

JOHIE 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**  
**STEVEN SCHWAB, PT**  
**LICENSE NO. 09497R**

**CONSENT ORDER**  
**NUMBER: 2017-I-032**

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Mr. Steven Schwab, PT, (“Mr. Schwab” or “Respondent”) initially came to the attention of the Louisiana Physical Therapy Board (“LPTB” or “Board”) on August 23, 2017, when the Board Executive Director, Charlotte Martin received an electronic statement from Mr. Schwab containing a self-report disclosing diversion of a patient’s prescription schedule II narcotic medication during a physical therapy home health visit. Upon receipt of this information a formal complaint was initiated, and an investigative committee was formed in accordance with Board Rule §123. On August 23, 2017, shortly after submitting his self-report to the Board, Mr. Schwab voluntarily admitted himself to Woodlake Addiction Recovery Center for in-patient treatment for Severe Opioid Use Disorder. Following successful completion of a twenty-four (24) day in-patient treatment, on September 19, 2017, Mr. Schwab began intensive outpatient treatment at Aimwell Addiction Recovery Center. Shortly thereafter, on September 28, 2017, the Investigative Committee requested that Mr. Schwab agree to voluntarily abstain from practicing physical therapy in the home health setting until the conclusion of all disciplinary matters. Mr. Schwab complied with the Board request and entered into an *Agreement to Abstain* on or about October 5, 2017. On October 25, 2017, the Investigative Committee of the Board sent a letter to the Respondent requesting his participation in an Informal Conference scheduled for November 9, 2017 at the Board Office in Lafayette, LA. Respondent attended the Informal Conference and cooperated fully. During the Informal Conference, in response to questions, Respondent answered affirmatively to all questions related to diversion of a patient’s prescription schedule II narcotic medication. Respondent also disclosed use of Cocaine and Marijuana. Respondent expressed his desire to cooperate fully with the Board and was offered and accepted this Consent Order.

## FACTUAL BASIS FOR CONSENT ORDER

1. At all times pertinent hereto, Respondent was a licensed physical therapist with license number 09497R
2. On or about August 23, 2017, a complaint was submitted to the Board as a self-report therein stating that the Respondent engaged in diversion of a patient's prescribed Percocet medication during a physical therapy home health visit.
3. Upon receipt of the complaint an Investigative Committee ("Committee") was created in accordance with Board Rule §123 which Committee consisted of Charlotte Martin, Executive Director of the Board; Craig Prejean, Investigating Board Member; and George Papale, Board attorney.
4. Following the formation of the Committee, a confidential investigation was conducted which included witness interviews and review of subpoenaed documents.
5. On August 23, 2017, Respondent voluntarily admitted himself to Woodlake Addiction Recovery Center for in-patient treatment for Severe Opioid Use Disorder. Such treatment occurred for a twenty-four (24) day period.
6. Following successful completion of in-patient treatment, Respondent voluntarily began intensive outpatient treatment at Aimwell Addiction Recovery Center.
7. On September 28, 2017, the Investigative Committee requested that the Respondent voluntarily agree to abstain from practicing physical therapy in the home health setting until such time as all formal disciplinary matters had concluded either by dismissal, signed and accepted Consent Order, or Formal Hearing. Respondent voluntarily agreed to and entered into an *Agreement to Abstain* on or about [insert date].
8. On October 25, 2017, the Investigative Committee of the Board sent a letter to the Respondent requesting his participation in an Informal Conference scheduled for November 9, 2017 at the Board office in Lafayette, LA.
9. Respondent participated in the Informal Conference at the Board Office in Lafayette, LA. Those in attendance at the Informal Conference were Charlotte Martin; Craig Prejean; George Papale; Stephanie Boudreaux, Board Compliance Officer; and Respondent.
10. During the Informal Conference, Respondent cooperated admitted to diversion of a patient's prescription Percocet pills, a schedule II narcotic. Respondent also disclosed use of Marijuana and Cocaine.
11. Following the Informal Conference, Respondent was offered and accepted this 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 his 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 a patient's prescription Percocet medication, a Schedule II controlled substance, Respondent violated La. R. S. 37:2420.A.(5), "[b]een habitually intemperate", as further defined by Board Rule §351.A.(2), "the ingestion, self administration, or other use of a legally controlled substance or medications which affect the central nervous system, other than pursuant to and used in accordance with a lawful prescription and/or medical advice."
- C. In utilizing his position as a Physical Therapist in a home health setting to access the prescription medications of patients, 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. 37:2420.A.(7), as further defined by Board Rule §345.B.(1)(a), failure to use sound professional judgement.

## **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 physical therapy license is hereby suspended for a minimum period of six (6) months beginning on the date of acceptance of the Consent Order form the Board. Respondent shall establish six (6) consecutive months sobriety prior to the conclusion of the suspension period. Failure to establish continuous sobriety shall result in an extension of the suspension period until such compliance is established. Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of suspension period a request for a letter from the Board formally acknowledging the close of the suspension period. Respondent's suspension period concludes upon receipt by Respondent of the Board a letter acknowledging the close of the suspension period;
- 2. Upon receipt by Respondent of the Board letter acknowledging the close of the suspension period specified in Paragraph "1", Respondent's physical therapy license shall be on

probation for a minimum period of five (5) years beginning on the date the suspension period concludes as specified in said letter. 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 the 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 he has to work as a physical therapist and shall update the Executive Director in writing within five (5) calendar days of any and all changes in such arrangements.
4. During the five (5) year probationary period, Respondent shall fully cooperate with the Board representatives making random unannounced monitoring visits to his work sites and shall provide complete access to his 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. During the five (5) year probationary period, Respondent shall provide a copy of this Consent Order to his employer(s), direct supervisor(s), and any physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) who are supervised by, 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 he has received and reviewed a copy of this Consent Order prior to Respondent providing physical therapy services. 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 five (5) 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 *twenty (20) hours* each 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 *five (5) calendar days* of the last date he 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 *five (5) calendar days* of his 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 each of the minimum six (6) month suspension and five (5) years of probation, Respondent shall complete an additional four (4) 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 within five (5) calendar days of receipt of such documentation;
8. Respondent shall write an essay of no fewer than 750 words explaining how his conduct violated the Practice Act and Board Rules and what he has learned as a result of the disciplinary process. The essay shall be submitted to Board Executive Director no later than February 28, 2018.
9. Respondent shall pay the Board the sum of \$800.00 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 a five (5) year period to begin on the date of acceptance of this Consent Order 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. Witten 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 his 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 him during his suspension and probationary period of his 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 his 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 his physician-patient privilege with regard to the Board and its agents and authorizes his 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 minimum six (6) month suspension and five (5) year 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 and shall comply with all requests of the Board or its designated agent 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. For the duration of the suspension and probationary period, 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.

17. For the duration of the suspension and probationary period, Respondent shall avoid all situations and environments where others are utilizing illegal substances. In the event that Respondent finds himself 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;
18. Following successful completion of the intensive outpatient treatment drug rehabilitation program, and during the suspension and probationary periods, Respondent shall comply with all recommendations of the rehabilitation program or, upon the written request of the Respondent and approval by the Executive Director, the substance abuse counselor as specified in Paragraph "18", subpart "b.". Failure to comply with a recommendation of the rehabilitation program, incorporated herein *in extenso*, will be deemed a violation of this consent order. In addition to other recommendations deemed appropriate by the professional evaluator(s), such recommendations shall include the following for a duration and frequency as recommended by the professional evaluator(s):
  - a. Attend meetings of Alcoholics Anonymous, Narcotics Anonymous or 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. 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.
19. For as long as Respondent holds a license, 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 his 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;
20. 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 his Louisiana residence, and receives written confirmation from the Executive Director;

21. 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;
22. Respondent shall have reliable access to a computer, internet, and telephone. In accordance with Board Rule §385 Respondent shall provide to the executive director their preferred telephone number and/or email address in writing for expedited communications regarding compliance with board order within forty-eight (48) hours of signing the Consent Order and within forty-eight (48) hours following any such change throughout the entirety of the suspension and probationary period. Respondent shall reply to Board emails and telephone calls within four (4) hours of such communication in accordance with Board Rule § 385.
23. Respondent declares that, before signing this Consent Order, he is of sound mind and 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;
24. Respondent acknowledges that his failure to comply with any term of this Consent Order is a basis for immediate summary suspension of his license and for further disciplinary action by the Board;
25. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;
26. Respondent authorizes the Investigating Board Member, Craig Prejean, PTA, 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 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 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;
27. 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;



28. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair; and
29. 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.

SS PT, PPT  
Steven Schwab, PT

SWORN TO and subscribed before me, Notary Public 5<sup>th</sup> day of December, 2017  
Manuel, Louisiana.

Robert Harris  
Notary Public



AGREED AND ACCEPTED by official action of the Board, the 13<sup>th</sup> day of December, 2017, at Lafayette, Louisiana.

Louisiana Physical Therapy Board

Patrick Cook, P.T.  
Patrick Cook, P.T., Chairman

