
In the Matter of
GROVER BURNETT, P.T.A.
License No. A6870
Respondent

* LOUISIANA STATE BOARD OF
* PHYSICAL THERAPY EXAMINERS
*
* Case Number 2006/

CONSENT ORDER

A complaint was filed with the Louisiana State Board of Physical Therapy Examiners (Board) in March, 2006 by Ochsner Clinic regarding the professional conduct of Respondent Grover "Jack" Burnett, a physical therapist assistant licensed by the Board, while in the employ of Ochsner. Respondent was suspected by fellow employees of being under the influence of marijuana while working and was subjected to testing by his employer on February 28, 2006. Respondent left before completing the testing process and was terminated from his employment because of his premature departure. Subsequently, test results on the specimen which had been provided indicated Mr. Burnett was positive for marijuana at a level which indicated long-term use. Respondent has participated in Informal Conferences on May 8 and again on May 25, 2006 with Board Member Barbara Adcock, Executive Director Cheryl Gaudin and Board Counsel participating. Respondent acknowledges using marijuana in the past but claims that he had not used marijuana before the testing on February 28 by his employer. At the conclusion of the informal conferences, the terms of this Consent Order were agreed to by Board representatives and Respondent.

FINDINGS OF FACT

1. Respondent was clearly under the influence of marijuana while providing physical therapy services to patients at Ochsner Clinic on February 28, 2006.
2. Respondent provided a urine specimen at his place of employment on February 28, 2006 which tested positive for marijuana at levels which indicate chronic use.

CONCLUSIONS OF LAW

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 license which it has issued or place probationary conditions upon such license upon proof that the licensee has been negligent or incompetent in the practice of physical therapy. La. R. S. 37:2413 and Board Rule 325.
2. As used in the Physical Therapy Practice 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, regardless of whether actual injury to a patient results therefrom. Rule 327E(1) and (6).
3. Board Rules incorporate the Code of Ethics and Guide for Professional Conduct of the American Physical Therapy Association. Rules 305B and 331.

4. By appearing at work while under the influence of marijuana, Respondent demonstrated "unprofessional conduct" in violation of La. R. S. 37:2413A(7), Board Rule 327E(1), and breached the following APTA Guides for Professional Conduct: 1.1B; 2.1A.

DECISION

Pursuant to the foregoing Findings of Fact and Conclusions of Law, 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 suspended for a period of six months effective May 25, 2006. After completion of that suspension, Respondent's license is placed on probation for a period of three years, during which period he will be subject to the following requirements:

1. The probationary period shall be extended for any period of time in which Respondent is not employed as a physical therapist assistant and regularly working as such within the State of Louisiana for at least twenty hours per week. If Respondent ceases to be regularly employed as a physical therapist assistant in Louisiana during this probationary period, he shall notify the Board in writing within ten days of the last date Respondent has practiced physical therapy in Louisiana.

2. Respondent shall notify the Executive Director in writing of any employment and/or contractual service arrangements which he has to provide physical therapy services and shall update the Executive Director in writing within five days of any and all changes in such arrangements;

3. Respondent shall provide a copy of this Consent Order to his employer before providing services to that employer and shall have the employer notify the Board in writing that he has received and reviewed a copy of this Consent Order; Respondent shall do this also with any new or subsequent employer during his probationary period;

4. Respondent will undergo an evaluation for substance abuse with a professional designated by the Board and will comply with any recommendations for treatment;

5. Respondent will submit to random drug and alcohol screening tests at times and places designated by the Board and will pay all required fees for such testing and reports to the Board; a confirmed positive test result for any illegal substance shall result in immediate suspension of his license as a physical therapist assistant;

6. While working as a physical therapist assistant, Respondent shall fully cooperate with Board representatives making random, unannounced monitoring visits to his work site(s) and shall provide complete access to his employment and/or business records, patient treatment records, and all other documentation and shall reimburse the Board in the amount of \$100 for each such monitoring visit;

7. Respondent shall pay to the Board the sum of \$750 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 first year of his probationary period;

B. 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 been advised of his right to be represented by counsel and has waived that right

C. Respondent acknowledges that his failure to comply with any term of this Consent Order is a basis for further disciplinary action by the Board and that the presentation to and consideration of this Consent Agreement by the Board, 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 other resolution of these proceedings; and

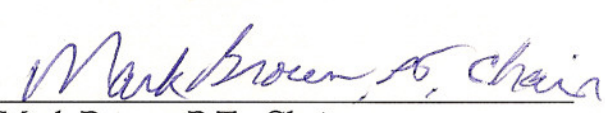
D. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.

SWORN TO AND SUBSCRIBED on this 19th day of July, 2006.


Grover "Jack" Burnett

AGREED AND ACCEPTED by official action of the Board, the ___ day of ___, 2006,
at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS


Mark Brown, P.T., Chair

Lic. wallet card was given
to board member @ the meeting
on 4/25/06. Jack Burnett