

In the Matter of

* LOUISIANA PHYSICAL THERAPY BOARD

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JAMES COLEMAN PADGETT

PT License No. 01012

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Respondent

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Case Number 2010 I 015

CONSENT ORDER

In March of 2010 Respondent was arrested in Monroe and charged with possession of crack cocaine and possession of drug paraphernalia. Respondent first reported the incident to the Board by telephone the day after the arrest.

Respondent was contacted by Board Counsel and agreed to voluntary suspension of his license until he completed substance abuse treatment and met Board requirements for reinstatement of his license. He does not hold a 2011 physical therapist license. Respondent has participated in and satisfactorily completed extensive treatment and aftercare and the criminal charges which he faced have been dismissed by the Ouachita Parish District Attorney. Respondent participated in an Informal Conference on July 21, 2011 with Investigating Board Member Dee Cochran, Executive Director Cheryl Gaudin and Board Counsel Glenn Ducote participating. He acknowledged use of cocaine since 2007, that he had been arrested on DWI charges in 1993, 1997 and 2007 and that he had not reported truthfully about those arrests in his license renewal applications since the arrests occurred.

Since his March, 2010 arrest he has completed a 45 day treatment program at Rayville Recovery and then spent 19 weeks in the behavior modification program at Odyssey House in New Orleans. Since returning to Monroe he indicates that he has participated regularly in Alcoholics Anonymous and, more recently, Celebrate Recovery, a faith-based recovery support program. He now seeks reinstatement of his license.

FINDINGS OF FACT

Respondent has been addicted to cocaine and other substances since 2007. He has previously been convicted on three DWI charges and failed to report those arrests and convictions and his substance abuse history on his PT license renewal applications. Respondent has completed two extended recovery treatment programs and is currently participating in a recovery support program. When tested recently by the Board for controlled substances, he tested negative. Respondent has been without his PT license for more than 18 months as a result of his voluntary surrender.

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 guilty of unprofessional conduct or has violated the Practice Act of Rules of the Board. La. R. S. 37:2420A 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.

3. Board Rules incorporate the *Code of Ethics* and *Guide for Professional Conduct* of the American Physical Therapy Association. Rules 305B and 331.

4. Respondent's use of controlled substances affecting the central nervous system without lawful prescriptions is in violation of Rule 327C(2) and his persistent use of those substances over a period of several years is in violation of La. R.S. 37:2413A(5) and Rule 327D.

5. By working while under the influence of a controlled substance without a lawful prescription, Respondent engaged in unprofessional conduct in violation of Rule 327E(1).

6. By providing false information in applications for license renewal for several years regarding substance abuse, arrests and convictions, Respondent engaged in unprofessional conduct which constitutes obtaining a license by fraud or misrepresentation as prohibited by La. R.S. 37:2413A(2) and Rule 327.

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 is reinstated and placed on probation for five years, beginning September 15, 2011, during which period his employment records, place of employment, patient treatment and billing records will be subject to random inspection and review for full legal compliance by a designated Board representative. Respondent and his employers are required to cooperate fully with these monitoring visits. During this five year probationary period, Respondent shall remit to the Board \$150 as reimbursement for the expenses of each such monitoring visit to his practice.

B. The five-year probationary 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 hours per 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 days of the last date Respondent 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 days of his return to practice.

C. Respondent shall write an essay of no less than 750 words explaining how his conduct violated the Practice Act and Board rules and what he has learned as a result of this disciplinary process. This essay shall be submitted to the Board Executive Director no later than November

1, 2011.

D. During each year of his license probation Respondent shall successfully complete a continuing education course in professionalism and/or ethics, which course shall be approved in advance by the Executive Director and which shall be in addition to continuing education required to maintain licensure.

E. Beginning no later than November 1, 2011, Respondent shall begin appropriate professional counseling for stress management and issues related to caregiving and shall authorize said professional to report to the Executive Director on his participation and progress in therapy.

F. During his five year probationary period Respondent shall practice physical therapy only in settings approved in writing in advance by the Executive Director. He shall inform the Executive Director of employment and/or contractual service opportunities which he has to work as a physical therapist and obtain the written consent of the Executive Director before accepting such employment. He shall update the Executive Director in writing prior to changing such arrangements and obtain concurrence of the Executive Director before beginning work at a new site.

G. Respondent shall provide a copy of this Consent Order to his employer(s) before providing physical therapy 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 his probationary period.

H. During the five-year probationary period, Respondent shall be subject to random drug screens arranged by the Board and shall reimburse the Board for the expense of such drug screens. Respondent shall, each week, attend at least two Alcoholics Anonymous, Narcotics Anonymous or other recovery support meetings and shall document such attendance on forms provided by the Board.

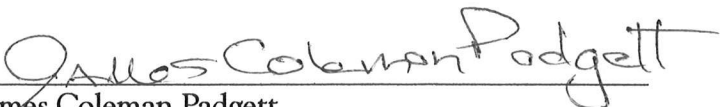
I. Respondent declares that before signing this Consent Order he has carefully read this document, that he waives the participation of legal counsel, that he understands the contents, and freely consents to it as valid and binding upon him. Recognizing his right to have notice of allegations or charges asserted against him, to administrative adjudication of such allegations or charges, pursuant to La. R.S. 49:955-958, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, James Coleman Padgett nonetheless waives these rights and proceedings and, pursuant to La. R.S. 49:955D and Board Rule 335, agrees to entry of this Consent Order.

J. Respondent authorizes the Investigating Board Member, Dee Cochran, and 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 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 asserted 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.

K. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair and recognizes that his failure to comply with any term of this Consent Order is a basis for further disciplinary action by the Board.

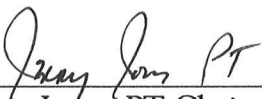
L. All communication regarding compliance with and/or fulfillment of the requirements of this Consent Order shall be in writing between Respondent and the Board Executive Director. No verbal communication shall be considered as proof of compliance or commitment.

SWORN TO AND SUBSCRIBED on this 20th day of September, 2011.


James Coleman Padgett

AGREED AND ACCEPTED by official action of the Board, the 15th day of September, 2011, at Lafayette, Louisiana.

LOUISIANA PHYSICAL THERAPY BOARD


Jerry Jones, PT, Chairman