



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

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September 17, 2003

✓ Ms. Maria Hortiguella, P.T.
107 Leon Patrick Drive
Monroe, LA 71230

Mr. Kendall Guice, P.T.A.
1127 Marion Highway
Farmerville, LA 71241

Re: Consent Order

Greetings:

Enclosed for your review is the proposed Consent Order arising out of our informal conference with the Board of Physical Therapy Examiners on August 20, 2003 in Lafayette. Please review the document carefully and call me immediately with any questions or concerns which you may have.

If this accurately reflects the terms to which you consent, each of you should sign the three original Consent Orders and return them to me as soon as possible. I will see that they are signed by the Chair of the Board and entered into Board records as required.

Thanks for your assistance and cooperation. Please call with any questions.

Sincerely,

GLENN R. DUCOTE

Legal Counsel to the Louisiana State Board of
Physical Therapy Examiners
850 North Boulevard, Baton Rouge, LA 70802
(225) 926.6788. FAX (225) 926.8345

c: Cheryl Gaudin
Mark Brown

In the Matter of
MARIA HORTIGUELA, P.T.
License No. 01193F
KENDALL GUICE, P.T.A.
License No. A6334
Respondents

* LOUISIANA STATE BOARD OF
* PHYSICAL THERAPY EXAMINERS

*
* Case Number 2003-I23

CONSENT ORDER

A complaint received by the Louisiana State Board of Physical Therapy Examiners (Board) raised the issue that Respondent Kendall Guice, who had completed his training as a Physical Therapy Assistant and was working under the supervision of Maria Hortiguella, P.T., began functioning as a P.T.A. prior to the issuance of his temporary permit. Mr. Guice was making entries in patient charts and treating patients without direct supervision. This information came to light during the course of Mr. Guice's licensure interview with Board Advisory Member Candy Kemper who brought the matter to Board attention. Respondents were requested to participate in an Informal Conference with Board Member Mark Brown, Executive Director Cheryl Gaudin and Board Counsel Glenn Ducote participating. Also present with Respondents was Carol Jones, clinic director for Respondents' employer, North Monroe Medical Center.

FINDINGS OF FACT

Kendall Guice began employment with North Monroe Medical Center in their Milestone Rehabilitation Services on May 19, 2003 and immediately began performing the duties and exercising the responsibilities of a duly licensed Physical Therapy Assistant. However, Mr. Guice did not obtain his temporary permit to work as a P.T.A. until June 4, 2003. The application for the temporary permit which contained the supervision certification signed by Respondent Hortiguella contained a prominent warning that the applicant could not function as a permittee until the temporary permit was issued. This warning was not observed by the parties to the document and Mr. Guice operated as a Temporary Permittee from May 19 to June 4, 2003 without legal authority. Respondents and their supervisor acknowledge that this unauthorized practice occurred and indicate that the employer has put into place new procedures to assure that employees who require a license, certificate or registration to perform professionally will have and actually present the required credential prior to entering service with North Monroe Medical Center.

CONCLUSIONS OF LAW

1. The Board may issue a temporary permit to applicants who possess all of the qualifications and requirements for licensure. La. .R. S. 37:2404 and Board Rule 151.

2. A Physical Therapist Assistant Permittee shall have continuous on-premises supervision by a Physical Therapist pending licensure. Rule 321B.

3. Progress notes for patients shall not be written or signed by anyone other than a P.T. or P.T.A. Before receipt of a temporary permit, an applicant functions as a P.T. technician and is not authorized to provide patient documentation. Rule 323A3.

4. The supervising Physical Therapist shall provide on-premises, continuous supervision of a Physical Therapist Assistant permittee pending his licensure. Rule 321B1

DECISION

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

A. Respondents are reprimanded for the conduct described above.

B. Respondent shall verify that documentation for each patient seen by Respondent Guice prior to June 4, 2003 reflects an addendum of Mr. Guice's unlicensed status.

C. All patients treated by Mr. Guice prior to receipt of his Temporary Permit on June 4, 2003 shall have their bills credited for treatment performed by Mr. Guice and all payors shall be notified of the reason for the credit.

D. Each Respondent shall by October 31, 2003 pay to the Louisiana State Board of Physical Therapy Examiners the sum of \$150 as reimbursement for legal and administrative expenses incurred in this matter.

E. Respondents shall cooperate with Board representatives seeking to verify or document that the requirements of this Consent Order have been met and that remedial procedures are in place and being complied with.

F. Respondents declare that, before signing this Consent Order, they have carefully read this document, understand the contents, and freely consent to it as valid and binding upon him/her. He/she is aware of his right to a formal hearing and freely waives that right. She/he has been informed of the right to seek counsel and has either done so or waives right to counsel.

SWORN TO AND SUBSCRIBED on this 21ST day of August, 2003.

Kendall Guice, P.T.A.
Kendall Guice, P.T.A.

Maria Teresa Hortiguera, P.T.
Maria Hortiguera, P.T.

AGREED AND ACCEPTED by official action of the Board, the 21st day of August, 2003 at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

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

Kendall Guice, PTA
Maria Teresa Hortiguella, PT

- a. Reprimand for not obtaining a temporary permit prior to beginning practice
- b. Respondents shall verify that documentation for each patient seen by Guice prior to June 4, 2003 reflects an addendum of Mr. Guice's unlicensed status
- c. All patients treated by Mr. Guice prior to receipt of his Temporary Permit on June 4, 2003 shall have their bills credited for treatment performed by Mr. Guice and all payors shall be notified of the reason for the credit.
- d. Each respondent to pay \$150 by October 31, 2003
- e. Cooperate with Board representatives seeking to verify or document that the requirements of the Consent Order have been met and that remedial procedures are in place and being complied with.

Aug 03	Sept 03	Oct 03	Nov 03	Dec 03

2/19/2004 evidence of compliance