
In the Matter of
LISA M. KENNEDY, P.T.
License No. 04858R
Respondent

* **LOUISIANA STATE BOARD OF**
* **PHYSICAL THERAPY EXAMINERS**
*
* Case Number 2002-147

CONSENT ORDER

Respondent came to Board attention through a complaint received from her employer in April, 2002, which suggested that Respondent had abandoned patients assigned to her care by R&R Home Care, Inc. This complaint initiated a lengthy process of attempted communication with Respondent which was unsuccessful until October, 2002 when a California address was obtained for Respondent. Thereafter, Respondent was irregular in response to Board communications until she engaged legal counsel in July, 2003. Through her legal counsel, Respondent has agreed to this Consent Order, which will be recommended to the Board at its _____ meeting. Respondent waives her right to the informal conference required by La. R.S. 49:961C and her right to a formal hearing as provided in La. R.S. 37:2413.

FINDINGS OF FACT

Respondent acknowledges that in March and April, 2002 while employed on a part-time basis by R&R Home Care, Inc. in the New Orleans area, she became ill and was hospitalized for care. After a week of hospitalization and some degree of recovery, she had her case files and other records returned to her employer who was informed of her hospitalization and of her inability to continue to provide care to her assigned patients. Respondent's failure to timely communicate her incapacity to practice physical therapy to her employer appears to have been the result of the medical conditions for which she was hospitalized, which was a recurrence of long standing physical and emotional problems. Respondent has, over an extended period of time, had treatment for anxiety, depression, post-traumatic stress disorder and eating disorders and continues in therapy and treatment for these problems currently. It is her intention to pursue further treatment with the goal of eventually returning to practice in her home state of California.

CONCLUSIONS OF LAW

1. La. R.S. 37:2413A provides for the revocation or suspension of a license issued by the Board upon proof of incompetence or unprofessional conduct, among other grounds. Respondent failed to communicate with her employer when she was hospitalized for serious mental and physical health problems. This failure appears to have been due to the loss of capacity to communicate, rather than due to any intentional or negligent conduct. Respondent continues in treatment for these long-standing problems, but their persistence indicates that she is not yet competent to resume the responsibilities of a physical therapist.

2. Respondent has waived her right to the informal conference regarding her license which is provided by La. R. S. 49:961C.

3. Respondent has waived her right to a formal hearing on the allegations of negligence and patient abandonment described above. La. R.S. 37:2413.

4. Board Rule 335 authorizes disciplinary actions regarding licensees to be made by consent between the Board and the Respondent.

DECISION

Pursuant to the foregoing Findings of Fact and Conclusions of Law, Respondent and the Board, by vote of quorum, agree as follows:

A. Respondent's license to practice physical therapy is suspended for a period of no less than six months from the date of this Consent Order.

B. During this period of suspension, Respondent shall continue with therapy and treatment as advised by her treating professionals.

C. At any time after the expiration of the mandatory six-month suspension, Respondent may apply to the Board for reinstatement of her license pursuant to the provisions of Board Rule 349. At such time, Respondent shall provide to the Board credible medical evidence that she has substantially recovered from her long-standing disorders or conditions described above, with the specific medical recommendation that Respondent is ready and able to return to work as a fully responsible physical therapist. The Board reserves the right to have an independent evaluation made of Respondent at that time, with the expense of such evaluation to be borne by Respondent.

D. Upon written certification that Respondent no longer plans to practice in Louisiana and that she is seeking licensure in another state, the Board will transfer jurisdiction for reinstatement to that jurisdiction after expiration of the mandatory six month suspension period.

E. To help defray legal and other administrative expenses related to complaint investigation and establishment of this Consent Order, Respondent shall pay to the Board the sum of \$500 by December 31, 2003.

F. The Board is authorized to provide a copy of this Consent Order to Respondent's former employer, R&R Home Care, Inc. and to the California physical therapy licensing authority.

SWORN TO AND SUBSCRIBED on this 10th day of December, 2003.

Lisa M. Kennedy, P.T.
Lisa M. Kennedy, P.T., Lic #04858R

AGREED AND ACCEPTED by official action of the Board, the 18th of December, 2003 at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

Pat Adams, P.T.
Pat Adams, P.T., Chair

FILED
STATE OF CALIFORNIA
PHYSICAL THERAPY BOARD OF CALIFORNIA
SACRAMENTO, CA June 18, 2004
BY *[Signature]* ANALYST

1 BILL LOCKYER, Attorney General
of the State of California
2 VLADIMIR SHALKEVICH, State Bar No. 173955
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2148
5 Facsimile: (213) 897-9395
6 Attorneys for Complainant

7
8 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 1D 2003 63608

11 LISA MICHELLE KENNEDY
12 5998 Crown Avenue
13 La Canada, CA 91011

ACCUSATION

14 Physical Therapy License No. PT 16252

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Steven K. Hartzell (Complainant) brings this Accusation solely in
19 his official capacity as the Executive Officer of the Physical Therapy Board of California,
20 Department of Consumer Affairs.

21 2. On or about December 21, 1989, the Physical Therapy Board of
22 California issued Physical Therapy License Number PT 16252 to Lisa Michelle Kennedy
23 (Respondent). The Physical Therapy License was in full force and effect at all times
24 relevant to the charges brought herein and will expire on February 28, 2005, unless
25 renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Physical Therapy Board of
28 California (Board), Department of Consumer Affairs, under the authority of the following

1 laws. All section references are to the Business and Professions Code unless otherwise
2 indicated.

3 4. Section 2661.5 of the Code states:

4 (a) In any order issued in resolution of a disciplinary proceeding
5 before the board, the board may request the administrative law judge to
6 direct any licensee found guilty of unprofessional conduct to pay to the
7 board a sum not to exceed the actual and reasonable costs of the
8 investigation and prosecution of the case.

9 (b) The costs to be assessed shall be fixed by the administrative
10 law judge and shall not in any event be increased by the board. When the
11 board does not adopt a proposed decision and remands the case to an
12 administrative law judge, the administrative law judge shall not increase
13 the amount of the assessed costs specified in the proposed decision.

14 (c) When the payment directed in an order for payment of costs is
15 not made by the licensee, the board may enforce the order of payment by
16 bringing an action in any appropriate court. This right of enforcement shall
17 be in addition to any other rights the board may have as to any licensee
18 directed to pay costs.

19 (d) In any judicial action for the recovery of costs, proof of the
20 board's decision shall be conclusive proof of the validity of the order of
21 payment and the terms for payment.

22 (e) (1) Except as provided in paragraph (2), the board shall not
23 renew or reinstate the license or approval of any person who has
24 failed to pay all of the costs ordered under this section.

25 (2) Notwithstanding paragraph (1), the board may, in its
26 discretion, conditionally renew or reinstate for a maximum of one
27 year the license or approval of any person who demonstrates
28 financial hardship and who enters into a formal agreement with the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

board to reimburse the board within that one year period for those unpaid costs.

(f) All costs recovered under this section shall be deposited in the Physical Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually recovered or the previous fiscal year, as the board may direct.

5. Section 141 of the Code states:

“(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

“(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.”

FIRST CAUSE FOR DISCIPLINE

(Out of State Discipline)

6. Respondent is subject to disciplinary action under section 141 of the Business and Professions Code in that she has been subject of disciplinary action taken by another state. The circumstances are as follows:

7. On or about December 18, 2003, Respondent was subject of a Consent Order before the Louisiana State Board of Physical Therapy Examiners.

8. The Louisiana Consent Order made factual findings, which were admitted to by the respondent. These factual finding were that in March and April of

1 2002 while employed on a part-time basis by R&R Home Care, Inc. in the New Orleans
2 area, respondent became ill and was hospitalized for care. After a week of hospitalization
3 and some degree of recovery, she had her case files and other records returned to her
4 employer who was informed of her hospitalization and of her inability to continue to
5 provide care to her assigned patients. Respondent's failure to timely communicate her
6 incapacity to practice physical therapy to her employer appears to have been the result of
7 the medical conditions for which she was hospitalized, which was a recurrence of long
8 standing physical and emotional problems. Respondent has, over an extended period of
9 time, had treatment for anxiety, depression, post-traumatic stress disorder and eating
10 disorders and continues in therapy and treatment for these problems currently. It is her
11 intention to pursue further treatment with the goal of eventually returning to practice in
12 her home state of California.

13 9. As a result of the December, 2003 Consent Order, the Louisiana
14 State Board of Physical Therapy examiners issued the following decision:

15 "A. Respondent's license to practice physical therapy is suspended for
16 a period of no less than six months from the date of this Consent Order.

17 "B. During this period of suspension, Respondent shall continue with
18 therapy and treatment as advised by her treating professionals.

19 "C. At any time after the expiration of the mandatory six-month
20 suspension, Respondent may apply to the Board for reinstatement of her license pursuant
21 to the provisions of Board Rule 349. At such time, Respondent shall provide to the
22 Board credible medical evidence that she has substantially recovered from her long -
23 standing disorders or conditions described above, with the specific medical therapist. The
24 Board reserves the right to have an independent evaluation made of Respondent at that
25 time, with a expense of such evaluation to be born by the Respondent.

26 "D. Upon written certification that Respondent no longer plans to
27 practice in Louisiana and that she is seeking licensure in another state, the Board will
28 transfer jurisdiction for reinstatement to that jurisdiction after expiration of the mandatory

1 six month suspension period.

2 "E. To help defray legal and other administrative expenses related to
3 complaint investigation and establishment of this Consent Order, Respondent shall pay to
4 the Board the sum of \$500 by December 31, 2003.

5 "F. the Board is authorized to provide a copy of this Consent Order to
6 Respondent's former employer, R&R Home Care, Inc. and to the California physical
7 therapy licensing authority."

8 PRAYER


9 WHEREFORE, Complainant requests that a hearing be held on the
10 matters herein alleged, and that following the hearing, the Physical Therapy Board of
11 California issue a decision:

12 1. Revoking or suspending Physical Therapy License Number PT
13 16252, issued to Lisa Michelle Kennedy;

14 2. Ordering Lisa Michelle Kennedy to pay the Physical Therapy
15 Board of California the reasonable costs of the investigation and enforcement of this case,
16 pursuant to Business and Professions Code section 2661.5;

17 3. Taking such other and further action as deemed necessary and
18 proper.

19
20 DATED: June 18, 2004
21

22
23 
24 STEVEN K. HARTZELL
25 Executive Officer
26 Physical Therapy Board of California
27 Department of Consumer Affairs
28 State of California
Complainant



PHYSICAL THERAPY BOARD OF CALIFORNIA
CONSUMER PROTECTION SERVICES

1418 HOWE AVENUE, SUITE 16, SACRAMENTO, CA 95825-3204
TELEPHONE (916) 561-8200 FAX (916) 263-2560 TOLL FREE 1-800-832-2251
EMAIL cps@dca.ca.gov



March 14, 2005

Board of Physical Therapy Examiners
Attn: Cheryl Gandin
104 Fairlane Drive
Lafayette, LA 70507

APR 08 2005

Dear Ms. Gandin:

Per your request, enclosed is a copy of the disciplinary action filed against Lisa M Kennedy. If you have any questions, please feel free to contact me at (916) 561-8264.

Sincerely,

Graciela Reynoso
Graciela Reynoso
Consumer Protection Services

*4-8-05
forwarded copy
to Glen Ducote*

BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)

Against:)

LISA MICHELLE KENNEDY.)
)
)
)
_____)

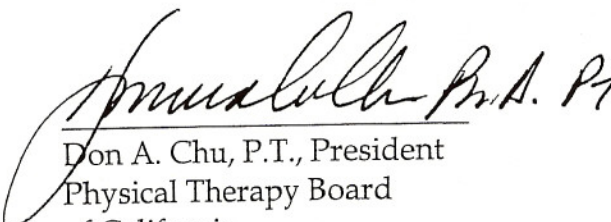
Case #: 1D 2003 63608

OAH No.: L2004060709

The foregoing Stipulated Decision, in case number 1D 2003 63608, is hereby adopted by the Physical Therapy Board, Department of Consumer Affairs, State of California.

This decision shall become effective on the 24th day of December, 2004.

It is so ordered this November 24, 2004.


Don A. Chu, P.T., President
Physical Therapy Board
of California

1 BILL LOCKYER, Attorney General
of the State of California
2 VLADIMIR SHALKEVICH, State Bar No. 173955
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2148
5 Facsimile: (213) 897-9395

6 Attorneys for Complainant

7
8 **BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

10 In the Matter of the First Amended Accusation
Against:

11 LISA MICHELLE KENNEDY
12 5008 Crown Avenue
13 La Canada, CA 91011

14 Physical Therapy License No. PT 16252

15 Respondent.

Case No. 1D 2003 63608

OAH No. L-2004060709

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 IT IS HEREBY STIPULATED AND AGREED by and between the
17 parties to the above-entitled proceedings that the following matters are true:

18 PARTIES

19 1. Steven K. Hartzell (Complainant) is the Executive Officer of the
20 Physical Therapy Board of California. He brought this action solely in his official
21 capacity and is represented in this matter by Bill Lockyer, Attorney General of the State
22 of California, by Vladimir Shalkevich, Deputy Attorney General.

23 2. Respondent Lisa Michelle Kennedy (Respondent) is represented
24 in this proceeding by attorney Craig P. Kennedy, whose address is 18400 Von Karman
25 Ave., Suite 800, Irvine, CA 92612.

26 3. On or about December 21, 1989, the Physical Therapy Board of
27 California issued Physical Therapy License No. PT 16252 to Lisa Michelle Kennedy
28

1 (Respondent). The License was in full force and effect at all times relevant to the
2 charges brought in Accusation No. 1D 2003 63608 and will expire on February 28,
3 2005, unless renewed.

4 JURISDICTION

5 4. First Amended Accusation No. 1D 2003 63608 was filed before
6 the Physical Therapy Board of California (Board), Department of Consumer Affairs, and
7 is currently pending against Respondent. The original Accusation and all other
8 statutorily required documents were properly served on Respondent on June 18, 2004,
9 and the First amended accusation was properly served thereafter. Respondent timely
10 filed her Notice of Defense. A copy of First Amended Accusation No. 1D 2003 63608 is
11 attached as exhibit A and incorporated herein by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, fully discussed with counsel, and
14 understands the charges and allegations in First Amended Accusation No. 1D 2003
15 63608. Respondent has also carefully read, fully discussed with counsel, and
16 understands the effects of this Stipulated Settlement and Disciplinary Order.

17 6. Respondent is fully aware of her legal rights in this matter,
18 including the right to a hearing on the charges and allegations in the First Amended
19 Accusation; the right to be represented by counsel at her own expense; the right to
20 confront and cross-examine the witnesses against her; the right to present evidence and
21 to testify on her own behalf; the right to the issuance of subpoenas to compel the
22 attendance of witnesses and the production of documents; the right to reconsideration
23 and court review of an adverse decision; and all other rights accorded by the California
24 Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and
26 gives up each and every right set forth above.

27 CULPABILITY

28 8. Respondent admits the truth of each and every charge and

1 allegation in the First Amended Accusation No. 1D 2003 63608.

2 9. Respondent agrees that her Physical Therapy License is subject to
3 discipline and she agrees to be bound by the Board's imposition of discipline as set forth
4 in the Disciplinary Order below.

5 CONTINGENCY

6 10. This stipulation shall be subject to approval by the Physical
7 Therapy Board of California. Respondent understands and agrees that counsel for
8 Complainant and the staff of the Physical Therapy Board of California may
9 communicate directly with the Board regarding this stipulation and settlement, without
10 notice to or participation by Respondent or her counsel. By signing the stipulation,
11 Respondent understands and agrees that she may not withdraw her agreement or seek to
12 rescind the stipulation prior to the time the Board considers and acts upon it. If the
13 Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement
14 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
15 inadmissible in any legal action between the parties, and the Board shall not be
16 disqualified from further action by having considered this matter.

17 11. The parties understand and agree that facsimile copies of this
18 Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto,
19 shall have the same force and effect as the originals.

20 12. In consideration of the foregoing admissions and stipulations, the
21 parties agree that the Board may, without further notice or formal proceeding, issue and
22 enter the following Disciplinary Order:

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Physical Therapy License No. PT 16252
25 issued to Respondent Lisa Michelle Kennedy is suspended.

26 1. During this period of suspension, Respondent shall continue with
27 therapy and treatment as advised by her treating professionals.

28 2. Respondent may apply to the Board for reinstatement of her

1 license pursuant to the provisions of Business and Professions Code section 823. At
2 such time, Respondent shall provide to the Board credible medical evidence that she has
3 substantially recovered from her long – standing disorders or conditions described
4 above, from her treating therapist. For the purpose of the reinstatement proceeding only,
5 Respondent will waive her physician-patient privilege and privacy rights as codified by
6 the Evidence Code section 1014. The Board reserves the right to have an independent
7 evaluation made of Respondent at that time, with all expense of such evaluation to be
8 born by the Respondent.

9 3. The Board is authorized to provide a copy of this Consent Order
10 to the Louisiana physical therapy licensing authority.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary
13 Order and have fully discussed it with my attorney, Craig P. Kennedy. I understand the
14 stipulation and the effect it will have on my Physical Therapy License. I enter into this
15 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
16 and agree to be bound by the Decision and Order of the Physical Therapy Board of
17 California. I understand and agree that in order to present information for the purpose of
18 applying for reinstatement of my license under Business and Professions Code section
19 823, I will have to present evidence from my treating physician or psychotherapist. For
20 the purposes of reinstatement proceedings only, I hereby expressly waive my physician-
21 patient privilege and the privilege under Evidence Code section 1014.

22
23 DATED: Sept 29, 2004.

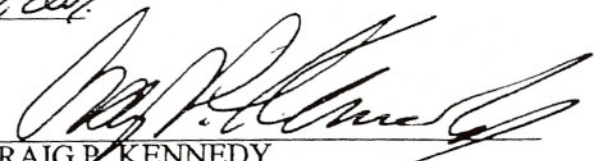
24
25 Lisa Michelle Kennedy
26 LISA MICHELLE KENNEDY
27 Respondent

28 I have read and fully discussed with Respondent Lisa Michelle Kennedy

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

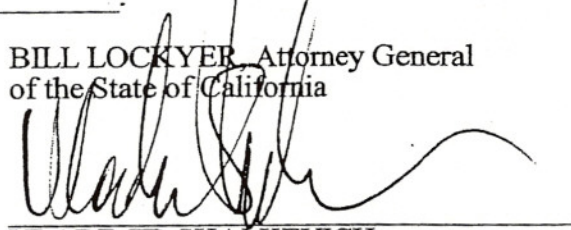
DATED: September 30, 2004


CRAIG P. KENNEDY
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: 10/6/04

BILL LOCKYER, Attorney General
of the State of California

VLADIMIR SHALKEVICH
Deputy Attorney General
Attorneys for Complainant

DOJ Docket/Matter ID Number: ***DOJ docket number***
suspension order and settlement.wpd

Exhibit A

First Amended Accusation No. 1D 2003 63608

SACRAMENTO, CA *August 24, 2004*
BY *[Signature]* ANALYST

1 BILL LOCKYER, Attorney General
of the State of California
2 VLADIMIR SHALKEVICH, State Bar No. 173955
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2148
5 Facsimile: (213) 897-9395

6 Attorneys for Complainant

7
8 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 1D 2003 63608

11 LISA MICHELLE KENNEDY
12 5008 Crown Avenue
La Canada, CA 91011

**FIRST AMENDED
ACCUSATION**

13 Physical Therapy License No. PT 16252

14 Respondent.
15

16 Complainant alleges:

17 PARTIES

18 1. Steven K. Hartzell (Complainant) brings this Accusation solely in
19 his official capacity as the Executive Officer of the Physical Therapy Board of California,
20 Department of Consumer Affairs.

21 2. On or about December 21, 1989, the Physical Therapy Board of
22 California issued Physical Therapy License Number PT 16252 to Lisa Michelle Kennedy
23 (Respondent). The Physical Therapy License was in full force and effect at all times
24 relevant to the charges brought herein and will expire on February 28, 2005, unless
25 renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Physical Therapy Board of
28 California (Board), Department of Consumer Affairs, under the authority of the following

1 laws. All section references are to the Business and Professions Code unless otherwise
2 indicated.

3 4. Section 2661.5 of the Code states:

4 (a) In any order issued in resolution of a disciplinary proceeding
5 before the board, the board may request the administrative law judge to
6 direct any licensee found guilty of unprofessional conduct to pay to the
7 board a sum not to exceed the actual and reasonable costs of the
8 investigation and prosecution of the case.

9 (b) The costs to be assessed shall be fixed by the administrative
10 law judge and shall not in any event be increased by the board. When the
11 board does not adopt a proposed decision and remands the case to an
12 administrative law judge, the administrative law judge shall not increase
13 the amount of the assessed costs specified in the proposed decision.

14 (c) When the payment directed in an order for payment of costs is
15 not made by the licensee, the board may enforce the order of payment by
16 bringing an action in any appropriate court. This right of enforcement shall
17 be in addition to any other rights the board may have as to any licensee
18 directed to pay costs.

19 (d) In any judicial action for the recovery of costs, proof of the
20 board's decision shall be conclusive proof of the validity of the order of
21 payment and the terms for payment.

22 (e) (1) Except as provided in paragraph (2), the board shall not
23 renew or reinstate the license or approval of any person who has
24 failed to pay all of the costs ordered under this section.

25 (2) Notwithstanding paragraph (1), the board may, in its
26 discretion, conditionally renew or reinstate for a maximum of one
27 year the license or approval of any person who demonstrates
28 financial hardship and who enters into a formal agreement with the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

board to reimburse the board within that one year period for those unpaid costs.

(f) All costs recovered under this section shall be deposited in the Physical Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually recovered or the previous fiscal year, as the board may direct.

5. Section 141 of the Code states:

“(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

“(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.”

6. Section 822 of the code provides:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in

1 its discretion deems proper.

2 The licensing agency shall not reinstate a revoked or suspended certificate or
3 license until it has received competent evidence of the absence or control of the
4 condition which caused its action and until it is satisfied that with due regard for
5 the public health and safety the person's right to practice his or her profession may
6 be safely reinstated.

7 FIRST CAUSE FOR DISCIPLINE

8 (Mental Illness)

9 7. Respondent is subject to disciplinary action under section 822 of
10 the Business and Professions Code in that her ability to practice her profession safely is
11 impaired because she is mentally ill. The circumstances are as follows:

12 A. In March and April of 2002, while employed on a part-time basis
13 by R&R Home Care, Inc. in the New Orleans area, respondent became ill and was
14 hospitalized for medical care due to a mental condition. After a week of hospitalization
15 and some degree of recovery, she had her case files and other records returned to her
16 employer who was informed of her hospitalization and of her inability to continue to
17 provide care to her assigned patients. Respondent's failure to timely communicate her
18 incapacity to practice physical therapy to her employer appears to have been the result of
19 the medical conditions for which she was hospitalized, which was a recurrence of long
20 standing physical and emotional problems. Respondent has, over an extended period of
21 time, had treatment for anxiety, depression, post-traumatic stress disorder and eating
22 disorders and continues in therapy and treatment for these problems currently. It is her
23 intention to pursue further treatment with the goal of eventually returning to practice in
24 California.

25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the
27 matters herein alleged, and that following the hearing, the Physical Therapy Board of
28 California issue a decision:

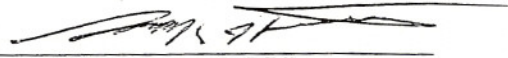
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. Revoking or suspending Physical Therapy License Number PT 16252, issued to Lisa Michelle Kennedy;

2. Ordering Lisa Michelle Kennedy to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;

3. Taking such other and further action as deemed necessary and proper.

DATED: August 24, 2004


STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

SACRAMENTO, CA June 18, 2004
BY [Signature] ANALYST

1 BILL LOCKYER, Attorney General
of the State of California
2 VLADIMIR SHALKEVICH, State Bar No. 173955
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2148
5 Facsimile: (213) 897-9395

6 Attorneys for Complainant

7 **BEFORE THE**
8 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:
11 LISA MICHELLE KENNEDY
12 5998 Crown Avenue
13 La Canada, CA 91011
14 Physical Therapy License No. PT 16252
15 Respondent.

Case No. 1D 2003 63608

ACCUSATION

16 Complainant alleges:

17 PARTIES

18 1. Steven K. Hartzell (Complainant) brings this Accusation solely in
19 his official capacity as the Executive Officer of the Physical Therapy Board of California,
20 Department of Consumer Affairs.

21 2. On or about December 21, 1989, the Physical Therapy Board of
22 California issued Physical Therapy License Number PT 16252 to Lisa Michelle Kennedy
23 (Respondent). The Physical Therapy License was in full force and effect at all times
24 relevant to the charges brought herein and will expire on February 28, 2005, unless
25 renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Physical Therapy Board of
28 California (Board), Department of Consumer Affairs, under the authority of the following

1 laws. All section references are to the Business and Professions Code unless otherwise
2 indicated.

3 4. Section 2661.5 of the Code states:

4 (a) In any order issued in resolution of a disciplinary proceeding
5 before the board, the board may request the administrative law judge to
6 direct any licensee found guilty of unprofessional conduct to pay to the
7 board a sum not to exceed the actual and reasonable costs of the
8 investigation and prosecution of the case.

9 (b) The costs to be assessed shall be fixed by the administrative
10 law judge and shall not in any event be increased by the board. When the
11 board does not adopt a proposed decision and remands the case to an
12 administrative law judge, the administrative law judge shall not increase
13 the amount of the assessed costs specified in the proposed decision.

14 (c) When the payment directed in an order for payment of costs is
15 not made by the licensee, the board may enforce the order of payment by
16 bringing an action in any appropriate court. This right of enforcement shall
17 be in addition to any other rights the board may have as to any licensee
18 directed to pay costs.

19 (d) In any judicial action for the recovery of costs, proof of the
20 board's decision shall be conclusive proof of the validity of the order of
21 payment and the terms for payment.

22 (e) (1) Except as provided in paragraph (2), the board shall not
23 renew or reinstate the license or approval of any person who has
24 failed to pay all of the costs ordered under this section.

25 (2) Notwithstanding paragraph (1), the board may, in its
26 discretion, conditionally renew or reinstate for a maximum of one
27 year the license or approval of any person who demonstrates
28 financial hardship and who enters into a formal agreement with the

1 board to reimburse the board within that one year period for those
2 unpaid costs.

3 (f) All costs recovered under this section shall be deposited in the
4 Physical Therapy Fund as a reimbursement in either the fiscal year in
5 which the costs are actually recovered or the previous fiscal year, as the
6 board may direct.

7 5. Section 141 of the Code states:

8 “(a) For any licensee holding a license issued by a board under the
9 jurisdiction of the department, a disciplinary action taken by another state, by any
10 agency of the federal government, or by another country for any act substantially
11 related to the practice regulated by the California license, may be a ground for
12 disciplinary action by the respective state licensing board. A certified copy of the
13 record of the disciplinary action taken against the licensee by another state, an
14 agency of the federal government, or another country shall be conclusive evidence
15 of the events related therein.

16 “(b) Nothing in this section shall preclude a board from applying a
17 specific statutory provision in the licensing act administered by that board that
18 provides for discipline based upon a disciplinary action taken against the licensee
19 by another state, an agency of the federal government, or another country.”

20 FIRST CAUSE FOR DISCIPLINE

21 (Out of State Discipline)

22 6. Respondent is subject to disciplinary action under section 141 of
23 the Business and Professions Code in that she has been subject of disciplinary action
24 taken by another state. The circumstances are as follows:

25 7. On or about December 18, 2003, Respondent was subject of a
26 Consent Order before the Louisiana State Board of Physical Therapy Examiners.

27 8. The Louisiana Consent Order made factual findings, which were
28 admitted to by the respondent. These factual finding were that in March and April of

1 2002 while employed on a part-time basis by R&R Home Care, Inc. in the New Orleans
2 area, respondent became ill and was hospitalized for care. After a week of hospitalization
3 and some degree of recovery, she had her case files and other records returned to her
4 employer who was informed of her hospitalization and of her inability to continue to
5 provide care to her assigned patients. Respondent's failure to timely communicate her
6 incapacity to practice physical therapy to her employer appears to have been the result of
7 the medical conditions for which she was hospitalized, which was a recurrence of long
8 standing physical and emotional problems. Respondent has, over an extended period of
9 time, had treatment for anxiety, depression, post-traumatic stress disorder and eating
10 disorders and continues in therapy and treatment for these problems currently. It is her
11 intention to pursue further treatment with the goal of eventually returning to practice in
12 her home state of California.

13 9. As a result of the December, 2003 Consent Order, the Louisiana
14 State Board of Physical Therapy examiners issued the following decision:

15 "A. Respondent's license to practice physical therapy is suspended for
16 a period of no less than six months from the date of this Consent Order.

17 "B. During this period of suspension, Respondent shall continue with
18 therapy and treatment as advised by her treating professionals.

19 "C. At any time after the expiration of the mandatory six-month
20 suspension, Respondent may apply to the Board for reinstatement of her license pursuant
21 to the provisions of Board Rule 349. At such time, Respondent shall provide to the
22 Board credible medical evidence that she has substantially recovered from her long -
23 standing disorders or conditions described above, with the specific medical therapist. The
24 Board reserves the right to have an independent evaluation made of Respondent at that
25 time, with a expense of such evaluation to be born by the Respondent.

26 "D. Upon written certification that Respondent no longer plans to
27 practice in Louisiana and that she is seeking licensure in another state, the Board will
28 transfer jurisdiction for reinstatement to that jurisdiction after expiration of the mandatory

1 six month suspension period.

2 "E. To help defray legal and other administrative expenses related to
3 complaint investigation and establishment of this Consent Order, Respondent shall pay to
4 the Board the sum of \$500 by December 31, 2003.

5 "F. the Board is authorized to provide a copy of this Consent Order to
6 Respondent's former employer, R&R Home Care, Inc. and to the California physical
7 therapy licensing authority."

8 PRAYER

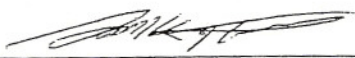
9 WHEREFORE, Complainant requests that a hearing be held on the
10 matters herein alleged, and that following the hearing, the Physical Therapy Board of
11 California issue a decision:

12 1. Revoking or suspending Physical Therapy License Number PT
13 16252, issued to Lisa Michelle Kennedy;

14 2. Ordering Lisa Michelle Kennedy to pay the Physical Therapy
15 Board of California the reasonable costs of the investigation and enforcement of this case,
16 pursuant to Business and Professions Code section 2661.5;

17 3. Taking such other and further action as deemed necessary and
18 proper.

19
20 DATED: June 18, 2004
21

22
23 
24 STEVEN K. HARTZELL
25 Executive Officer
26 Physical Therapy Board of California
27 Department of Consumer Affairs
28 State of California
Complainant