2015 indicates that on that date Mr. Bryant treated sixteen (16) patients for two (2) different companies. The documentation also indicates the exact same time for departure and arrival times at four (4) different patient locations.
8. Review of patient records reveal that Mr. Bryant's physical therapy treatments provided to patients seen on both July 21, 2016 and February 9, 2015 were below minimum standard physical therapy treatment necessary for the improvement of deficits noted on evaluation. Minimal objective measures were performed on evaluation or subsequent visits to quantify deficits, need for treatment, or progress in order to justify need for continued treatment.
9. Following completion of the investigation, the investigative committee concluded that the

allegations within the complaint were valid.

10. On November 3, 2016 Mr. Bryant and his legal counsel met with the investigative committee at the Board office located in Lafayette, LA. At the Informal Conference, Mr. Bryant assured the Investigative Committee that he understood the serious nature of the allegations, had reduced the number of patients that he saw in one day, and was practicing in a manner that was at or above the standard of care.
11. On or about December 8, 2016, the Investigative Committee received information from Thompson Home Health, Mr. Bryant's employer, that Mr. Bryant was terminated on December 1, 2016 following a patient complaint that Mr. Bryant spent an inadequate amount of time when conducting an initial evaluation on November 29, 2016.

## **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:

- A. The Board has the authority to suspend or revoke a professional license which it has issued, or place probationary conditions upon such license, upon proof that the licensee has practiced physical therapy in violation of the Practice Act, Board Rules, or standards of practice. La. R.S. 37:2420A(1) and Board Rule §343.
- B. By treating sixteen (16) and (20) physical therapy home health patients daily and providing treatment below standard, Respondent violated Rule §345B.(1)(a), failure to use sound professional judgement, and Board Rule §303B, a physical therapist is responsible for managing all aspects of the physical therapy care of each patient.
- C. By falsely creating medical records except as authorized by law, Respondent violated Rule §345B.(3)(a).
- D. By fraudulently documenting physical therapy treatment times, services provided, and practicing below standard, Respondent acted unprofessionally and violated La. R.S. 37:2420A.(7), Board Rule §345B.(1), acts "contrary to honesty" and unprofessional, and Board Rule §373A.(8), violations. When engaging in this act Respondent "depart[ed] from, [and] fail[ed] to conform to, *the Minimal Standards of Acceptable and Prevailing Physical Therapy Practice* in the State of Louisiana" and the APTA Code of Ethics.
- E. By documenting services provided which have not been provided as documented or billing for services which have not been provided, Respondent violated Rule §373A.(11).

## 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 six (6) months from the date of acceptance of the Consent Order by the Louisiana Physical Therapy Board and until the requirements of Paragraphs "3" and "4" are satisfied. Respondent shall submit to the Board Executive Director in writing no less than thirty (30) calendar days prior to completion of the summary suspension period or fifteen (15) days following successful completion of the requirements of Paragraphs "3" and "4", whichever is later, documentation of successful completion of all requirements found within Paragraphs "3" and "4" and 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 the Board a letter acknowledging the close of the suspension period;
2. Respondent's license shall be on probation for a minimum of three (3) years. Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of 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 the Board a letter acknowledging the close of the probationary period and final exit interview with the Board to be scheduled by the Board Executive Director;
3. Respondent shall begin an Ethics and Boundaries Assessment Examination through Ethics and Boundaries Services, LLC ("EBAS"), a cost of \$1,500.00, at his expense within thirty (30) days of acceptance of the Consent Order by the Louisiana Physical Therapy Board, providing documentary evidence of registration to the Board Executive Director within seven (7) days of such event. Respondent shall successfully complete the EBAS Examination prior to the conclusion of his suspension period. Respondent shall submit to the Board Executive Director documentation evidencing successful completion of the EBAS Examination within seven (7) days of receipt of successful completion and prior to the conclusion of his suspension period;
4. Following successful completion of EBAS and prior to completion of his suspension period, 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 learned as a result of the disciplinary process. Upon request by the Board Executive Director, Respondent shall present his essay to the Board at a scheduled Board meeting;
5. During the three (3) year probationary period Respondent shall fully cooperate with the Board representatives making random unannounced monitoring visits to his work sites and



shall provide complete access to his 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 \$150.00 for each such monitoring visit;

6. Respondent shall provide a copy of this Consent Order to his employer(s) and direct supervisor(s) before providing services to that employer and shall have the employer(s) and direct supervisor(s) notify the Executive Director in writing that he 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) and direct supervisor(s) during the probationary period;
7. Respondent shall not apply for or work in a home health setting until the year 2050. Respondent agrees that this provision places a restriction on his physical therapy license which persists and remains enforceable after the closure of the probationary period. Furthermore, during the probationary period, Respondent shall submit to the Board Executive a request for approval of any work setting prior to accepting work. Once the setting is approved, 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 in writing within five (5) calendar days of any and all changes in such arrangements.
8. The three (3) 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 *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) calendar days* of the last date he 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 *ten (10) calendar days* of his return to practice;
9. Respondent shall complete thirty (30) hours of board-approved continuing education courses or activities required in the biennial renewal period under Rule §194 during his suspension and probationary period. In addition, during the three (3) years of probation, Respondent shall complete an additional four (4) hours of continuing education courses in Ethics per renewal period. Respondent will complete an additional ten (10) Continuing Education hours of Professional Conduct/Development and an additional twelve (12) Continuing Education hours of Documentation/Medical Billing per renewal period. The Ethics, Professional Conduct/Development and Documentation/Medical Billing courses shall be submitted in writing to the Board Executive Director for approval prior to taking the course. Respondent shall also attend one (1) live Jurisprudence Seminar per renewal period. 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;

10. Respondent shall pay the Board the sum of \$2,250.00 in partial reimbursement for legal and administrative expenses incurred in this matter, this amount may be paid in a lump sum, or monthly installments, if arranged in writing in advance with the Executive Director, over the minimum six (6) months and three (3) years of his suspension and probation. In the event that the Respondent reimburses the Board in monthly installments, payment shall be submitted to the Board Executive Director no later than the 15<sup>th</sup> day of the month. Failure to provide payment by the 15<sup>th</sup> day of the month three times is a basis for further disciplinary action by the Board;
11. Respondent shall comply with Board Rule §363 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 "10" 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;
12. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the suspension and probationary period, and shall fully cooperate in providing information and documents requested in such meetings;
13. Respondent shall have reliable access to a computer, internet, and telephone. In accordance with Board Rule §385 Respondent shall provide to the executive director their preferred telephone number and/or email address in writing for expedited communications regarding compliance with 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 their preferred telephone number and/or email address immediately upon change;
14. Respondent declares that, before signing this Consent Order, he is of sound mind has carefully read this document, understands the contents, and freely consents to it as valid and binding upon him. He is aware of his right to a notice of hearing, to a formal administrative hearing and to judicial review of an administrative finding, and freely waives those rights. As is his right, he has been represented by legal counsel;
15. Respondent acknowledges that his failure to comply with any term of this Consent Order is a basis for immediate summary suspension of his license and for further disciplinary action by the Board;
16. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;

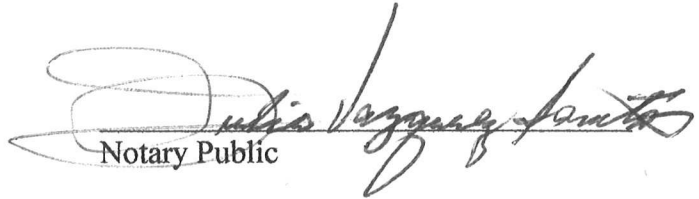
17. Respondent authorizes the Investigating Board Member, Elizabeth Austin, DPT, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose and discuss with the Board the nature and results of the investigation. 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 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 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;
18. 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, from further participation in hearings or resolution to these proceedings; and
19. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.
20. Respondent acknowledges that 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 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.

**REMAINDER OF THE DOCUMENT INTENTIONALLY LEFT BLANK.**



Tomas Bryant, PT

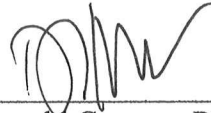
SWORN TO and subscribed before me, Notary Public 14 day of March, 2017  
Leesville, Louisiana.



Notary Public

AGREED AND ACCEPTED by official action of the Board, the 22 day of  
March, 2017, at Lafayette, Louisiana.

Louisiana Physical Therapy Board



Donald Cassano P.T., Chair