

State of Louisiana

Department of Health and Hospital

Louisiana Physical Therapy Board

104 Fairlane Drive, Lafayette, Louisiana 70507

337/262-1043 FAX 337/262-1054

In The Matter Of

ROBYN ALLEMAN, P.T.
(License No. 05219)

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Complaint No. 2014-I-011

CONSENT ORDER

Robyn Alleman (“Ms. Alleman” or “Respondent”) came to the attention of the Louisiana Physical Therapy Board (“LPTB” or “Board”) on June 4, 2014, when she self-reported her use of illegal drugs and arrest for the offense of La. R.S. 40:971B(1)(b), acquiring or possessing a controlled dangerous substance by misrepresentation, fraud, forgery, deception or subterfuge, which occurred on May 30, 2014. On June 13, 2014 Respondent met with the Investigative Committee in Natchitoches, LA. The Investigative Committee included Beth Austin, Board Member; Charlotte Martin, Executive Director; and Courtney Newton, Legal Counsel. At this meeting Respondent willingly signed an Agreement to Abstain from the Practice of Physical Therapy until the disciplinary matters were resolved.

Respondent participated in an Informal Conference on June 18, 2014 after receiving formal notice of the investigation and Informal Conference. All members of the Investigative Committee were in attendance. At the Informal Conference respondent again admitted to abuse of prescription medications and treating patients under the influence. Following the informal conference, the Investigative Committee began gathering information and interviewing witnesses. At the request of the Investigative committee, Respondent provided several medical releases to assist in the investigation.

Review of medical records revealed multiple violations of the Practice Act and Board Rules. First, Respondent’s addiction to prescription medications including, but not limited to, Hydrocodone and Oxycodone were evident in the medical records based on the number of physicians seen by the Respondent between March 18, 2013 and May 27, 2014 and the medications prescribed by these physicians. Second, a medical record dated March 18, 2013 disclosed that Respondent was aware of her addiction, but failed to disclose this information on her

March 31, 2013 license renewal application or otherwise notify the Board. Third, during review of medical records the Investigative Committee also discovered that Respondent failed to report multiple Lortab prescriptions to the Board as required by her 2009 Consent Order.

Further investigation into the May 27, 2014 arrest of Mrs. Alleman resulted in six (6) witnesses all alleging that Mrs. Alleman stole prescription drugs from their homes in 2013 and 2014. The witnesses state that at the time of the theft all homes were listed "for sale". Mrs. Alleman would contact the victims, inform them that she was interested in purchasing a home, and request to view their homes stating she was interested in purchasing a new home. Following Mrs. Alleman's viewing of the homes the following medications were missing: Percocet, Lortab, and Promethazine. In one instance medication was replaced with B Vitamins.

FACTUAL BASIS FOR CONSENT ORDER

- A. Respondent is, and at all times pertinent hereto, was a physical therapist licensed by the Board as evidenced by license number 05219.
- B. On June 4, 2014 Mrs. Alleman contacted the Board office by telephone and spoke with Mrs. Charlotte Martin, Executive Director. During the telephone call with Mrs. Martin, Respondent self-reported an arrest on May 30, 2014 related to her acquisition of prescription medications. During the same self-report Respondent further admitted ingesting mood altering medication without valid prescription and treating patients under the influence of such medications.
- C. The Investigative Committee met with Ms. Alleman on June 13, 2014 in Natchitoches, Louisiana to present Mrs. Alleman with an Agreement to Abstain from the Practice of Physical Therapy due to the significant threat to public safety. Mrs. Alleman signed the Agreement to Abstain from the Practice of Physical Therapy.
- D. On June 14, 2014, through personal service, Respondent received formal notice of investigation and a request for participation in an Informal Conference scheduled for Wednesday, June 18, 2014, at 4:30pm at the Louisiana Physical Therapy Board office.
- E. Respondent participated in the Informal Conference held on June 18, 2014 at the Board office. During the Informal Conference Respondent, at the recommendation of her attorney who was not present, did not discuss issues related to her May 30, 2014 arrest. Respondent admitted verbally to the Investigative Committee to abuse of prescription medications.
- F. Following the Informal Conference, the Investigative Committee obtained the medical records related to the medical treatment of Ms. Alleman. Seven (7) sets of medical records were obtained pursuant either to Board *subpoenas duces tecum* or medical releases provided willingly by Respondent and reviewed by the Investigative Committee.
- G. Review of medical records revealed Respondent received medications including, but not limited to, Lortab, Percocet and Dilaudid prescribed by various physicians in June, 2012 through November, 2012.
- H. Further investigation into this matter by the Investigative Committee revealed that Ms.

Alleman entered into a Consent Order with the Louisiana Physical Therapy Board on December 21, 2009 following a positive drug test (propoxyphene – Darvon) conducted at her place of employment after two home healthcare patients reported missing prescription medications after receiving treatment visits by Respondent. Respondent did not have a valid prescription for Darvocet when tested by her employer.

- I. Upon entering into the December 21, 2009 Consent Order, Respondent's license as a physical therapist was placed on probation beginning on October 1, 2009, and terminating in November 2012. Therein Respondent was mandated to report to the Board Executive Director "any medication prescribed for her and the purpose of such medication along with the name, address and telephone contact information for the prescribing doctor and the pharmacy where the prescription is filled. Such report shall be made by email within 36 hours of filling the prescription." The entirety of the Consent Order, Number 2009-I-029, is incorporated by reference into this allegation as if copied herein *in extenso*.
- J. Based upon the information provided in the numerous medical records reviewed, and the information contained within and related to the December 21, 2009 Consent Order, contrary to Consent Order requirements, Respondent failed to report to the Board prescriptions including, but not limited to, Lortab, Percocet and Dilaudid provided by physicians on the following dates: July 30, 2012; August 28, 2012; August 31, 2012; September 10, 2012; and September 14, 2012.
- K. Further review of medical records, specifically the records of March 18, 2013 from Pierremont OB-GYN Specialists, disclose that Respondent was aware of her medication dependence. Records state that Respondent has a history of pain medication dependence and admitted to taking pain medication again. Records further disclosed that Respondent requested assistance to discontinue use of pain medications indicating that she suffers negative physical symptoms if she does not utilize pain medications.
- L. It is further alleged that the medical records disclose Respondent's repeated and ongoing contacts with numerous healthcare providers provided her with significant levels of controlled pain medications including, but not limited to, the following treatment and prescription dates: March 18, 2013; April 4, 2013; April 5, 2013; April 7, 2013; April 19, 2013; July 16, 2013; August 29, 2013; August 30, 2013; September 4, 2013; September 18, 2013; October 30, 2013; November 1, 2013; November 12, 2013; December 18, 2013; January 1, 2014; January 25, 2014; February 12, 2014; February 19, 2014; February 20, 2014; February 23, 2014; February 26, 2014; March 17, 2014; March 19, 2014; March 20 – 22, 2014; May 12, 2014; and May 27, 2014 immediately prior to her arrest.
- M. On March 31, 2013, Respondent renewed her physical therapy license answering "no" to the question: "Are you currently engaging, or within the past year have you engaged, in the abuse of alcohol and/or illegal use of drugs or controlled substances?"
- N. In addition to the investigation of healthcare providers, the Investigative Committee also interviewed multiple persons with information related to Respondent and the theft of prescription medications from their homes. Two of the persons contacted by the Investigative Committee contacted the Board office shortly before Ms. Alleman's self-report with information of theft of prescription medications from their homes. The remaining persons were identified and contacted through the course of the investigation.

- O. A person providing information to the Board stated that that Respondent viewed their home three (3) times while it was listed “for sale” in 2013, and that following the viewings 14 hydrocodone/acetaminophen 7.5/500 mg. pills were missing.
- P. A second person providing information to the Board provided that Respondent was the sole person to view his home when it was listed “for sale by owner” in February, 2014. Following Respondent’s viewing 12 – 15 Percocet pills were missing and the Lortab/oxycodone pills were replaced with Vitamin B pills.
- Q. A third person providing information to the Board stated that Respondent viewed the home while it was listed “for sale by owner”. Following Respondent’s viewing medications were missing from the home including the following: Promethazine 10 dosages only had 1 pill remaining, Hydrocodone 40 dosages with only 4 remaining, a prescription bottle Hydrocodone 20 dosages with only 9 remaining, a prescription bottle of Promethazine 20 dosages with only 4 remaining.
- R. A fourth person providing information to the Board stated that when taking respondent to view homes in her position as a real estate agent, Respondent opened and inspected the contents of cabinets in bathrooms and kitchens.
- S. The information contained in paragraphs O, P, Q and R are the basis for the arrest warrant signed on May 27, 2014 for the arrest of Robyn Alleman which occurred on May 30, 2014 as previously discussed in Paragraph B herein for the violation of “La. R.S. 40:971(B)1(b) Prohibited Acts: in that she intentionally obtained possession of a controlled dangerous substance by misrepresentation and deception.”

Predicated on the information outlined above, the Investigative Committee has determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Robyn Alleman charging her with the following violations of the Practice Act and Board Rules.

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 her practice of physical therapy:

1. 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.
2. The Board has the authority to suspend or revoke a professional license upon due proof that a licensee has “abused controlled dangerous substances.” La. R.S. 37:2420A(5); as further specified by Rule 351A(2). Rule 351A(2) specifies as abuse “the ingestion, self administration, or other use of legally controlled substances or medications which affect the central nervous system, other than pursuant to and used in accordance with a lawful prescription and/or medical advice.
3. The Board has the authority to suspend or revoke a professional license which it has issued, or place probationary conditions on such license upon proof of unprofessional conduct,

including, but not limited to, departure from, or failing to conform to the *Minimal Standards of Acceptable and Prevailing Physical Therapy Practice*, the Code of Ethics and related documents of the APTA. La. R.S. 37:2420A(7) and Board Rule §345.

4. The Board has the authority to suspend or revoke a professional license which it has issued, or place probationary conditions on such license upon proof that a physical therapist “engage[d] in the practice of physical therapy while under the influence of mood-altering substance that compromises the professional judgment or practice or has the potential to compromise the medical judgment or practice.” Board Rule §373A.2.a.
5. The Board has the authority to suspend or revoke a professional license which it has issued, or place probationary conditions on such license upon proof that a physical therapist engaged in conduct that resulted in arrest and the initiation of criminal prosecution in violation of Board Rule §345B.8.
6. The Recovering Physical Therapy Program (RPTP) is intended “to ensure the health, safety and welfare of the public through a program which closely monitors practitioners whose capacity to practice physical therapy with reasonable skill and safety to patients has been, or may potentially be, compromised because of the use of alcohol or drugs.” Rule 355. The Board has the authority to order and individual to participate in the RPTP. Rule 359A.

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:

- A. Respondent’s license shall remain suspended for a period of three (3) years beginning with the date this Consent Order is agreed and accepted as the action of the Board;
- B. Upon the expiration of that three (3) year license suspension, Respondent’s license as a physical therapist is placed on probations for five (5) years;
- C. During the suspension period, probationary period, and for as long as the Respondent holds a license, Respondent shall promptly comply, as directed, with the requests of the Board or its designated agent to obtain and provide to the Board Prescription Monitoring Program (“PMP”) reports at her expense. Respondent shall provide the Board with the PMP report within five (5) business days of request by the Board or its designated agent;
- D. During the suspension period, probationary period, and for as long as the Respondent holds a license, Respondent shall promptly comply, as directed, with the requests of the Board or its designated agent for random drug tests. The random drug tests will be arranged by the Board or its designated agent, and Respondent shall reimburse the Board for the expense of such tests. She shall also authorize and direct her employer and any recovery treatment program in which she participates to furnish the Board copies of results for all drug tests conducted by those entities;
- E. The five (5) 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, she shall notify the Executive Director in writing within *ten (10) 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) days* of her return to practice;

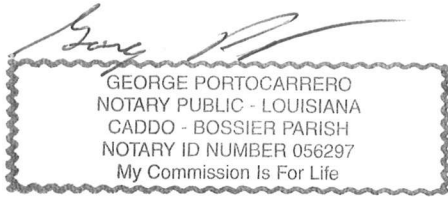
- F. During both the suspension and probationary periods Respondent will fully participate in the Recovering Physical Therapy Program (RPTP). This participation includes Respondent's submission to psychological and substance abuse evaluation and testing to be performed by an appropriate professional designated by the Board. Respondent will reimburse the Board for the expense of such testing and evaluation on the schedule agreed to with the Executive Director. Respondent will enter into the RPTP Participation Agreement consistent with the Recommendation of such testing and evaluation. Participation Agreement shall be in effect for the duration of the probationary period, with options for re-evaluation and re-assessment that will modify the terms of the agreement accordingly throughout the duration. Respondent further agrees to sign all releases and authorizations required to enable the Board and its RPTP to obtain reports, evaluations, and test results from any drug testing facility, physicians, health care providers, group moderators or other treating professionals;
- G. Respondent shall attend ninety (90) meetings in ninety (90) days of Alcoholics Anonymous, Narcotics Anonymous or other recovery support programs approved by the Executive Director and shall document attendance on Board-provided forms;
- H. During her license suspension and probation Respondent shall abstain from the use and ingestion by any means of alcohol and/or any controlled dangerous substance as defined by Louisiana and federal laws. If Respondent is prescribed a medication by a treating physician which is a controlled dangerous substance or administered such medication by physician order, she shall within three (3) days of obtaining such a prescription/medication provide documentation of the prescription/medication, the condition for which the medication is given, and contact information for the prescribing physician. She will provide to the Board names and contact information for the prescribing physician. She will provide to the Board names and contact information for all physicians who are treating her during her suspension and probationary periods and a listing of all medication she is prescribed for any medical condition. By signing this document Respondent authorizes her treating physicians to provide information on her diagnosis treatment and prescriptions to the Board Executive Director;
- I. During her license suspension and probation Respondent shall avoid all situations and environments where others are utilizing illegal substances. In the event that Respondent finds herself in a situation or environment where others are utilizing illegal substances, Respondent shall notify the Board Executive Director within three (3) days of such occurrence;
- J. For as long as Respondent holds a license, if any drug test of Respondent results in a positive finding for any controlled dangerous substance, Respondent's license shall automatically and summarily be suspended without further action by the Board, subject to Respondent's right to a full due process hearing before the Board within a reasonable time

period. If following a full due process hearing it is determined beyond a preponderance of the evidence that the Respondent tested positive for a controlled dangerous substance on a drug test, Respondent's license shall be permanently revoked;

- K. Respondent shall complete thirty (30) hours of board-approved continuing education courses or activities required in the biennial renewal period under Rule §194 during her suspension and probationary periods. In addition, during each of the three (3) year suspension and five (5) years of probation, Respondent shall complete an additional four (4) hours of continuing education courses in Ethics per renewal period. The Respondent will complete an additional ten (10) Continuing Education hours of Professional Conduct/Development. The Ethics and Professional Conduct/Development courses shall be approved in advance in writing by the Executive Director. Respondent shall also attend a live Jurisprudence Course per renewal period. Respondent shall provide documentation of course completion to the Executive Director within five (5) days of receipt of such documentation;
- L. Respondent shall begin an Ethics and Boundaries Assessment Examination through Ethics and Boundaries Services, LLC ("EBAS"), a cost of \$1,500.00, at her expense six (6) months prior to the conclusion of her suspension period. Respondent must successfully complete the EBAS Examination before she returns to practice and her probationary period begins;
- M. During the five (5) year probationary period Respondent shall fully cooperate with the Board representatives making random unannounced monitoring visits to her work sites and 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 \$150.00 for each such monitoring visit;
- N. 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;
- O. Respondent shall not seek or accept work in a home health setting. Furthermore, Respondent shall not seek or accept work in a setting that has not been approved in advance by the Board Executive Director and shall notify the Executive Director in writing of all employment and/or contractual service arrangements which she has to work as a physical therapist and shall update the Executive Director in writing within five (5) days of any and all changes in such arrangements. Respondent shall provide a copy of this Consent Order to her employer(s) before providing services to that employer and shall have the employer(s) notify the Executive Director in writing that she/he has received and reviewed a copy of this Consent Order. Respondent shall do this also with any new or subsequent employer(s) during the probationary period;
- P. Respondent shall pay the Board the sum of \$5,000.00 in partial reimbursement for legal and administrative expenses incurred in this matter, this amount to be paid in equal monthly installments, arranged in advance with the Executive Director, over the eight (8) years of her suspension and probation;

- Q. Respondent declares that, before signing this Consent Order, she 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. She has waived her right to be represented by counsel;
- R. Respondent acknowledges that her failure to comply with any term of this Consent Order is a basis for immediate summary suspension of her license and for further disciplinary action by the Board;
- S. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;
- T. Respondent authorizes the Investigating Board Member, Beth Austin, 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 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.
- U. 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
- V. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.
- W. 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.

SWORN TO AND SUBSCRIBED on this 26 day of February, 2015.
By Robyn Alleman, PT



Robyn Alleman, PT
Robyn Alleman, P.T.

AGREED AND ACCEPTED by official action of the Board, the 26th day of February, 2015, at Lafayette, Louisiana.

Louisiana Physical Therapy Board

Al Moreau, III, P.T., Chair