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In the Matter of

\* LOUISIANA PHYSICAL THERAPY BOARD

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ADAM LAFLEUR, PT

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PT License No. 06409

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Case Number 2012-I-1017

Respondent

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### CONSENT ORDER

The Louisiana Physical Therapy Board (“Board”) received a complaint which asserted Adam Lafleur, PT (“Mr. Lafleur” or “Respondent”), while employed with Central Louisiana Home Health Care, during the months of May and June, 2012 had turned in time sheets and progress notes for physical therapy home visits which had not occurred. Records submitted with the complaint disclosed that the complained of conduct involved multiple patients. The records also showed that his employer confronted Mr. Lafleur concerning this activity, he admitted the wrongdoing and was terminated from his employment.

Respondent was informed of this complaint and was requested to participate in an Informal Conference on June 13, 2012. Respondent appeared on that day and participated in the Informal Conference at the Board office in Lafayette with Board Member, Donna “Dee” Cochran, PT, DPT, Executive Director, Cheryl Gaudin, and legal counsel representing the Board, George M. Papale.

At the Informal Conference Respondent readily acknowledged the facts of the complaint, including his involving the patients by having them sign therapy visit notes for dates when he made no visit. At the conference, Mr. Lafleur provided information concerning his wife’s recent surgery from which she was temporarily disabled and that her condition and the needs of their children required much of his personal attention. Mr. Lafleur admitted that the stress and demands in his personal life did not excuse his professional wrongdoing. Mr. Lafleur stated that his former employer was withholding amounts from his final paycheck to reimburse the employer for amounts paid to Mr. Lafleur for the fictitious home visits. Mr. Lafleur also expressed his willingness to provide documentation showing that patient charges for such visits are appropriately credited.

After discussion, Respondent agreed to the terms of this Consent Order as proposed by Board Member, Ms. Cochran

### FINDINGS OF FACT

Respondent, while employed with Central Louisiana Home Health Care, during the months of May and June, 2012 turned in time sheets and progress notes for physical therapy

home visits for multiple patients which home visits had not occurred. Respondent involved his patients by having them sign therapy visit notes for dates when he made no visit.

### CONCLUSIONS LAW

Respondent's conduct described above and otherwise reviewed in this action is subject to and/or in violation of the following provisions of law and Board Rules regarding his practice of physical therapy:

1. The Board has authority to suspend or revoke a license which it has issued, or place probationary conditions upon such license, upon proof that conduct of the licensee is violative of the Louisiana Physical Therapy Practice Act or Rules of the Board. La. R. S. 37:2420 A and Rule § 343..
2. Pursuant to Board Rule § 341 B a physical therapist shall maintain accurate patient treatment and billing records and shall not falsify such records and violation of this Rule subjects the physical therapist to disciplinary action under La. R. S. 37:2420 A 1.
3. Pursuant to Board Rule § 345, a physical therapist who engages in unprofessional conduct, as further specified in Rules §345 B10 and as provided for by the APTA Code of Ethics, by making or participating in any communication which is false or which contains a false or misleading statement or claim is subject to disciplinary action under La. R. S. 37:2420 A 1 & 7
4. Pursuant to Rule § 345 B 1 "unprofessional conduct" as used in the Practice Act 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.
5. Respondent's conduct, as specified in the Findings of Fact, violates Board Rules §§ 341 B and 345 B 10 and constitutes unprofessional conduct; and, accordingly, violates La. R. S. 37:2420A (1) and (7) of the Practice Act.

### DECISION

Pursuant to the foregoing Findings of Fact in Conclusions of Law, 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 suspended for a period of one year beginning with the date that this Consent Order is agreed and accepted as action of the Board.

B. Following the one-year period of suspension, Respondent will undergo, at Board expense, a psychological evaluation by a mental health professional of the Board's choosing for

an assessment of Respondent's fitness to resume the practice of physical therapy without exploitation of patients or exposing patients to harm.

C. Upon receipt by the Board of a written psychological evaluation as specified in paragraph B expressing the assessment that Respondent is fit to resume the practice of physical therapy without exploitation of patients or exposing patients to harm, Respondent's license as a physical therapist will be placed on probation for three years, beginning with the date that the Board takes action on said evaluation. During the probationary period Respondent may not engage in any home health practice and his physical therapy practice 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 his three-year probationary period Respondent shall remit to the Board \$150 as reimbursement for the expenses of each such monitoring visit to his practice.

D. 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 days of any and all changes in such arrangements.

E. 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 he/she has received and reviewed a copy of this Consent Order; Respondent shall do this also with any new or subsequent employer(s) during his probationary period.

F. The three-year probationary period shall be extended for any period of time in which the Respondent is not actively practicing physical therapy as a physical therapist within the State of Louisiana and regularly working at least 20 hours per week as such. If Respondent ceases to be actively practicing as a physical therapist in Louisiana, he shall notify the Executive Director in writing within 10 days of the last day on which Respondent has practiced physical therapy in Louisiana. Likewise, if Respondent returns to the practice of physical therapy within the State of Louisiana, he shall notify the Executive Director in writing within 10 days of his return to practice.

G. During each of the three years of license probation, Respondent shall successfully complete continuing education courses on professional ethics ( 4 hours minimum) which has been approved in advance by the Board Executive Director and which shall be in addition to the usual continuing education required to maintain licensure. At least once during his probationary period, Respondent shall attend the Jurisprudence Course presented by the Board.

H. Respondent shall write an essay of no less than 750 words explaining how his conduct violated the Practice Act and Board rules and what he may have learned as a result of this disciplinary process. This essay shall be submitted to the Board Executive Director no later than July 13, 2012.

I. Respondent shall fully cooperate with the Board representatives seeking to verify or

document that the requirements of this Consent Order have been met, that fees received by his employer for the services not provided have been refunded or reversed and that the fees assessed by this Consent Order are timely paid. Respondent further agrees to appear before the Board relative to any question of compliance with this Order during the probationary period and as may be requested by the Board prior to the completion of the probationary period.

J. Respondent declares that, before signing this Consent Order, he has carefully read the document, that he has had ample opportunity for review of same with 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 in a written administrative complaint, to have administrative adjudication of such allegations or charges pursuant to La. R. S. 49:955-958, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, judicial review and appeal; Adam Lafleur nonetheless waves all of these rights and proceedings and, pursuant to La. R. S. 49:955 D and Board Rule § 335, agrees to the entry of this Consent Order.


K. Respondent authorizes the Board Member, Donna “Dee” Cochran, PT, DPT and legal counsel assisting the 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 disclosure under La. R. S. 49:960 and expressly acknowledges that the disclosure of such information to the Board shall be without prejudice to the Board Member’s authority to request the filing of 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 written notice of any allegations or charges asserted against him, to administrative adjudication of all such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law and thereafter to judicial review and appeal as in civil cases.

L. 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.

M. 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 with or fulfillment of any term or condition of this Consent Order.


  
Adam Lafleur, PT

SWORN TO AND SUBSCRIBED before me the undersigned Notary Public on this 25<sup>th</sup> day of June, 2012.

  
Notary Public - Ella B. Goulas  
Notary # 72166

AGREED AND ACCEPTED by official action of the Board, this \_\_\_ day of June, 2012, at Lafayette, Louisiana.

**LOUISIANA PHYSICAL THERAPY BOARD**

  
Jerry Jones, Jr., PT, Chairman