



State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS

Louisiana Physical Therapy Board

IN THE MATTER OF

EMANUEL ANTUNEZ, PTA

LICENSE NO. A9255

CONSENT ORDER

NUMBER: 2017-I-036

Mr. Emanuel Antunez, PTA, (“Mr. Antunez” or “Respondent”) initially came to the attention of the Louisiana Physical Therapy Board (“LPTB” or “Board”) on October 12, 2017, as a self-report involving an incident occurring during a home health physical therapy visit, alleging non-treatment and fraudulent completion of records. Upon receipt of this information a formal complaint was initiated and an investigative committee formed in accordance with Board Rule §123. Preliminary investigation revealed that on at least two occasions Mr. Antunez documented treatment of a patient when such documented treatment did not occur. On at least one occasion, Respondent provided his employer with physical therapy notes claiming the notes bore the patient’s signature when in fact the patient signature was fraudulent. On October 25, 2017, an Investigative Committee of the Board sent a letter to the Respondent requesting his participation in an Informal Conference scheduled for November 9, 2017 at the Board Office in Lafayette, LA. Respondent voluntarily attended the Informal Conference. During the Informal Conference, Respondent cooperated fully with the Investigative Committee, and in response to questions put forth by the Investigative Committee, admitted that on two separate occasions, after patient refusal of physical therapy treatment, Respondent fraudulently completed requisite physical therapy documentation indicating that physical therapy treatment occurred when, in fact, it had not, and forging the patient’s signature.

FACTUAL BASIS FOR CONSENT ORDER

1. At all times pertinent hereto, Respondent was a licensed physical therapist assistant with license number A9255.
2. On or about October 12, 2017, a complaint was submitted to the Board as a self-report therein stating that the Respondent participated in a physical therapy home health incident whereby treatment was documented, but did not occur.

3. Upon receipt of the complaint an Investigative Committee (“Committee”) was created in accordance with Board Rule §123 which consisted of Charlotte Martin, Executive Director of the Board; Craig Prejean, Investigating Board Member; and George Papale, Board attorney.
4. Following the formation of the Investigative Committee, a confidential investigation was conducted which included witness interviews.
5. On October 25, 2017, the Investigative Committee sent a letter to the Respondent requesting his participation in an Informal Conference scheduled for November 9, 2017 at the Board office in Lafayette, LA.
6. Respondent cooperated fully and participated in the Informal Conference on November 9, 2017 at the Board Office in Lafayette, LA. Those in attendance at the Informal Conference were Charlotte Martin, Craig Prejean, Stephanie Boudreaux, Board Compliance Officer, and Respondent.
7. During the Informal Conference, Respondent cooperated fully and admitted to falsifying documentation to allege completion of physical therapy treatment that did not, in fact, occur. Respondent also admitted to forging the patient’s signature on said records.
8. Following the Informal Conference, Respondent was offered and accepted this Consent Order.

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 as a Physical Therapist Assistant:

- 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. Respondent’s actions as described above constitute unprofessional conduct and a departure from the minimal standards of acceptable and prevailing physical therapy practice in violation of La. R.S. 37:2420A.(7), as further defined by Board Rule §345. B.(1)(a), failure to use sound professional judgement.
- C. By falsely creating medical records except as authorized by law, Respondent violated Rule §345 B.(3)(a).

- D. By documenting services provided which have not been provided as documented or billing for services which have not been provided, Respondent violated Rule §373.(A)(11).

- E. Respondent's actions as described above constitute violations of Board Rule §341(B), a licensee shall maintain accurate patient treatment and billing records and shall not falsify, alter, or destroy such records, the result of which would be to impede or evade investigation by the board or other lawful authorities.

- F. Respondent's actions as described above constitute unprofessional conduct and a departure from the minimal standards of acceptable and prevailing physical therapy practice in violation of La. R.S. 37:2420.A.(7), as further defined by Board Rule §345.B.(1)(a), failure to use sound professional judgement.

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 license to practice as a Physical Therapist Assistant is hereby placed on probation for three years, beginning on the date of acceptance of the Consent Order from the Board. 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 the Board a letter acknowledging the close of the probationary period;

2. During the first year of the probationary period, Respondent shall not seek or accept work in the home health setting. Furthermore, Respondent shall submit to the Board Executive Director 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 Assistant and shall update the Executive Director in writing within five (5) calendar days of any and all changes in such arrangements.

3. 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 by the deadline provided for payment following each visit;

4. During the three (3) year probationary period, Respondent shall provide a copy of this Consent Order to his 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 he has received and reviewed a copy of this Consent Order prior to Respondent providing physical therapy services. If Respondent is the employer, business owner, or operator, all physical therapists and physical therapist assistants employed by Respondent shall comply with the terms in accordance with Paragraph "4." 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;
5. 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 *five (5) 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 *five (5) calendar days* of his return to practice;
6. In addition, the thirty (30) hours of board-approved continuing education courses or activities required in the biennial renewal period under Rule §194, during each of the three (3) years of probation, Respondent shall complete an additional four (4) hours of continuing education courses in Ethics per renewal period. The Ethics 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;
7. 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 has learned as a result of the disciplinary process. The essay shall be submitted to Board Executive Director no later than February 28, 2018.

8. Respondent shall pay the Board the sum of \$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 three (3) year probationary periods. Failure to provide payment by the deadlines set forth in the written payment agreement may result in further disciplinary action by the Board;
9. 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 “8” 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;
10. 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 by the Board, or the Board’s representative;
11. 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 and within forty-eight (48) hours following any such change throughout the entirety of the suspension and probationary period.
12. Respondent declares that, before signing this Consent Order, he is of sound mind and 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. Respondent sought the advice of counsel prior to entering into this Consent Agreement;
13. 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;
14. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;
15. Respondent authorizes the Investigating Board Member, Craig Prejean, PTA, 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

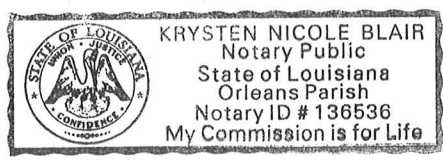
Board shall be without prejudice to the Investigative Board Member's authority to file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order. Should the Board decline to approve this Consent Order, 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;

- 16. 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;
- 17. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair; and
- 18. 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.



Emanuel Antunez, PTA

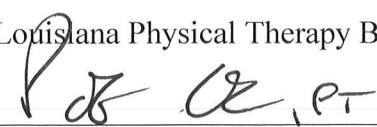
SWORN TO and subscribed before me, Notary Public 30th day of November, 2017
Keener, Louisiana.





Notary Public

AGREED AND ACCEPTED by official action of the Board, the 13th day of December, 2017, at Lafayette, Louisiana.

Louisiana Physical Therapy Board


Patrick Cook, P.T., Chairman