

In the Matter of

\* LOUISIANA PHYSICAL THERAPY BOARD

ASHLEY A. WILKINSON, PTA  
PTA License No. A 7142  
Respondent

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\* \* \* \* \*  
\* \* \* \* \*  
Case Number 2014-1-0006

### CONSENT ORDER

Ashley A. Wilkinson ("Ms. Wilkinson" or "Respondent"), came to the attention of the Louisiana Board of Physical Therapists ("Board") on April 16, 2014 when she self-reported an incident which occurred on April 4, 2014 involving Respondent's attempt to take a patient's pain medications while at the patient's home during a home health visit. In her report to the Board Ms. Wilkinson stated that the pills were "for a friend who had dental work done (root canal) and didn't have any more pain medicine..."

Ms. Wilkinson attended an Informal Conference at the Board Office on April 17, 2014 and acknowledged that she had been caught taking the medications by the patient who reported the incident to her physician. The patient's physician contacted the Egan Home Health, the agency for home Mrs. Wilkinson was working, which contact precipitated Ms. Wilkinson's self report to the Board. At the conference Ms. Wilkinson also acknowledged that she had been taking OxyContin and other prescription medications, had become dependent on them and had taken the patient's medications for her own use. Ms. Wilkinson denied using street drugs, morphine or Demerol. Mrs. Wilkinson disclosed to the Investigative Committee ("Committee") that a disabled person living in her home used marijuana.

Given the nature of the reported incident, Ms. Wilkinson voluntarily agreed to abstain from the practice of physical therapy during the tendency of the investigation and agreed to submit hair and urine samples for drug screening that same day. Ms. Wilkinson also verbally expressed a willingness to the Committee to attempt to resolve the pending complaint through a Consent Order.

Ms. Wilkinson's drug screens were positive for hydrocodone, morphine and oxycodone. When Ms. Wilkinson was informed of the drug test results, initially she told the Medical Review Officer ("MRO") that she did not have a prescription for the drugs found in her hair and urine samples (hydrocodone and oxycodone). Subsequently, Respondent reported to the MRO that she had hydrocodone and oxycodone leftover from a 2011 prescription and faxed to the MRO the prescription. Ms. Wilkinson had no prescription for morphine which was positive only in the urine sample, indicating her recent usage of an opiate.

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### FACTUAL BASIS FOR CONSENT ORDER

On April 16, 2014, Respondent self-reported a workplace incident involving her attempt to take prescription medications (OxyContin) belonging to a home health physical therapy patient. Although Respondent faxed a 2011 prescription for oxycodone and hydrocodone to the MRO following positive test results for these medications found in hair and urine samples submitted by the Respondent on April 17, 2014, the Committee could not form a reasonable belief that a three-year-old prescription was the source of the oxycodone and hydrocodone found in the samples. Further, the Committee could not form a reasonable belief that Respondent, if she was still in possession of oxycodone from her previous prescription, would have taken the same medication from her home health patient. Respondent also tested positive for morphine, a medication for which she had no prescription.

Predicated upon the information outlined above, the Committee has determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Ashley A. Wilkinson charging her with the following violations of the Physical Therapy 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 her practice of physical therapy:

1. The Board has the authority to suspend or revoke a professional license upon due proof that a licensee has "abused controlled dangerous substances." La. R.S. 37:2420 A (5); as further specified by Rule 351A(2) specifies as abuse, the ingestion, self administration, or other use of illegally 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.
2. The Board has the authority to suspend or revoke a professional license upon due proof that a licensee has been guilty of unprofessional conduct. La. R. S. 37:2420 A (7)
3. As used in the Physical Therapy Act, "unprofessional conduct" includes: departure from, or failure to conform to the standards of acceptable and prevailing physical therapy practice in the State of Louisiana, or the commission of any act contrary to honesty, justice, good morals, 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 a patient results therefrom. Rule 345 B(1). Unprofessional conduct is further specified in Rule 345 B(4) (b) as the exercising of undue influence over a patient in such a manner as to abuse or exploit the physical therapy/patient relationship for the purpose of securing personal compensation, gratification, gain or benefit of any kind or type, unrelated to the provision of physical therapy services
4. Board Rules incorporate the *Code of Ethics and Guide for Professional Conduct* of the American Physical Therapy Association. Rules 345B.

5. 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 an 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 as a Physical Therapist Assistant is hereby suspended for a period of six (6) months, beginning with the date this Consent Order is agreed and accepted as the action of the Board. 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 PTA license.
- B. The probationary period shall be extended for any period of time in which the Respondent is not employed as a Physical Therapist Assistant 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 Assistant 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 Assistant within the State of Louisiana, she shall notify the Executive Director in writing within ten (10) days of her return to practice.
- C. During the six-month suspension of license and the following probationary period, Respondent shall abstain from the use of 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. She will 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 and by signing this document authorizes her treating physicians to provide information on her diagnosis, treatment and prescriptions to the Executive Director.
- D. During the probationary period Respondent will 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. Participation Agreement shall be in effect for the duration of the

probationary period. 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.

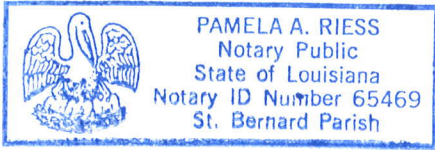
- E. Respondent shall regularly attend meetings of Alcoholics Anonymous and/or Narcotics Anonymous, attending and documenting at least ninety (90) meetings within the ninety (90) days following the Board's acceptance of this Consent Order.
- F. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the probationary period, and shall fully cooperate in providing information and documents requested in such meetings.
- G. 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.
- H. 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 in paragraph C of this Consent Order, 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 period to determine her future status as a licensee.
- I. 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 no later than June 27, 2014.
- J. Respondent authorizes 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 further authorizes her treating professionals to fully and candidly discuss her condition, attitude and treatment status with her Monitor and with the Board's agent.
- K. During the probationary period, Respondent shall provide a copy of this Consent Order 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 this Consent Order; Respondent shall do this also with any new or subsequent employer(s) during the probationary period.
- L. 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 Assistant and shall update the Executive Director in writing within five (5) days of any and all changes in such arrangements.

- M. Respondent declares that, before signing this Consent Order, she has carefully read this document, that she has had the opportunity for participation and advice or legal counsel with respect to this Consent Order, that she understands the contents, and freely consents to it as valid and binding upon her. Recognizing her right to have notice of allegations or charges asserted against her, to administrative adjudication of such allegations or charges, pursuant to La. R.S. 49:955-958, and to a subsequent decision rendered upon written findings of fact and conclusions of law, Ashley A. Wilkinson, nonetheless waives these rights and proceedings and, pursuant to La. R.S. 49:955D and Board Rule 387, agrees to entry of this Consent Order.
- N. Respondent authorizes the Investigating Board Member, Al Moreau, III, legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose to 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 Investigating Board Member's authority to file a formal Administrative Complaint against her, 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, her right to have notice of any allegations or charges asserted 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.
- O. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chairman and recognizes that her failure to comply with any term of this Consent Order is a basis for further disciplinary action by the Board.
- P. All communication regarding compliance with and/or fulfillment of the requirements of this Consent Order shall be in writing between Respondent and the Executive Director. No verbal communication shall be considered as proof of compliance or commitment.

  
 \_\_\_\_\_  
 Ashley A. Wilkinson, A 7142

SWORN TO AND SUBSCRIBED on this 21 day of May, 2014,  
 before me, Notary Public, at Chalmette, Louisiana.



Public

Pamela A Riess  
St Bernard, Notary

AGREED AND ACCEPTED by official action of the Board, the \_\_\_ day of \_\_\_\_\_,  
2014, at Lafayette, Louisiana.

**LOUISIANA PHYSICAL THERAPY BOARD**

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