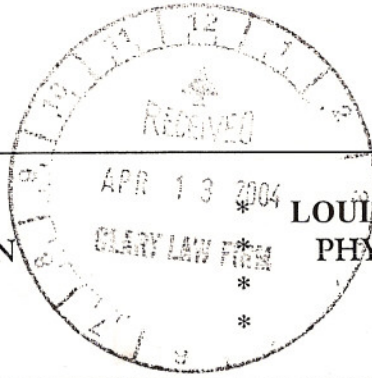


In the Matter of
FLOYD SALTZMAN
License No
Respondent



**LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS**

Case Number 2002-131

2003-139

CONSENT ORDER

A complaint received by the Louisiana State Board of Physical Therapy Examiners (Board) raised the issue that Respondent had allowed two Athletic Trainers Certified (ATC) working on his staff at Industrial Strength Work Rehab Center in Lake Charles to sign off on functional capacity evaluations (FCE) and provided documentation to insurers along with his own signature as a physical therapist. Further investigation revealed that virtually the entire FCE was conducted by the ATCs with only minimal participation by Respondent. The ATC used this credential while functioning in the physical therapy environment. Respondent was requested to participate in an Informal Conference with Board Member Becky Lege, Executive Director Cheryl Gaudin and Board Counsel Glenn Ducote participating. Respondent was represented by his counsel Nicholas Gachassin, III.

FINDINGS OF FACT

An Athletic Trainer employed in Respondent's clinic did in fact conduct major portions of several functional capacity evaluations and signed reports which were furnished to insurers on those evaluations along with Respondent. ATCs used that credential while working in a physical therapy environment. This practice apparently resulted from training sessions which Respondent received from an out of state practitioner on a particular FCE protocol. Respondent provided assurances that he has now thoroughly reviewed the legal requirements for evaluation of patients and has instituted revised procedures to see that those requirements are being complied with. He has stopped the practice of allowing the ATC to conduct FCEs and sign documentation and does not allow the ATC designation to be used in the PT clinic. Respondent indicates that presently only Physical Therapists are signing FCEs.

CONCLUSIONS OF LAW

1. Only Physical Therapists and Occupational Therapists are authorized to administer FCEs under applicable law. R. S. 37:2410.
2. Athletic Trainers Certified are not authorized to administer any part of a FCE nor are they authorized to sign documentation of testing or treatment provided by a Physical Therapist. R.S. 37:2410; Rules 307, 321 and 323.
3. Athletic Trainers Certified when working in a physical therapy setting are to be identified only as PT aides or techs, and not as an ATC, since such credentials have no significance outside the team settings where they are authorized to work. R.S. 37:3302. An ATC is not a "health care

provider" under Louisiana law. R.S. 40:1299.41A(1).

DECISION

Pursuant to the foregoing Findings of Fact and Conclusions of Law, Respondent and the Board, by vote of quorum, agree as follows:

A. Respondent's license is placed on probation for a period of one year, during which period he will be subject to Board monitoring of his practice.

B. Respondent will not allow an ATC nor other non-physical therapist personnel to perform any part of FCEs or to sign documentation of FCEs.

C. Respondent shall fully cooperate with a monitor designated by the Board Chair, who shall be given full access to Respondent's clinic and office premises and the right to review records of FCEs created after the date of this Consent Order for compliance with legal requirements. This monitoring shall be in effect for the one year probationary period and Respondent shall reimburse the Board \$100 for the expense of each monitoring visit by a Board representative.

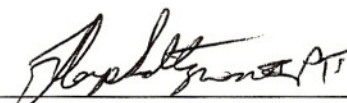
D. Respondent shall by May 1, ~~2005~~²⁰⁰⁴ pay to the Louisiana State Board of Physical Therapy Examiners \$750 as reimbursement for legal and administrative expenses incurred in this matter.

E. Respondent shall meet with the Board as requested at any time during the twelve months following the execution of this order and shall attend and document his participation in the Board's continuing education program on the laws and rules applicable to the physical therapy profession.

F. Respondent's failure to comply with any term of this Consent Order shall constitute just cause for the suspension or revocation of Respondent's license as a Physical Therapist under the auspices of this Board, or for any other disciplinary action within the statutory and regulatory authority of the Board.

G. Respondent declares that, before signing this Consent Order, he has carefully read this document, understands the contents, has reviewed it with his attorney, and freely consents to it as valid and binding upon him. He is aware of his right to a formal hearing and he waives that right. He has been informed of his right to seek counsel and has involved his attorney in this proceeding.


SWORN TO AND SUBSCRIBED on this 29 day of March, 2004.



Floyd Saltzmann, III, P.T.

AGREED AND ACCEPTED by official action of the Board, the 19th day of February, 2004 at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS



Pat Adams, P.T., Chair