
In the Matter of
SHAWN ABEL, P.T.A.
License No. A4054
Respondent

* LOUISIANA STATE BOARD OF
* PHYSICAL THERAPY EXAMINERS
*
* Case Number 2006I028

CONSENT ORDER

A complaint was initiated with the Louisiana State Board of Physical Therapy Examiners (Board) in January, 2006, growing out of an incident on the campus of Touro Infirmary in New Orleans. Shawn Abel, P.T.A. became agitated while a passenger in his father's truck, left his vehicle, and beat on the vehicle in front of him while screaming at its driver. Touro security guards were summoned, restrained Mr. Abel and New Orleans City Police were summoned. The vehicle driven by Mr. Abel was driven by a young woman and an infant was secured in the back seat of the vehicle. This outburst caused fear and alarm to the driver for her own safety and that of her child. Mr Abel explained to security that he had just left an appointment with a psychiatrist, Dr. James Barbee. Dr. Barbee was notified of the incident and came to the scene to identify his patient and explain that his medical condition could have led to the outburst by Mr. Abel. At some point in this process, Mr. Abel was identified as a physical therapist assistant. No charges were filed as a result of this incident. No damage was done to the vehicle and no charges were filed as a result of this incident. However, a report was made to the physical therapy department at Touro which led to the complaint in this matter.

Mr. Abel was notified of the complaint and an informal conference was held on February 8, 2006 with investigating Board member Barbara Adcock, Executive Director Cheryl Gaudin and Board attorney Glenn Ducote participating with Mr. Abel. Subsequent to this informal conference both Ms. Adcock and Mr. Ducote received telephone calls in which Mr. Abel was inappropriately aggressive

The Board representative requested and received a report from Dr. Barbee and subsequently requested an evaluation by Dr. Glenn Ally regarding respondent's suitability to return to his duties as a physical therapist assistant and the appropriateness of the medications prescribed to Mr. Abel.

FINDINGS OF FACT

1. Although it occurred outside the scope of his work, since Respondent had a pending application for license reinstatement his conduct in the traffic incident on the Touro campus was justifiable cause for concern.

2. Respondent's actions in the traffic incident were alarming and wholly inappropriate and disproportionate to the circumstances, placing a young woman in fear of physical violence to herself and her infant.

3. Respondent's subsequent attitude and behavior in communicating with Board representatives was inappropriate and unprofessional.

4. Doctors Barbee and Ally agree that Respondent is now receiving requisite treatment and medication for his condition and that he is suited to return to work as a physical therapist assistant.

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. La. R. S. 37:2413A(7) 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. By over-reacting to a routine traffic situation and by being inappropriately aggressive with Board personnel, Respondent acted unprofessionally and abusively toward a member of the public and toward Board personnel in violation of La. R.S. 37:2413A(7), Board Rule 327E, and breached APTA Guide for Conduct of the Physical Therapist Assistant 1.1C.

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 placed on probation for a period of two years from the date of final execution of this agreement and, during that period 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 therapist assisting in Louisiana.

2. Respondent shall notify the Executive Director in writing of all employment and/or contractual service arrangements which he has to work as a physical therapist assistant. and shall update the Executive Director 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. Before beginning an employment relationship, Respondent shall notify the Board of his potential employment and provide the name of the supervising physical therapist(s) who will arrange to meet with a Board representative before Respondent begins work. The Board may refuse to accept a supervising PT for good cause;

4. Respondent will welcome Board representatives making random, unannounced monitoring visits to his work site(s) and shall provide complete access to his employment and/or patient treatment and other documentation and shall reimburse the Board in the amount of \$100 for each such monitoring visit;

B. Respondent shall continue treatment by Dr. James Barbee for medication management and other psychiatric care as appropriate. He shall notify the Board in writing of any change of physician for

such services within ten days of such change. Respondent shall also begin psycho-therapy to explore anger management and other personal issues and shall continue such therapy until the psychotherapist recommends discharge from treatment, or the end of the probationary period, which ever comes first. No later than sixty days prior to the end of the probationary period, Respondent shall have directed to the Board reports from his treating psychiatrist and his psychotherapist on the status of treatment and recommendations for the continuation or completion of treatment, as deemed appropriate. Such report need not reveal any specific confidential information revealed within the patient relationship, but shall provide summary conclusions and recommendations on a course for Respondent's well-being and work performance.

C. Respondent declares that, before signing this Consent Order, he has carefully read this document 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 represented by counsel in these proceedings and has reviewed this instrument with his counsel;

D. 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 evidenc 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

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

SWORN TO AND SUBSCRIBED on this 10th day of OCTOBER, 2006.

Shawn Abel, P.T.A.
Shawn Abel, P.T.A.

AGREED AND ACCEPTED by official action of the Board, the 25th day of October 2006, at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

Mark Brown, P.T.
Mark Brown, P.T., Chair