

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	*	
	*	
	*	Complaint No. 2014-I-009
ART PRADO, P.T.A.	*	
(License No. A1993G)	*	
	*	

CONSENT ORDER

Art Prado (“Mr. Prado” or “Respondent”) came to the attention of the Louisiana Physical Therapy Board (“LPTB” or “Board”) on May 27, 2014 when a complaint was submitted to the Board office. Therein the complainant alleged that Mr. Prado failed to meet with scheduled patients, failed to communicate with office staff, failed to complete required physical therapy treatment records, and refused to return company equipment, valuing approximately \$8,000.00, until threat of a police report.

An Investigative Committee was formed consisting of the following individuals: Beth Austin, Board Member; Charlotte Martin, Executive Director; and Courtney Newton, Board attorney. The Investigative Committee interviewed multiple witnesses. On July 29, 2014 Mr. Prado was personally served notice of the investigation and scheduled Informal Conference. Respondent participated in an Informal Conference on August 21, 2014. All members of the Investigative Committee were present at the Informal Conference. Mr. Prado was not represented by counsel. At the Informal Conference Mr. Prado arrived with significant bruising on his face and appeared disheveled. He was disoriented. He denied abuse of either drugs and/or alcohol.

Following the Informal Conference, Mrs. Charlotte Martin was notified that Mr. Prado was receiving treatment for alcoholism at Oceans Behavioral Hospital, a seven (7) day inpatient program. On September 2, 2014, immediately following the seven (7) day inpatient program, Respondent was admitted to Ripple Recovery Ranch in Texas for additional inpatient treatment for alcohol addiction. He received treatment at Ripple Recovery Ranch until November, 14, 2014, at which time he was released.

During his treatment at Ripple Recovery Ranch, Respondent proactively contacted the Executive Director and cooperated fully with the Investigative Committee signing medical releases when requested and answering all questions. Respondent signed an Agreement to Abstain from the practice of Physical Therapy on August 21, 2014. Mr. Prado has abstained from practice since that date. Respondent verbally expressed a willingness to the Committee to attempt to resolve the pending complaint through a Consent Order.

FACTUAL BASIS FOR CONSENT ORDER

On May 27, 2014 the Louisiana Physical Therapy Board received a complaint alleging therein that during the course of Respondent's employment, respondent failed to communicate with staff, failed to treat patients as scheduled, failed to complete treatment records as required by rule and law, and refused to return company equipment, valuing approximately \$8,000.00, until threat of a police report. On June 13, 2014, all members of the Investigative Committee interviewed three witnesses, all claiming to have first-hand knowledge of the allegations found within the complaint. Shortly thereafter, members of the Investigative Committee contacted two additional witnesses by telephone to discuss Mr. Prado's behavior and performance as a physical therapy assistant.

On May 5, 2014, Respondent began an eight week contract position as a physical therapist assistant. A patient schedule was created for Respondent. Immediately after receiving training at his employer's office and receiving \$8,000 worth of medical equipment for use during home health physical therapy treatments, Respondent began to treat home health patients. Upon arrival at the office on the morning of May 6, 2014, Mr. Prado failed to complete patient treatment documentation stating that he would do so at a later time. On May 7, 2014, Mr. Prado failed to return numerous telephone calls and text messages from his employer's office until 2:00p.m. During this communication Mr. Prado informed the office that he was ill and would return to the office the following morning. Respondent contacted the office by telephone at 2:30pm on May 8, 2014 stating that he had been treating home health patients. He agreed to meet at the office following treatment of one additional patient. Respondent did not meet at the office as agreed.

On May 8, 2014 Mr. Prado contacted the office in the morning stating that he would arrive shortly. Respondent did not go to the office. Office staff attempted to reach Respondent several times. Respondent contacted the office at 11:15 a.m. stating he was treating patients, but was behind schedule. Mr. Prado agreed to treat patients over the weekend to and to complete all necessary patient treatment documentation. Respondent did not communicate with the office despite multiple attempts to reach him over the course of the weekend.

On May 12, 2014 Mr. Prado contacted the office at 9:00 a.m. informing staff that he did not have access to a vehicle as his car was broken and being repaired. At 12:00 p.m. Respondent again contacted the office stating that he still did not have access to a vehicle, but would be renting a car. He again agreed to meet at the office either that afternoon or the following morning. On May 13, 2014 Respondent again contacted the office stating that his car was inoperable and ensuring the office staff that he would either rent a car or use the car of a family member to treat home health patients. He stated he would meet at the office on the morning of May 14, 2014.

On May 14, 2014 Mr. Prado contacted the office stating his car was still not repaired and that he was unable to obtain transportation. Respondent agreed to allow his employer to pick

him up at a hotel and drive him to the office to complete patient documentation. Upon employer's arrival, Mr. Prado was not at the hotel. The employer contacted Respondent by cell phone. Respondent answered and stated that he was on his way to the office. Respondent never arrived at the office. On May 15, 2014 Mr. Prado did not communicate with the office. On May 16, 2014 Respondent contacted the office to inform the staff that he was still having car trouble.

Respondent did not contact the office again until May 20, 2014. During the telephone call with the office staff, Respondent informed the staff that he had heard that the office was considering filing a police report against him for theft of the medical equipment. On May 21, 2014 Respondent returned most of the medical equipment to the employer's office. Respondent did not offer explanation of his absence, failure to treat scheduled patients, or failure to provide treatment documentation for thirty-two patients.

Following communications with the Louisiana Physical Therapy Board Investigative Committee and the Informal Conference, Mr. Prado, through his parents, informed Charlotte Martin that he was struggling with alcoholism and was receiving treatment at Oceans Behavioral Hospital and Ripple Recovery Ranch. Respondent admitted to struggling with alcohol addiction for several months.

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 Art Prado 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. 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 licensee failed to create and/or maintain a medical record in accordance with Board Rule §§ 341 and 345B(3);
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 PTA provided substandard care through a deliberate, negligent act, or failure to act, regardless of actual injury in accordance with Board Rule §373A(9);

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 licensee abandoned a patient without proper documentation in accordance with Board Rule §373A(10);
6. The Board has the authority to suspend or revoke a professional license upon due proof that a licensee is “habitually intemperate” under La. R.S. 37:2420A(5); as further specified by Rule 351A(1). Rule 351A(1) defines “habitually intemperate” as “repeated excessive use or abuse of alcohol”;
7. 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 one (6) months beginning on August 21, 2014, the date Respondent signed an Agreement to Abstain;
- B. Upon the expiration of that six (6) month license suspension, Respondent’s license as a physical therapist is placed on probations for five (5) years;
- C. The five (5) year suspension 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, he shall notify the Executive Director in writing within *ten (10) days* of the last date he has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist within the State of Louisiana, he shall notify the Executive Director in writing within *ten (10) days* of his return to practice;
- D. 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;

- E. 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;
- F. During his 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, he 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. He will provide to the Board names and contact information for the prescribing physician. He will provide to the Board names and contact information for all physicians who are treating him during his suspension and probationary periods and a listing of all medication he is prescribed for any medical condition. By signing this document Respondent authorizes his treating physicians to provide information on his diagnosis treatment and prescriptions to the Board Executive Director;
- G. During his license suspension and probation Respondent shall avoid all situations and environments where others are utilizing illegal substances. In the event that Respondent finds himself 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;
- H. During his license suspension and probation periods, 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. He shall also authorize and direct his employer and any recovery treatment program in which he participates to furnish the Board copies of results for all drug tests conducted by those entities;
- I. 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 to determine his future status as a licensee;
- J. Respondent shall complete thirty (30) hours of board-approved continuing education courses or activities required in the biennial renewal period under Rule §194 during his suspension and probationary periods. In addition, each of the one (6) month 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;

- K. Respondent shall successfully complete an Ethics and Boundaries Assessment Examination through Ethics and Boundaries Services, LLC (“EBAS”), a cost of \$1,500.00, at his expense within six (6) weeks of Board approval of this Consent Order.
- L. During the five (5) year probationary period Respondent shall fully cooperate with the Board representatives making random unannounced monitoring visits to his work sites and shall provide complete access to his 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;
- M. 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;
- N. 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 he 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 his 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;
- O. Respondent shall pay the Board the sum of \$1,500 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 six (6) of his suspension and probation;
- P. 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;
- Q. 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;
- R. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;
- S. 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 him, 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, his right to have notice of any allegations or charges against him, to administrative adjudication of such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law.


- T. 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
- U. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.
- V. 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 6TH day of APRIL, 2015.

Jackie R. Kilmer, Notary Public
Notary ID # 023146
Bossier Parish, Louisiana
My Commission Is For Life

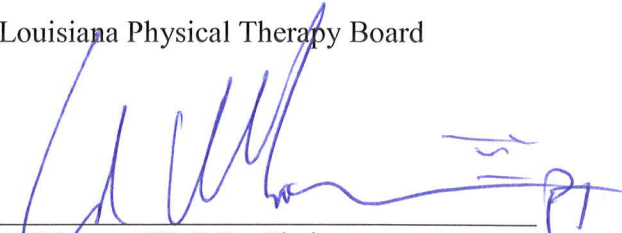


Art Prado, P.T.A.



AGREED AND ACCEPTED by official action of the Board, the 25th day of February, 2015, at Lafayette, Louisiana.

Louisiana Physical Therapy Board



Al Moreau, III, P.T., Chair