

OCT 18 2017

JOHN L. BEL-EDWARDS  
GOVERNOR



CHARLOTTE F. MARTIN, M.P.A.  
EXECUTIVE DIRECTOR

State of Louisiana  
DEPARTMENT OF HEALTH AND HOSPITALS  
**Louisiana Physical Therapy Board**

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**IN THE MATTER OF**

**ANGELA ARCHER, PTA**

**LICENSE NO. A7442**

**CONSENT ORDER**

**NUMBER: 2017-I-023**

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Ms. Angela Archer, PTA, (“Ms. Archer” or “Respondent”) initially came to the attention of the Louisiana Physical Therapy Board (“LPTB” or “Board”) on or about July 17, 2017 when a complaint was submitted therein alleging that Respondent engaged in diversion of a patient’s prescribed Percocet medication during physical therapy home health visits. On September 13, 2017, an Investigative Committee of the Board sent a letter to the Respondent formally notifying her of the complaint and confidential investigation, and requesting her participation in an informal conference scheduled for September 20, 2017 at the Board office in Lafayette, LA. After seeking advice from legal counsel, Respondent attended the Informal Conference accompanied only by her father. During the Informal Conference, in response to questions related to the complaint, Respondent admitted that she did take several Percocet from a patient while rendering services as a physical therapist assistant in the home health setting. Respondent explained that at the time she diverted her patient’s prescription medication she was scheduled to have surgery within the week and was in extreme pain. Respondent further acknowledged her wrongdoing by stating that she failed to exercise sound professional judgment when she treated patients while in debilitating pain. At the conclusion of the Informal Conference, Respondent expressed her desire to enter into a Consent Order with the Board. It is important to note that Respondent cooperated fully with all requests of the Board during the course and scope of the investigation, including, but not limited to, providing the investigative committee with information, submitting to multiple drug tests, and participating fully at the informal conference.

### **FACTUAL BASIS FOR CONSENT ORDER**

1. At all times pertinent hereto, Respondent was a licensed physical therapist assistant with license number A7442.
2. On or about July 17, 2017 a complaint was submitted to the Board therein alleging that

Respondent engaged in diversion of a patient's prescribed Percocet medication during physical therapy home health visits.

3. Upon receipt of the complaint an Investigative Committee ("Committee") was created in accordance with Board Rule 123 which consisted of Charlotte Martin, Executive Director of the Board; Elizabeth Austin, Investigating Board Member; and Courtney Newton, attorney.
4. Following formation of the Committee, a confidential investigation was conducted which included witness interviews and review of subpoenaed documents.
5. On September 13, 2017, the Investigative Committee of the Board sent a letter to the Respondent formally notifying her of the complaint, confidential investigation, and requesting her participation in an informal conference scheduled for September 20, 2017 at the Board office in Lafayette, LA.
6. Respondent, after seeking the advice of legal counsel, cooperated fully and participated in the Informal Conference at the Board office in Lafayette, LA. Those in attendance at the Informal Conference were Elizabeth Austin, Courtney Newton, Stephanie Boudreaux, Board compliance officer, Respondent, and Respondent's father.
7. At the Informal Conference, Respondent read a written statement and communicated openly responding to all questions asked. During the course of the Informal Conference, Respondent admitted to diverting and ingesting several of her patient's prescription Percocet pills in an effort to continue working despite a painful medical condition for which she was scheduled for surgery. Respondent further admitted that continuing to work while she was in excruciating pain showed a lack of professional judgment. Respondent assured the Committee that the surgical proceeding that occurred on or about June 29, 2017 was successful and that she was no longer in pain.
8. Following the Informal Conference, Respondent was offered a Consent Order.

## **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:

- A. The Board has the authority to suspend or revoke a professional license which it has issued, or place probationary conditions upon such license, upon proof that the licensee has practiced physical therapy in violation of the Practice Act, Board Rules, or standards of practice. La. R.S. 37:2420.A.(1) and Board Rule §343.

- B. In diverting and ingesting a patient's prescription Percocet medication, a Schedule II controlled substance, Respondent violated La. R.S. 37:2420.A.(5) and Board Rule §351.A.(2).
- C. In utilizing her position as a Physical Therapist Assistant in a home health setting to access the prescription medications of a patient, Respondent violated Board Rule § 345.B.(4)(b).
- D. Respondent's actions as described above constitute unprofessional conduct and a departure from the minimal standards of acceptable and prevailing physical therapy practice in violation of La. R.S. 37:2420A.(7) and Board Rule § 345.B.(1)(a), failure to use sound professional judgment.

## 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:

1. Respondent's license is hereby suspended until completion of the following:
  - a. Respondent submits, at her own expense, to a psychological and substance abuse evaluation to be performed by an appropriate professional designated by the Board;
  - b. Board receipt of the evaluation report,
  - c. Written confirmation from the Board-approved evaluator that Respondent is able to safely return to practice; and
  - d. Receipt by Respondent of a letter from the Board acknowledging the close of the suspension period.
2. Upon the conclusion of the suspension period, Respondent's physical therapy license is on probation for a minimum period of two (2) years from the date the suspension period concludes as specified in the formal letter of closure provided to the Respondent in accordance with Paragraph "1". Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of probationary period a request for a letter from the Board formally acknowledging the close of the probationary period. Respondent's probationary period concludes upon receipt by Respondent of the Board a letter acknowledging the close of the probationary period;
3. For the duration of the probationary period, Respondent shall not seek or accept work in a home health setting. Furthermore, Respondent shall submit to the Board Executive Director a request for approval of any work setting prior to accepting work. Once the

setting is approved, Respondent 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) calendar days of any and all changes in such arrangements.

4. For the duration of the probationary period, Respondent shall fully cooperate with the Board representatives making random unannounced monitoring visits to her work sites and shall provide complete access to her place of employment, employment and/or business records, patient treatment and billing records, and all other documentation necessary for a full legal compliance review. Respondent shall reimburse the Board \$150.00 for each such monitoring visit by the deadline provided for payment following each visit;
5. For the duration of the probationary period, Respondent shall provide a copy of this Consent Order to her employer(s), direct supervisor(s), and any physical therapist(s), physical therapist assistant(s), and/or physical therapy technician(s) who supervise, are supervised by, work with, work for, or contract with Respondent at any business, including, but not limited to, any business(es) Respondent owns, operates or manages before providing physical therapy services and shall have such person(s) notify the Executive Director in writing that she has received and reviewed a copy of this Consent Order prior to Respondent providing services as a physical therapist assistant. Respondent shall do this also with any new or subsequent employer(s), direct supervisor(s), physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) during the probationary period;
6. The two (2) year probation 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 (20) hours* each week as such. If Respondent ceases to be regularly employed as a physical therapist assistant in Louisiana, Respondent shall notify the Executive Director in writing within *five (5) calendar days* of the last date she has practiced as a physical therapist assistant 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 *five (5) calendar days* of her return to practice;
7. In addition, the thirty (30) hours of board-approved continuing education courses or activities required in the biennial renewal period under Rule §194, during the minimum two (2) years of probation, Respondent shall complete an additional two (2) hours of continuing education courses in Ethics per renewal period. The Ethics courses shall be submitted in writing to the Board Executive Director for approval prior to taking the course. Respondent shall also attend one (1) live Jurisprudence Seminar per renewal period. Respondent shall provide documentation in the form of a course completion certificate to the Executive Director at her the time of her license renewal, or if not renewing, at the time she would be required to submit her license renewal with the Board;



8. 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 the disciplinary process. The essay shall be submitted to Board Executive Director no later than January 15, 2018.
9. Respondent shall pay the Board the sum of \$870.00 in partial reimbursement for legal and administrative expenses incurred in this matter, this amount may be paid in a lump sum, or monthly installments, if arranged in writing in advance with the Executive Director, over the course of two (2) years from the date the Consent Order is accepted by the Board. Failure to provide payment by the deadlines set forth in the written payment agreement may result in further disciplinary action by the Board;
10. During the entirety of the suspension and probation periods, Respondent shall abstain from the use and ingestion by any means of alcohol, including, but not limited to, foodstuffs, beverages, or toiletries containing alcohol; mood altering substances; any controlled substance as defined by Louisiana and federal laws; or any drugs requiring a prescription unless lawfully prescribed by an individual legally authorized to prescribe medications and knowledgeable of Respondent's substance abuse history. Respondent shall also abstain from foodstuffs containing poppy seeds, hemp products, herbal or health preparations containing derivatives of controlled substances, and all over-the-counter medications, unless authorized in writing by a physician knowledgeable of Respondent's substance abuse history, except plain aspirin, plain acetaminophen, or ibuprofen. If Respondent is prescribed or authorized in writing a mood altering substance, controlled substance, drug, or over-the-counter medication, or administered such by physician order, Respondent shall within five (5) calendar days of obtaining a new prescription, obtaining a medication refill, or being administered medication provide the following in writing to the Executive Director:
  - i. Documentation of the prescription or written authorization;
  - ii. Written explanation of the condition for which the medication is prescribed;
  - iii. Contact information for the prescribing or authorizing physician;
  - iv. Date prescription was filled or medication administered;
  - v. Quantity of medication received;
  - vi. Medication instructions;
  - vii. Names and contact information for the following:
    1. Prescribing/authorizing healthcare provider;
    2. The pharmacy where the prescription has been filled, if applicable;
    3. The pharmacist filling the prescription, if applicable.
11. Respondent shall abstain from any and all opiate replacement therapies, including, but not limited to, Methadone and Buprenorphine;
12. Within five (5) calendar days of Board approval of this Consent Order and during the entirety of the suspension and probation period, Respondent shall provide the Executive Director the name, telephone number, and address for all physicians or other healthcare providers who are providing treatment during her suspension and probationary period, and

a listing of all medication prescribed for any medical condition. Respondent shall inform any and all physicians or other healthcare providers who are treating her during her suspension and probationary period of this Consent Order, participation in the Recovering Physical Therapy Program, and ordered abstinence. In addition, Respondent shall request in writing that this information be included in her medical file. Respondent shall provide copies of all written requests to physicians or other healthcare providers within five (5) calendar days of Board approval of this Consent Order.

13. By signing this document Respondent waives her physician-patient privilege with regard to the Board and its agents, and authorizes her treating physician(s), mental health or substance abuse professionals, or any other persons providing care related to the course and scope of this Consent Order to provide information on diagnosis, treatment, and prescriptions.
14. In the event that Respondent ingests alcohol, mood altering substances, any controlled dangerous substance as defined by Louisiana and federal laws, and/or any other substance specified in Paragraph "10" during the suspension and probationary period, Respondent shall immediately cease practice, if applicable, and shall notify the Executive Director of the Board in writing within twenty-four (24) hours of ingestion;
15. For the duration of the suspension and probationary periods, Respondent shall participate in a board-approved drug and alcohol monitoring program. Respondent shall check-in with the board-approved drug and alcohol monitoring program seven (7) days per week, Monday through Sunday, between the hours of 5:30 a.m. to 3:30 p.m. CST to receive a testing notification. Respondent shall comply with all requests of the Board, its designated agent, or the board-approved drug and alcohol monitoring program for observed random drug and/or alcohol tests. Respondent is responsible for the cost of all testing. If tested by any other entity at any time during the suspension or probationary period, Respondent shall authorize and direct said entity or individual to furnish the Board Executive Director with a copy of the results for all drug and/or alcohol tests within twenty-four (24) hours of receipt of the test results.
16. In the event that the Respondent fails to check-in with the board-approved drug and alcohol monitoring program as required in Paragraph 15, Respondent shall immediately notify the Executive Director and submit for an observed drug and alcohol test at a Board approved facility by 3:30 p.m. the day following the missed check-in. Failure to check-in, regardless of self-test, will constitute a violation of this Consent Order and may result in disciplinary action.
17. For the duration of the suspension and probationary periods, if any drug or alcohol test of Respondent results in a positive finding for alcohol, mood altering substance, controlled dangerous substance, and/or any substance specified in Paragraph "10" taken without a valid prescription or authorization in accordance with Paragraph "10", or medication utilized in opiate replacement therapy in accordance with Paragraph "11", Respondent's 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 period;

18. For the duration of the suspension and probationary periods, Respondent shall avoid all situations and environments where others are utilizing illegal substances. In the event that Respondent finds herself in a situation or environment where others are utilizing illegal substances, Respondent shall notify the Board Executive Director within twenty-four (24) hours of such occurrence;
19. Following the psychological and substance abuse evaluation mandated in Paragraph "1", and during the suspension and probationary periods, Respondent shall comply with all recommendations of the board-approved evaluator. Failure to comply with a recommendation of the board-approved evaluator, incorporated herein *in extenso*, will be deemed a violation of this consent order. In addition to other recommendations deemed appropriate by the board-approved evaluator, Respondent shall comply with the following for a duration and frequency as recommended by the board-approved evaluator:
  - a. Attend meetings of Alcoholics Anonymous, Narcotics Anonymous of other recovery support programs approved by the Executive Director as directed, and provide documentation of such attendance on Board-provided forms to the Executive Director no later than the 15<sup>th</sup> day of the month following the month of meetings attendance. Forms may be submitted via FAX, mail or email attachment;
  - b. Individual counseling sessions with a Board approved substance abuse counseling professional at a frequency recommended by the Board-approved evaluator. Respondent shall direct the approved substance abuse counseling professional to submit quarterly progress reports to the Board no later than the 15<sup>th</sup> day of the month in May, August, November, and February for the entirety of the suspension and probationary period.
20. For the duration of the suspension and probation periods, Respondent shall promptly comply, as directed, with the requests of the Board or its designated agent to obtain and provide to the Board Prescription Monitoring Program ("PMP") reports at her expense. Respondent shall provide the Executive Director of the Board with the PMP report within five (5) calendar days of request by the Board or its designated agent;
21. Respondent shall comply with Board Rule §363 and notify the Executive Director of the Louisiana Physical Therapy Board in writing and prior to a change of residence to another country, state, or jurisdiction. Upon relocation, all provisions of this Consent Order, except Paragraph "9" pertaining to reimbursement of legal and administrative expenses, are suspended until Respondent again resides within Louisiana, notifies the Executive Director of her Louisiana residence, and receives written confirmation from the Executive Director;
22. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the suspension and probationary period, and shall fully cooperate in

providing information and documents requested by the Board, or the Board's representative;

23. Respondent shall have reliable access to a computer, internet, and telephone and comply with all Board Rules related to updating contact information with the Board and response to Board communications.
24. Respondent acknowledges that 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 proof of compliance or commitment. Respondent acknowledges that it is the responsibility of the Respondent to fully comply with the Consent Order and proactively communicate with the Board Executive Director.
25. Respondent declares that, before signing this Consent Order, she is of sound mind and has carefully read this document, understands the contents, and freely consents to it as valid and binding upon her. She is aware of her right to a notice of hearing, to a formal administrative hearing and to judicial review of an administrative finding, and freely waives those rights. Respondent sought the advice of counsel prior to entering into this Consent Agreement;
26. Respondent acknowledges that her failure to comply with any term of this Consent Order is a basis for immediate summary suspension of her license and for further disciplinary action by the Board;
27. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;
28. Respondent authorizes the Investigating Board Member, Elizabeth Austin, PT, DPT, CWS, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose 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 Investigative 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 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;
29. Respondent acknowledges that presentation to and consideration by the Board of this Consent Agreement, 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 resolution to these proceedings; and



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

Angela Archer, PTA  
Angela Archer, PTA

SWORN TO and subscribed before me, Notary Public 11<sup>th</sup> day of October, 2017  
Bossier Parish, Louisiana.

Alicia McClure  
Notary Public  
Commission expires @ death  
Alicia McClure  
LA Notary # 85805

AGREED AND ACCEPTED by official action of the Board, the 18<sup>th</sup> day of October,  
2017, at Lafayette, Louisiana.

Louisiana Physical Therapy Board

Patrick Cook, PT, MPT, OCS, FAAOMPT  
Patrick Cook, PT, MPT, OCS, FAAOMPT  
Chairman