

LOUISIANA PHYSICAL THERAPY BOARD

**IN THE MATTER OF: STACEY ANDRUS, PTA
LICENSE NO. A6598
ADMINISTRATIVE COMPLAINT NO. 2014-1-017**

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 March 24, 2014. 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 Elizabeth Austin. John C. Morris IV an assistant attorney general appointed to act as Hearing Officer was present. The case was prosecuted by George M. Papale. Respondent, Stacey Andrus was present and participated in the hearing, and she was not represented by counsel.

The Board appointed Al Moreau to act as chairman for the hearing and contact for the Hearing Officer. The Prosecutor proceeded with the hearing. Amanda Price, Evelyn Barker, and Suzanne Palmer, after being duly sworn, offered testimony as witnesses. The sworn deposition testimony of Dr. Barry Howard Lubin was read into the record by Gerald J. Leglue, Jr., MD, and a copy of the sworn deposition was admitted into the record. Respondent, Stacey Andrus, 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. Respondent, Stacey Andrus, is, and at all times pertinent hereto was a physical therapist assistant licensed by the Board as evidenced by license number A6598.

2. In February of 2008, Respondent entered into a Consent Order with the Board in Case Number 2007-I-033 resulting in the revocation of Respondent's PTA license. The agreed upon sanction was to address Respondent's admitted theft of property from home health patients and her long-term addiction to crystal meth.
3. In November, 2010, the Board issued a Reinstatement Order which reinstated Respondent's PTA license under five years probation effective November 8, 2010. The conditions of probation required Respondent to be subject to random screens for evidence of substance abuse.
4. Respondent has worked as a PTA LaSalle Nursing Home in Jena, Louisiana from October of 2011 through August 14, 2014.
5. During 2014 the Board employed a telephone "check-in" method for the random drug screen to which Respondent had agreed in the Reinstatement Order. That method required Respondent to call a designated telephone number each day to learn whether she was scheduled for a random drug screen on that day. A participant who does not make the daily telephone call or "check in" is not in compliance with the random drug test requirement. Respondent failed to check in to learn if she was scheduled for a random drug screen on 6/8/2014, 9/12/2014, 10/9/2014, 10/22/2014, 11/9/2014, 12/1/2014, 12/9/2014, 12/13/2014, 12/20/2014, 12/25/2014, 1/4/2015, 1/15/2015, 1/16/2015, 1/21/2015, 1/26/2015, 1/31/2015, 2/12/2015, and 2/17/2015. Respondent is in violation of the random drug testing requirements of the Reinstatement Order.
6. Respondent did not appear for random drug tests when scheduled on 7/30/2014, 11/14/2014, 11/17/2014 and 11/20/2014. Respondent appeared for a random test scheduled on 10/15/2014, but did not produce a urine specimen for testing. These actions resulted in Respondent further violating the random drug testing requirements of the Reinstatement Order.
7. In the early morning hours of July 16, 2014, Respondent was involved in a single vehicle accident resulting in injuries to her toe and thumb and a substantial damage to her vehicle. That same day, Respondent was treated for her injuries at the emergency room of LaSalle General Hospital in Jena, Louisiana, which included a prescription for Tramadol for pain. The next day, July 17, 2014, Respondent's urine sample submitted for a random drug screen tested positive for high levels of ethanol at .233 where the laboratory cut off was .020. The Board's Executive Director informed Respondent that she was being retested because of a positive result on the random test of July 17, 2014. Initially, Respondent informed the Executive Director of the accident and injuries and the oxycodone she had taken. The Executive Director informed Respondent that the test was positive for high levels of ethanol. Respondent then told the Executive Director that she had taken a drink the night before her

drug test to take the edge off from totaling her car. The random drug test of July 17, 2014 was negative for both Tramadol and oxycodone.

8. Respondent presented for a follow-up doctor's appointment related to the automobile accident and was given a prescription for hydrocodone 5-325 mg. on August 6, 2014. On August 11, 2014, Respondent, in response to a check in, was given a blood alcohol test (Peth) which produced a result of 486 ng/ml. This result is considerably higher than normal and is indicative of high levels of alcohol consumption.
9. Two days following the previously referenced Peth test, Respondent, on the morning of August 13, 2014 went to work at the LaSalle Nursing Home. While in the treatment area, Respondent was observed by several employees to be somewhat confused in her conversation and to have a noticeable alcohol odor. Respondent was reported to the head of the department. Respondent admitted drinking the previous night and/or the early morning, around 2:00 a.m. the day of August 13, 2014, but Respondent denied drinking while at work. Respondent stated she was not under the influence of alcohol and was taking prescription pain medication due to the injury to her foot and thumb which she sustained in the motor vehicle accident. Respondent consented to be tested for drugs and alcohol. The drug test administered on the morning of August 13, 2014 was negative for Tramadol, oxycodone and hydrocodone. However, the result of Respondent's ethanol test was elevated at .157%. Respondent's conduct was reported to the Board and her employment as a PTA at the nursing home was terminated.
10. At the request of the Investigative Committee assigned to this Board-initiated complaint, Respondent met with the Committee at the office of Gerald Leglue, M.D. in Alexandria, Louisiana on August 26, 2014. At that time, Respondent signed an agreement to abstain from the practice of physical therapy until the pending complaint was resolved. Respondent admitted to her use of alcohol to the Committee and agreed to participate in a substance abuse evaluation.
11. Nine days following the Informal Conference, Respondent, on September 4, 2014 again tested positive for ethanol at a level of .299. On November 12, 2014, Respondent again tested positive for ethanol at a level of .283. The next day, November 13, 2014, Respondent submitted to the substance-abuse evaluation. Based on information supplied by the Respondent to the screening inventory administered by the evaluator, Respondent has a high probability of having a substance dependence disorder.
12. By her repeated excessive use of alcohol, Respondent has violated La. R.S. 37:2420(A)(5) of the Louisiana Physical Therapy Practice Act (the "Practice Act") by being habitually intemperate, as further defined by Board Rule § 351 relating to the repeated excessive use or abuse of alcohol.


13. By presenting to her place of employment under the influence of alcohol, Respondent has violated La. R.S. 37:2420(A)(7) of the Practice Act by engaging in Unprofessional Conduct as further specified in Board Rule § 345(B)(1) through her departure from, or failure to conform to, the Minimal Standards of Acceptable and Prevailing Physical Therapy Practice in the State of Louisiana or the Code of Ethics and related documents of the APTA, or the commission of any act contrary to patient safety or the best interest of the patient, whether committed in the course of the licensee's practice or otherwise, regardless of whether actual injury to the patient results therefrom, including but not limited to the failure to use sound professional judgment. Such conduct violates Board Rule § 373(A)(2)(a) by engaging in the practice of physical therapy while under the influence of a mood-altering substance that compromises the professional judgment or practice or has the potential to compromise the medical judgment or practice.
14. By repeatedly missing check-ins and failure to submit for testing and producing specimens as required, Respondent has violated Board Rule § 345(B)(12) by failing to submit for drug screening or testing at the time and place directed by the Executive Director or as otherwise provided in the rules.
15. By Respondent's violation of the Reinstatement Order relative to the requirements for drug testing, Respondent has failed to comply with the terms and conditions of a Board Order, and, is subject to additional discipline pursuant to Board Rules § 343(C) and by so doing, Respondent has engaged in a level of conduct as to constitute unprofessional conduct under the discretion afforded the Board under Board Rule § 345(C).

After making the findings of facts and conclusions of law listed above, the Board voted that Respondent violated La. R.S. 37:2420(A)(5), La. R.S. 37:2420(A)(7), Board Rule § 373(A)(2)(a), Board Rule § 345(B)(12), and the Reinstatement Order, 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 Assistant in the State of Louisiana is hereby revoked, effective immediately.
2. In accordance with Board Rule § 185(B), Respondent may apply for reinstatement of her revoked license three (3) years from the date of this revocation, and such application must be made in compliance with the requirements of initial licensure in Louisiana.

3. In accordance with Board Rule § 185(C), prior to reinstatement of Respondent's previously revoked license, a hearing shall be held by the Board to afford the Respondent an opportunity to present evidence that the cause of revocation no longer exists and to provide an opportunity for the Board to evaluate changes in the Respondent and/or the conditions which caused the revocation.
4. In accordance with Board Rule § 185(D), after the evaluation provide for in Board Rule § 185(C), the Board may : (1) deny reinstatement of Respondent's revoked license; (2) reinstate Respondent's revoked license; (3) require Respondent to satisfactorily complete a specific program or remedial education approved by the Board; and (4) require monitoring of the Respondent's physical therapy practice as specified by the Board.

Signed this 7th day of April 2015.


Al C. Moreau III
Chairman