

In the Matter of
BOARD

* LOUISIANA PHYSICAL THERAPY

RANDY GOMEZ
PT License No. 04488F
Respondent

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Case Number 20111 I 012

CONSENT ORDER

In the course of investigating a complaint relating to another licensee, the Investigating Board Member observed that there appeared to be widespread non-compliance with board rules regarding supervision and documentation by other licensees working at the same facility. Documentation was reviewed and interviews were conducted with several employees at the facility. A board initiated complaint against PT Randy Gomez grew out of that investigation and resulted in this Consent Order.

Respondent began working at Lafayette Care Center (LCC), a long-term care facility, in January, 2010 at the request of Shelley Sonnier who was the sole PTA at the facility and also served as the Rehab Director. He was working full time for Louisiana Health Care at Lafayette General Hospital and agreed to work six hours per week at LCC, two hours each Monday, Tuesday and Thursday. Upon arriving at LCC on those days, Ms. Sonnier would present him with a log of patients to be seen for evaluations, sixth visits, etc. He was seeing both Medicare Part A and Part B patients.

As he evaluated and treated patients he would enter the time spent with each patient on the log sheet provided to him and Ms. Sonnier would enter charges into the computer billing system. He requested and was denied a computer password so he did not review or verify the entries actually made for the patients he treated. He also was not given an employee ID card, so his work hours were manually entered by another employee. He never took steps to ascertain that the entries in the computer system accurately reflected his work hours or his patient treatment billing.

When Respondent did a sixth visit treatment session or a weekly progress note he would consult with PTA Sonnier. He asked Sonnier if his time at LCC was meeting her supervision requirements and she told him that he was. However, as the sole PT working at that facility at that time, he was not providing supervision for half of the work week as was required by Board Rule 321A(2)(d). Nor was he conducting face to face conferences weekly with PTA Sonnier as required by Rule 321A(3)(d).

Respondent participated in an Informal Conference on April 8, 2011 with

Investigating Board Member Danny Landry, Board Executive Director Cheryl Gaudin, Board General Counsel Glenn Ducote and Advisory Committee Member Allison Roux. He confirmed the information set forth above and indicated that he assumed that the supervision required for PTA Sonnier was being provided by Tara Roberts, PT, who was the area manager for Nexion, which provided therapy services at LCC. He acknowledged having no confirmation of such supervision. He acknowledged that he took no steps to verify entries made for the treatments which he provided and that face-to-face conferences with PTA Sonnier were not consistently conducted or documented. He ceased working for LCC in early February when Ms. Sonnier was fired and another PT was brought in to provide physical therapy at the facility.

FINDINGS OF FACT

Respondent failed to provide required supervision for PTA Shelley Sonnier during January and February, 2010, and failed to conduct and document required face to face patient care conferences with the PTA he was supervising. Respondent was deficient in providing PTA supervision for half of the work week and, on at least one occasion, failed to provide sixth-visit patient treatment. Respondent also failed to take appropriate steps to document the patient care which he provided and surrendered control of all of his documentation to others.

CONCLUSIONS OF LAW

Respondent's conduct described above and otherwise reviewed in this action is subject to and/or in violation of the following provisions of law regarding his practice of physical therapy:

1. The Board has the authority to suspend or revoke a license which it has issued, or place probationary conditions upon such license, upon proof that the licensee has been guilty of unprofessional conduct or has violated the Practice Act of Rules of the Board. La. R. S. 37:2420A and Board Rule 325.
2. Respondent's failures to adequately supervise the PTA working with him violate Rule 321A(2)(b) and (d).
3. Respondent's failure to enter or verify documentation for patient treatment which he provided violates Rule 323A(3).

DECISION

Pursuant to the foregoing Findings of Fact and Conclusions of Law, and in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of quorum, agree as follows:

- A. Respondent's license as a physical therapist is placed on probation for one year,

beginning June 1, 2011, during which period his employment records, place of employment, patient treatment and billing records will be subject to random inspection and review for full legal compliance by a designated Board representative. Respondent and his employers are required to cooperate fully with these monitoring visits. During this one year probationary period, Respondent shall remit to the Board \$150 as reimbursement for the expenses of each such monitoring visit to his practice.

B. The one-year probationary period shall be extended for any period of time in which Respondent is not employed as a physical therapist within the State of Louisiana and regularly working at least twenty hours per week as such. If Respondent ceases to be regularly employed as a physical therapist in Louisiana, he shall notify the Executive Director in writing within ten days of the last date Respondent has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist within the State of Louisiana, he shall notify the Executive Director in writing within ten days of his return to practice.

C. During his year of license probation, Respondent shall successfully complete continuing education courses in physical therapy treatment documentation and billing (4 hours minimum) which have been approved in advance by the Board Executive Director and which shall be in addition to the usual continuing education required to maintain licensure. During his probationary period, Respondent shall attend the Jurisprudence Course presented by the Board.

D. Respondent shall write an essay of no less than 750 words explaining how his conduct violated the Practice Act and Board rules and what he has learned as a result of this disciplinary process. This essay shall be submitted to the Board Executive Director no later than August 31, 2011.

E. 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 days of any and all changes in such arrangements.

F. Respondent shall provide a copy of this Consent Order to his employer(s) before providing services to that employer and shall have the employer(s) notify the Executive Director in writing that she/he has received and reviewed a copy of this Consent Order; Respondent shall do this also with any new or subsequent employer(s) during his probationary period.

G. Respondent shall reimburse the Board in the amount of \$500 for legal and administrative expenses incurred in this disciplinary proceeding. Payment shall be completed by January 1, 2012.

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

49:955D and Board Rule 335, agrees to entry of this Consent Order.

I. Respondent authorizes the Investigating Board Member, Danny Landry, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose to, and discuss with, the Board the nature and results of the investigation. Respondent waives any objection to such disclosures under La. R.S. 49:960 and expressly acknowledges that the disclosure of such information to the Board shall be without prejudice to the Investigating Board Member's authority to file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order. Should the Board decline to approve this Consent Order, Respondent retains all rights to due process including, but not limited to, his right to have notice of any allegations or charges asserted against him, to administrative adjudication of such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law.

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

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

SWORN TO AND SUBSCRIBED on this 26 day of May, 2011.

Randy Gomez
Randy Gomez PT

AGREED AND ACCEPTED by official action of the Board, the 26 day of MAY, 2011, at Lafayette, Louisiana.

BOARD

LOUISIANA PHYSICAL THERAPY

Jerry Jones

Jerry Jones, PT, Chairman