



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

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Complaint No. 2014-I-002

Chet Sternfels, P.T.

(License No. 04181)

CONSENT ORDER

On February 2, 2014, the Louisiana Physical Therapy Board (“LPTB” or “Board”) received a complaint alleging that Chet Sternfels, P.T., (“Mr. Sternfels” or “Respondent”) violated multiple provisions of the Louisiana Physical Therapy Practice Act (“Practice Act”) and Louisiana Board Rules and Regulations (“Rules”) throughout his practice of physical therapy. Specifically, the complaint alleged lack of appropriate supervision of physical therapy technicians, inappropriate delegation of duties to physical therapy technicians, failure to adequately evaluate patients, treatment of patients without prescription, and improper documentation.

Throughout the course of the investigation, the Investigative Committee, consisting of LPTB Executive Director, Charlotte Martin; Board Case Manager, Susan Bartol, and legal counsel representing the Board, Courtney P. Newton, interviewed multiple witnesses and reviewed physical therapy patient files and office records obtained by an Investigative Subpoena Duces Tecum.

Mr. Sternfels participated in two Informal Conferences. The first Informal Conference was held on June 18, 2014 at the Board office in Lafayette, LA. The second Informal Conference occurred on July 17, 2014, at the Goodwood Library in Baton Rouge, LA. Those in attendance at the Informal Conferences were Respondent and all members of the

Investigative Committee. Respondent waived his right to representation by counsel after being duly notified of such right. During the Informal Conferences Mr. Sternfels admitted to difficulties in documentation and record keeping, due, in part, to a transition from paper records to electronic records. Mr. Sternfels also acknowledged that high patient volume and relaxed office environment contributed to the difficulties in maintaining records, resulted in improper delegation and supervision of duties and responsibilities to physical therapy technicians, and contributed to inadequate patient evaluations.

Throughout the entirety of the investigation Mr. Sternfels cooperated fully, answering all questions asked and providing all records requested. Furthermore, Respondent expressed a willingness to resolve the complaint through a Consent Order.

FACTUAL BASIS FOR CONSENT ORDER

Following receipt of the complaint against Mr. Sternfels, the Investigative Committee conducted a confidential informal investigation. During the investigation two (2) informal conferences were held with the Respondent, three (3) witnesses were interviewed, clinic records were reviewed, and multiple patient files were analyzed.

Violation of rules pertaining to physical therapy technicians' training, duties, responsibilities, and supervision were established through witness interviews and clinic and patient files. Physical therapy technician files did not contain completed documentation of education and/or training. All witnesses interviewed spoke of instances when physical therapy technicians started patient treatment prior to patient evaluation by Mr. Sternfels. Witness interviews also revealed repeated occurrences when a physical therapy technician would be monitoring up to seven (7) patients while Respondent utilized another room to perform initial evaluations on new patients. Witnesses further stated that there were periods of time when Respondent left physical therapy technicians alone in clinic with patients to complete physical therapy treatments.

Violations of rules pertaining to documentation standards and maintenance of medical records were proven through witness testimony and patient physical therapy records. All witnesses stated that physical therapy technicians "finalized" physical therapy records and that several weeks would pass before patient records were created/completed during the transition from paper records to electronic records. Violations of documentation standards were also evidenced from the Respondent's statements during Informal Conferences. During the Informal Conferences held with the Respondent, Respondent stated that there were several instances where he treated patients without creating a physical therapy file. For one such patient dry needling was utilized as a form of treatment and patient had neither a physical therapy record nor prescription on file.

Predicated on the information outlined above, the Investigative Committee has determined that reasonable cause exists for recommending that a formal Administrative Complaint be against Chet Sternfels charging him 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 his 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 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.
3. Board Rule §335A requires documentation of education or in-service training of physical therapy technicians in the technician's personnel file and provides that "the supervising PT shall provide continuous, in-person supervision of the physical therapy technician."
4. A physical therapist is responsible for managing all aspects of a physical therapy patient's care. La. R.S. 37:2418A. This principle is further illustrated in Board Rule. Under Board Rule §373A(5) it is a violation to delegate "physical therapy functions or responsibilities to an individual lacking the license[,] ability or knowledge to perform the function or responsibility involved."
5. Creation and maintenance of physical therapy records in accordance with Board Rule §§341A, B and D and 345B(3).
6. Physical therapy treatment shall be based on a prescription or referral of a person licensed to practice medicine, surgery, dentistry, podiatry, or chiropractic. La. R.S. 2418B.

ORDER

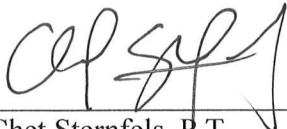
Pursuant to the foregoing Factual Basis for Consent Order and Violations Related to Respondent's Conduct, and, in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of quorum, agree as follows:

- A. Respondent's license as a Physical Therapist is hereby placed on probation 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. Respondent shall, during each of the three (3) years of probation, complete continuing education courses in Differential PT Diagnosis and / or Physical Therapy Patient Management (4 hours), Practice Management (4 hours), Documentation (2 hours), and Jurisprudence (2 hours, Live) in addition to the to the thirty (30) hours of board-approved continuing education courses or activities required in the biennial renewal period under Rule §194. The above specified courses shall be approved in advance in writing by the Executive Director. Respondent shall provide documentation of course completion to the Executive Director within five (5) days of receipt of such documentation;

- C. 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. Respondent shall also provide new policies for physical therapy technician duties and responsibilities, physical therapy technician training, and clinic security/integrity of electronic signature as required in the Board Rules. The essay shall be submitted to the Executive Director no later than January 14, 2015.
- D. Respondent shall complete a Board approved, above entry level, Physical Therapy Self Assessment Tool. The Self Assessment Tool shall be completed and a copy submitted to the executive director on or before January 14, 2015.
- E. Respondent shall fully cooperate with the Board representatives making random unannounced monitoring visits to his work sites and shall provide complete access to his employment and/or business records, patient treatment records, and all other documentation, and shall reimburse the Board \$150.00 for each such monitoring visit;
- F. 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;
- G. Respondent shall pay the Board the sum of \$3,000.00 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 thirty-six months of his probation;
- H. Respondent declares that, before signing this Consent Order, he 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. He has waived his right to be represented by counsel;
- I. 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. The 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
- J. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.

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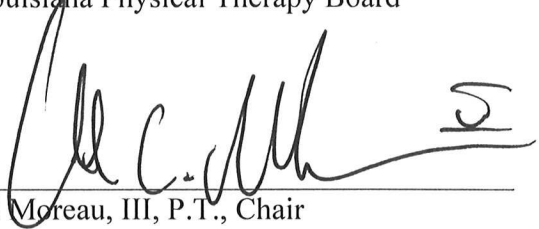
SWORN TO AND SUBSCRIBED on this _____ day of _____, 2014.



Chet Sternfels, P.T.

AGREED AND ACCEPTED by official action of the Board, the 24th day of July, 2014,
at Lafayette, Louisiana.

Louisiana Physical Therapy Board



Al Moreau, III, P.T., Chair