

LOUISIANA PHYSICAL THERAPY BOARD

**IN THE MATTER OF: REBECCA SEYMOUR, PT
 LICENSE NO. 07641R
 ADMINISTRATIVE COMPLAINT NO. 2014-1-012**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Louisiana Physical Therapy Board (the “Board”) held an Administrative Hearing in the above referenced matter at the Board’s Office, located at 104 Fairlane Drive in Lafayette, Louisiana, on January 15, 2015. A quorum of the Board was present and participated in the hearing. Board Members participating were Al C. Moreau III, Danny P. Landry, Don Cassano Jr., Kristina Lounsberry, and Gerald J. Leglue, Jr., MD. Madeline S. Carbonette an assistant attorney general appointed to act as Hearing Officer was present. The case was prosecuted by Courtney Newton. Respondent, Rebecca Seymour participated by phone and was not represented by an attorney. Respondent requested the Board grant her a continuance of the hearing to allow her additional time to retain an attorney to represent in the case. The Board heard testimony and arguments from Respondent, after being duly sworn and under oath, and arguments from the Prosecutor. The Board denied the Respondent’s request for a continuance based on the following findings of fact:

1. Respondent received notice of the Complaint on 12/13/14 by registered mail.
2. Respondent received notice of the hearing on 12/18/15 by hand delivery and certified mail.
3. Respondent acknowledged receipt of multiple e-mail communications from the Board.
4. Board acknowledged that Respondent had no access to cell phone from end of December until 1/12/15.
5. Respondent admitted that after purchasing another cell phone she again chose not to respond.
6. Respondent admitted that she has not communicated with an attorney since receiving notice and has not pursued legal representation for the hearing.

The Board appointed Al Moreau to act as chairman for the hearing and contact for the Hearing Officer. The Prosecutor proceeded with the hearing. Charlotte Martin and Elizabeth A. Austin, after being duly sworn, offered testimony as witnesses. Respondent, Rebecca Seymour, who had already been sworn, offered testimony as a witness.

After receiving the evidence presented, including exhibits and the testimony of witnesses, the Board made the following findings of facts and conclusions of law:

1. Rebecca Seymour is, and all times pertinent hereto, was a physical therapist licensed by the Board as evidenced by license number 07641R.
2. Rebecca Seymour, PT, was a contract employee for Aureus Radiology, LLC (“Aureus”) on assignment for Tara Therapy at 915 First Street, Winnfield, LA from April 8, 2014 through April 14, 2014.
3. On April 4, 2014, as part of Aureus’ customary pre-employment screenings, Ms. Seymour submitted to a drug test. Respondent produced a sample for testing at Medtox Laboratories Inc. (“Medtox”).
4. On April 14, 2014, Respondent’s drug test was “Positive-Verified” for Oxycodone / 369 ng/ml.
5. Following receipt of the positive drug test results, Aureus contacted Ms. Seymour inquiring about the existence of a valid prescription to explain the positive drug test result.
6. On or about April 16, 2014, Respondent emailed Aureus a photograph of a prescription bottle for Oxycodone 30mg to Adam Hamilton, Aureus Senior Account Manager in the Rehab Therapy Division. The photograph shows only the prescription number, name, drug and dosage, instructions for use, and prescribing doctor Dr. Donald Ray Spencer. The date of the prescription is not visible on the photograph.
7. On April 30, 2014 and May 13, 2014 Mr. Hamilton of Aureus contacted Respondent and left voicemails informing Respondent that the photograph of the prescription bottle provided to Aureus was not sufficient to explain a positive drug test and requested additional information.
8. On May 15, 2014, Jenny Noble, Aureus Senior Compliance Specialist, emailed Ms. Seymour providing May 23, 2014 deadline to provide requested

information and informing Respondent that failure to respond will result in an official positive drug test and reports to all Boards where Respondent holds a license.

9. On May 21, 2014, Jenny Noble, contacted Dr. Donald Ray Spencer, located in Brownsville, TN, to inquire about the timing of Respondent's prescription for Oxycodone. Through this communication Ms. Noble learned that a prescription for Oxycodone was not provided to Respondent in April of 2014. Rather, Ms. Noble learned that a prescription was provided for Hydrocodone and filled on 4/16/2014, a date that occurred after the positive drug screen and could not provide an adequate explanation for positive drug test.
10. On June 9, 2014, Aureus reported Respondent's positive drug screen to the Board.
11. An Investigative Committee of the Board directed subpoenas to Aureus and Tara Therapy on June 16, 2014 and thereafter received records in response to the subpoena which corroborated the failed drug test and inability to provide explanation. The return on the subpoena contained documentation which corroborated the prescribing physician contact and the fill date which could not provide an explanation for the positive drug screen result.
12. On July 1, 2014, Respondent was notified of the complaint and the unexplained failed positive drug test and requested that she attend an informal conference.
13. Out of concerns for the public, the Investigative Committee provided Ms. Seymour with an Agreement to Abstain from Practice which Ms. Seymour signed and returned to the Board on August 8, 2014.
14. On August 21, 2014, an Informal Conference was held. Those in attendance were Beth Austin; Charlotte Martin, Executive Director; Courtney Newton, Attorney for the Board; and Rebecca Seymour, Respondent. At the informal conference respondent denied taking Oxycodone without a valid prescription, and denied having any addiction or abuse of medications. Ms. Seymour further asserted that she was receiving medications and injections from a physician to manage pain resulting from a previous neck injury.
15. After being informed of the failed drug test at Aureus Respondent assured the Investigative Committee that she could provide a valid prescriptions and supporting medical records that would satisfy the committee's inquiries.
16. Despite Respondent's assurances of her full cooperation and ability to provide the prescription at the Informal Conference, repeated requests directed to Respondent, through her attorney, failed to provide any prescriptions that would satisfactorily explain the failed test.

17. Because Respondent did not provide requested information, on October 30, 2014, the Investigative Committee made a final attempt to locate the prescription for Oxycodone that Respondent claimed could explain the April 4, 2014 positive drug test. The Investigative Committee provided Respondent with blank medical records requesting that Respondent complete a medical release for any and all physicians prescribing to her over the past two (2) year. Records obtained through the medical releases provided by Respondent still failed to provide a prescription that explained the April 4, 2014 positive drug test.
18. The October 30, 2014 notice referred to in the previous notification further put Respondent on notice that her ongoing failure to cooperate with the Investigative Committee in providing this information could result in a violation of Board Rule 383.
19. As of the date of the hearing, Respondent has not provided the Board with the prescription.
20. By ingesting Oxycodone without valid prescription on or about April 4, 2014, Respondent violated La. R.S. 37:2420A(5), “[b]een habitually intemperate”, as further defined by Board Rule 351A(2), “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.”
21. By providing false information to the Investigative Committee that there was a prescription to account for the April 4, 2014 failed drug test which directly resulted in the Investigative Committee administering additional subpoenas and interviewing multiple witnesses searching for a prescription that does not exist, Respondent “depart[ed] from, [and] fail[ed] to conform to, the Minimal Standards of Acceptable and Prevailing Physical Therapy Practice in the State of Louisiana” and the APTA Code of Ethics. In engaging in deceptive communications, respondent engaged in an “act contrary to honesty.” These acts by the Respondent constitute unprofessional conduct and are in direct violations of Board Rule §345.
22. By failing to provide the Investigative Committee with relevant information following repeated requests, and after being informed of the consequences of such action, Respondent failed to cooperate and is in violation of Board Rule §383(C).

After making the findings of facts and conclusions of law listed above, the Board voted that Respondent violated La. R.S. 37:2420A(5), Board Rule 351A(2), Board Rule §345, and that the Board imposes the following sanctions, terms, conditions, restrictions upon Respondent's physical therapy license:

1. Respondent's license as a Physical Therapist in the State of Louisiana is hereby suspended for a period of six (6) months, beginning with the date of the Board's Findings of Fact and Conclusions of Law. Following the six-month suspension of license, Respondent's license will be placed on probation for a period of five (5) years ("probationary period") beginning with the date the Board's reinstatement of Respondent's PT license.
2. The probationary period shall be extended for any period of time in which the 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 day 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.
3. During the six-month suspension of license and the following probationary period, Respondent shall abstain from the use and ingestion by any means of 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, she shall within three (3) days of obtaining such a prescription provide documentation of the prescription, the condition for which the medication is prescribed and contact information for the prescribing physician. Respondent shall provide to the Board the names and contact information for all physicians who are treating her during the probationary period and a listing of all medication she is prescribed for any medical condition. Respondent shall sign all releases and authorizations to all of her treating physicians authorizing the release of information on her diagnosis, treatment and prescriptions to the Board.
4. During the probationary period, Respondent shall 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 a RPTP Participation Agreement consistent with the recommendation of such testing and evaluation. The Participation Agreement shall be in effect for the duration of the probationary period. Respondent shall 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.

5. Respondent shall regularly attend meetings of Alcoholics Anonymous and/or Narcotics Anonymous, attending and documenting at least ninety (90) meetings within the ninety (90) days from the date of Board's Findings of Fact and Conclusions of Law.
6. 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 meeting.
7. During the six-month suspension of license and the following probationary period, Respondent shall promptly comply, as directed, with Board requests for random drug tests arranged by the Board. Respondent shall pay for or reimburse the Board for the expense of such tests. During the probationary period, Respondent shall also authorize and direct her employer and any recovery treatment program in which she participates to furnish to the Board copies of results for all drug tests conducted by those entities.
8. If any drug test of Respondent results in a positive finding for any controlled dangerous substance for which Respondent does not have a legitimate prescription as specified above in Paragraph 3. , Respondent's license shall be subject to further disciplinary action. Should such positive finding occur during the probationary period, Respondent's reinstated 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 to determine her future status as a licensee.
9. Respondent shall write an essay of no fewer than 750 words explaining how her conduct violated the Practice Act and Board rules and what she has learned as a result of this disciplinary process. This essay shall be submitted to the Executive Director within thirty (30) days from the date of the Board's Findings of Fact and Conclusions of Law.
10. Respondent shall sign all releases and authorizations allowing the Board, its agent and her Monitor to have full access to any and all records and information contained in records kept by any person or entity regarding her treatment and recovery from substance abuse. Respondent shall sign all

releases and authorizations to her treating physicians for them to fully and candidly discuss her condition, attitude and treatment status with her Monitor and with the Board's agent.

11. During the probationary period, Respondent shall provide a copy of the Board's Findings of Fact and Conclusions of Law to her employer(s) before providing services to that employer and shall have the employer(s) notify the Executive Director in writing that she has received and reviewed a copy of the Board's Findings of Fact and Conclusions of Law; Respondent shall do this also with any new or subsequent employer(s) during the probationary period.
12. Respondent shall not seek or accept work in a setting that has not been approved in advance by the 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.
13. All communications regarding compliance with and/or fulfillment of the requirements the Board's Findings of Fact and Conclusions of Law shall be in writing between the Respondent and the Executive Director. No verbal communications shall be considered as proof of compliance or commitment.
14. Respondent shall be responsible for all costs associated with the hearing.

Signed this 3rd day of March 2015.


Al C. Moreau III
Chairman