



State of Louisiana  
**DEPARTMENT OF HEALTH AND HOSPITALS**  
**Board of Physical Therapy Examiners**

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 LAFAYETTE, LA 70508  
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<p><b>In the Matter of</b>  <b>ROSE KATHLEEN FONTENOT, P.T.</b>  <b>License No. 00452</b>  <b>Respondent</b></p>	<p>- - - - -</p>	<p style="text-align: center;"><b>CONSENT ORDER</b></p> <p style="text-align: center;">-----</p> <p style="text-align: center;"><b>ADMINISTRATIVE CASE NO.</b>  <b>99-001</b></p>
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A Formal Evidentiary Hearing was scheduled before the Louisiana State Board of Physical Therapy Examiners (the "Board") on April 29, 1999, to address alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, Rose Kathleen Fontenot, P.T. ("Fontenot"), to-wit: "practicing physical therapy in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act," LSA R.S. 37:2413A(1); violating provisions of the Physical Therapy Practice Act, LSA R.S. 37:2402A, 37:2407A, 37:2414(2); and for violating the Rules and Regulations promulgated by the Board, Rules and Regulations, Title 46, Sections 165A, 307A and 325 *et seq.*

In attendance, at the Pre-hearing Conference were Respondent, Rose Kathleen Fontenot, P.T.; the Complainant, Becky Lege', P.T.; and Michael A. Tomino, Jr., attorney for Board.

Upon consideration and discussion and evidence presented at the Conference and thereafter to the Board, this Consent Order, effective April 29, 1999, is voluntarily entered into by and between Respondent, Rose Kathleen Fontenot, P.T. and the Board which was comprised of Sharon Troups, Gregory Ward and Gail Pearce for the purposes of this proceeding.

**FINDINGS OF FACT**

1. Respondent, Rose Kathleen Fontenot, P.T., was a physical therapist possessing Louisiana License No. 00452 issued by the Board to practice physical therapy in the State of Louisiana in 1998 pursuant to the Physical Therapy Practice Act of Louisiana, LSA R.S. 37:2401 *et seq.*

2. Respondent failed to timely renew her license for the calendar year of 1999.

3. Respondent failed to annually renew on or before December, 31, 1998, by failing to submit to the Board an application for renewal together with the renewal fee prescribed by the Board's Rules and Regulations.

4. Respondent practiced physical therapy at Grand Cove and Resthaven nursing homes, beginning on or about January 1, 1999, through January 14, 1999.

5. Respondent practiced physical therapy in the State of Louisiana without a license issued by the Board beginning January 1, 1999, through January 14, 1999.

6. Respondent failed to timely renew her license to practice physical therapy for the calendar year 1999 in violation of the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated by the Board.

### **CONCLUSIONS OF LAW**

7. Respondent unlawfully practiced, held herself out, or designated herself, as a physical therapist without a license duly issued by the Board. LSA R.S. 37:2402A, 37:2414(2) and 37:2413A(1); and Rules and Regulations, Title 46, Sections 307A and 325 et seq.

8. Respondent unlawfully practiced physical therapy without timely renewing her 1999 license prior to the deadline establish by law for such renewal. LSA R.S. 37:2407A and 37:2413A(1); and Rules and Regulations, Title 46, Sections 165A and 325 et seq.

9. Respondent's violations of the provisions of the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated thereto constitute lawful grounds for the Louisiana State Board of Physical Therapy Examiners, upon due notice of hearing and proof of such violations, to suspend or revoke Respondent's license or other disciplinary action as provided by law. LSA R.S. 37:2402A, 37:2407A, 37:2414(2) and 37:2413A(1); and Rules and Regulations, Title 46, Sections 165A, 307A and 325 et seq.

### **DECISION**

Based upon the foregoing Findings of Fact, Respondent and the Board, by vote of the quorum, mutually agree to the following:

1. Respondent shall pay \$250.00 lump sum to the Board as an agreed upon fine in this matter.

2. Within five (5) days of the effective date of this Consent Order, Respondent shall submit a signed Affidavit to the Board that she has read the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated thereto.

3. Respondent shall pay the costs associated with this proceeding.

4. Respondent's failure to comply with any of the terms of this Order shall be deemed just cause for the suspension or revocation of Respondent's licensure, or any other disciplinary action, as if such violation were enumerated among the causes provided in LSA R.S. 37:2413 and the Rules and Regulations by the Board.

5. The existence and terms of this Consent Order will not be confidential or privileged information.

6. Respondent hereby releases the Board, its representatives and attorney from any obligations or liability in their endeavors to administer this Consent Order.

7. The effective date of this Consent Order shall be April 29, 1999, if Respondent executes and returns the Consent Order to the Board within five (5) days of his receipt of same.

8. Upon timely receipt by the Board of Respondent's signed Consent Order, payment of the \$250.00 fine, payment of costs associated with this proceedings, and Affidavit that she has read the Physical Therapy Practice Act and the Rules and Regulations, the Board shall thereafter issue a license to practice physical therapy to Respondent for 1999.

9. Upon Respondent timely complying with the requirements set forth in Paragraph 8, her licensure to practice physical therapy for 1999 shall be considered renewed and reinstated effective January 1, 1999.

10. Respondent declares that, before signing this Consent Order, she has carefully read this document, she knows and understands the contents thereof, she signs it as an act of her own free will, she understands its meaning and effect, she has had the opportunity to retain counsel if she so chose, she waives all rights to a formal public hearing and she consents to this Order.

**THUS DONE AND PASSED**, on the 29<sup>th</sup> day of April, 1999, at the City of Lafayette, Parish of Cadichon, Louisiana., in the presence of the two undersigned competent witnesses, who hereunto sign their names with Appearer and me, Notary, after due reading of the whole.

WITNESSES:

Becky Lege  
Gail M. Pearce

Rose Kathleen Fontenot, PT  
Rose Kathleen Fontenot, P.T.

Michael C. Zup  
Notary Public

AGREED TO AND ACCEPTED this 29<sup>th</sup> day of April, 1999

LOUISIANA STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS

Sharon Toups  
Sharon A. Toups, P.T.