

HUI BEL EDWARDS
GOVERNOR



CHARLOTTE F. MARTINI, M.P.A.
EXECUTIVE DIRECTOR

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

IN THE MATTER
OF
ASHLEY PHILLIPS

CONSENT ORDER

LICENSE NO. 07848

NUMBER: 2023-I-018

CONSENT ORDER

ASHLEY PHILLIPS (“Ms. Phillips” or “Respondent”) is a Physical Therapist (“PT”), as evidenced by License No. 07848, and is subject to the jurisdiction and the Rules and Regulations of the Louisiana Physical Therapy Practice Act (La. R.S. 37:2401, et seq.), and the Rules and Regulations of the Louisiana Physical Therapy Board (“LPTB” or “Board”) (LAC 46:LIV §103, et seq.), and enters in the following agreement relative to Complaint No. 2023-I-018.

FACTUAL BASIS FOR CONSENT ORDER

1. Respondent received her Physical Therapist license, number 07848, on or about June 3, 2010.
2. On or about May 24, 2023, the Board received a self-report from Respondent advising that on May 23, 2023, she had been convicted of driving while intoxicated (DWI) from an arrest and charge on August 8, 2021. This arrest was not reported to LPTB at the time of arrest or when Respondent renewed her license.
3. On May 25, 2023, LPTB sent to Respondent a Notice Letter, advising her of an investigation into her self-report and requesting a written statement from Respondent. Respondent provided a written statement, which was received by the Board on June 26, 2023.
4. As part of the investigation into the complaint, LPTB sent subpoenas for treatment records to five treatment facilities at which Respondent received treatment for substance abuse issues. The treatment records indicated a history of admission into the facilities, discharge from the program, then immediate relapse. This cycle occurred nine times between November of 2021 and August of 2023. The treatment notes also indicated that Respondent was arrested for aggravated assault.
5. Further investigation indicated that Respondent was arrested on September 22, 2022, for aggravated assault in Fort Bend County, Texas. This arrest was not reported to LPTB at the time of arrest or when Respondent renewed her license.

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. La R.S. 37:2420(A)(1) - Practiced physical therapy in violation of the provisions of this Chapter, the rules of the board, or standards of practice;
2. La R.S. 37:2420(A)(5) - Been habitually intemperate or abused controlled dangerous substances defined by Federal or Louisiana law;
3. LAC 46 LIV §345(B)(15) – As used in R.S. 37:2420(A)(7) of the Practice Act and in these rules, the terms unprofessional conduct does not require actual injury to a patient, and includes, but is not limited to, the following: (15) Failure to notify the board of a felony arrest related to habitual intemperance as defined in §351, institution of formal criminal charges either by indictment or bill of information, and conviction, including but not limited to, a guilty plea or a plea of nolo contendere, within seven days of such arrest, criminal charge, or conviction;
4. LAC 46 LIV §351(A) – As used in R.S. 37:2420.A (5) of the Practice Act, “habitually intemperate” means: (1) repeated excessive use or abuse of alcohol;
5. LAC 46 LIV §351(C) – If the board receives apparently reliable information, including, but not limited to, reports made pursuant to R.S. 37:1745.14, which information or report puts in question a licensee's or applicant's fitness and ability to practice physical therapy with reasonable skill and safety to patients, the licensee or applicant shall submit to such physical or mental examination, evaluation, test, or drug/alcohol screen as requested by the executive director to determine the licensee's or applicant's fitness and ability to practice physical therapy with reasonable skill and safety to patients.

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 is **SUSPENDED** until such a time that Respondent submits to a Fitness for Duty Evaluation. Respondent will schedule at her own expense a Fitness for Duty Evaluation by a Board recognized provider. The evaluation report must be sent directly to the Louisiana Physical Therapy Board upon completion for review. The Respondent's license will remain suspended until receipt of an evaluation report stating that Respondent is safe to return to the practice of physical therapy with reasonable skill and safety to the public.
2. Respondent agrees to follow all treatment recommendations resulting from the Fitness for Duty Evaluation. If individual therapy/treatment is recommended in the Fitness for Duty Evaluation, the individual treatment provider must meet the LPTB Criteria for Individual Treatment Providers. Participant shall sign all necessary medical release forms for the full initial evaluation report, fitness for duty evaluation report and any treatment discharge summaries to be released directly by the individual treatment provider to the LPTB. Participant agrees to allow the LPTB to send a copy of the Consent Order to the individual treatment provider. Individual therapy reports shall be sent directly to the LPTB from the individual therapy provider on a quarterly basis, to be received no later than the 15th of January, April, July, and October;

3. Once Respondent's license is reinstated after the suspension period set forth at Paragraph 1, above, Respondent's license shall be on probation for a minimum of five (5) years. 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 a letter from the Board acknowledging the close of the probationary period and a final exit interview with the Board to be scheduled by the Board Executive Director.
4. During the suspension and probationary period, the respondent shall participate in the Recovering Physical Therapy Program ("RPTP") and follow all terms and conditions set forth in the RPTP Participation Agreement.
5. During the probationary period, the Board may make random unannounced monitoring visits to Respondent's work site. In the event of a monitoring visit, Respondent shall fully cooperate with the Board representative making the visit and Respondent 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 for expenses related to the monitoring visit as invoiced and must be paid within 30 days of receipt of invoice;
6. During the five-year probationary period, Respondent shall provide a copy of this Consent Order to her 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/she has received and reviewed a copy of this Consent Order prior to Respondent providing physical therapy services. 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;
7. The five-year probation period shall be extended for any period of time in which Respondent is not employed as a physical therapist assistant within the State of Louisiana and regularly working an aggregate over the month that is at least twenty (20) hours per week. If Respondent ceases to be regularly employed as a physical therapist assistant in Louisiana, she shall notify the Executive Director in writing within ten (10) calendar 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) calendar days of her return to practice;
8. During the first year of the five-year probationary period, Respondent may not work in a home health setting.
9. Ms. Phillips shall pay the Board the sum of \$1,150.00 in partial reimbursement for legal and administrative expenses incurred in this matter. Failure to reimburse associated fees will require the Board to take further action in collection of this debt. Respondent has twenty-four (24) months to reimburse the expenses before the debt will be considered final and transferred to the Louisiana Office of Debt Recovery (ODR). After transfer, the debt is subject to an additional collection fee of up to twenty-five percent (25%) of the total debt liability, as provided for in La. R.S. 46:1676(E).

10. Respondent shall comply with La R.S. 37:2415(B) 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 her Louisiana residence, and receives written confirmation from the Executive Director;
11. 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.
12. Respondent shall have reliable access to a computer, internet, and telephone. In accordance with Board Rule §385, Respondent shall provide to the Executive Director her preferred telephone number and/or email address in writing for expedited communications regarding compliance with this Board Order within forty-eight (48) hours of signing the Consent Order. Respondent shall reply to Board emails and telephone calls within four (4) hours of such communication. Respondent shall notify the Executive Director in writing of any change to her preferred telephone number and/or email address immediately upon such change.
13. Respondent declares that, before signing this Consent Order, she is of sound mind 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. Further, she has represented by legal counsel in this matter and in the negotiation of this Agreement.
14. Respondent acknowledges that her failure to comply with any term of this Consent Order is a basis for the immediate summary suspension of her license and for further disciplinary action by the Board.
15. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above.
16. Respondent authorizes the Investigating Board Member, Phillip Page, 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, as currently comprised, or any future composition of the Board, 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.
17. 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, as the Board is currently constituted, or any future appointments to the Board, from further participation in hearings or resolution to these proceedings.

18. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.
19. Respondent acknowledges that all communication(s) 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(s) 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.

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I, ASHLEY PHILLIPS, have read this Consent Order, understand it, and agree to be bound by its terms and conditions.

Ashley Phillips
ASHLEY PHILLIPS

SWORN TO and subscribed before me, Notary Public this 1st day of February, 2024,
in Alexandria, Louisiana.

Clay A Ray, Sr.
Notary Public

Clay A Ray, Sr.

Notary Name printed (#)

Clay A. Ray, Sr.
Notary Public No. 19079
Rapides Parish, LA
Expires at Death

AGREED AND ACCEPTED by official action of the Board, this 21st day of Feb, 2024, at Lafayette, Louisiana.

Judith Halverson, P.T., D.P.T., M.H.A.

Judith Halverson, P.T., D.P.T., M.H.A.,

Chair

Clay L. Lavergne, Jr., P.T.

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Clay L. Lavergne, Jr., P.T.
Key Public No. 1807
Louisiana Parish, LA
Executive of Death