
In the Matter of
MELANIE MASSEY
PT License No. 1910

Respondent

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LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

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Case Number 2009 I

CONSENT ORDER

A complaint received by the Louisiana State Board of Physical Therapy Examiners (Board) asserted that Melanie Massey, a physical therapist licensed by the Board, had failed to provide required supervision and treatment to physical therapy patients in the City of Monroe School System during February, March and April, 2009.

Respondent was informed of the complaint received by the Board and was asked to participate in an Informal Conference on August 25, 2009. Respondent appeared and participated in the Informal Conference with Investigating Board Member Jerry Jones, Board Executive Director Cheryl Gaudin and Board General Counsel Glenn Ducote on that date at the Ouachita Parish Library in Monroe. Respondent acknowledged that she failed to provide required supervision to the physical therapist assistant who she assigned to provide treatment and failed to treat on the sixth patient visit, or at least once each month. She acknowledges her error and takes responsibility for it.

Documentation in student/patient treatment records for the months of February, March and April, 2009 revealed that there were several instances where Respondent failed to treat the patient for the sixth visit or at least once a month. In some cases six or seven weeks passed without a supervisory patient visit by Respondent.

FINDINGS OF FACT

Respondent treated physical therapy patients in the City of Monroe School System during February, March and April, 2009, and assigned treatment to a physical therapist assistant without taking steps to assure that the supervision required by Rule 321A(3) was being provided. Both the treating physical therapist and the physical therapist assistant who is assigned to carry out treatments are bound to comply with supervision requirements established by Board rules.

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 her practice of physical therapy:

1. The Board has the authority to suspend or revoke a license 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 or Rules of the Board. La. R. S. 37:2413A(7) and Board Rule 325.

2. Board Rules incorporate the *Code of Ethics and Guide for Professional Conduct* of the American Physical Therapy Association. Rules 305B and 331.
3. Respondent failed to comply with Board Rule 323A(3) when she allowed treatment by a physical therapist assistant to proceed for more than five visits or one month without that patient being treated by a supervising physical therapist.
4. Respondent's failure to provide required supervision for patient treatment assigned to a physical therapist assistant is in violation of Guides 2.1, 2.2, 3.1, 4.1, 4.2 and 7.1 of the *Guide for Professional Conduct* of the American Physical Therapy Association.

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 October 1, 2009, during which period her 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 her employers are required to cooperate fully with these monitoring visits. During this probationary period, Respondent shall remit to the Board \$100 as reimbursement for the expenses of each such monitoring visit to her 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, she 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, she shall notify the Executive Director in writing within ten days of her return to work.
- C. In addition to the continuing education units required to maintain licensure, Respondent shall successfully complete a continuing education course on ethics in physical therapy practice and the course offered by the Board on Louisiana Jurisprudence. The required documentation course shall be approved in advance by the Board Executive Director.
- D. Respondent shall notify the Executive Director in writing of all employment and/or contractual service arrangements which she 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.
- E. Respondent shall provide a copy of this Consent Order to her 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 her probationary period.
- F. Respondent shall cooperate with Board representatives seeking to verify or document that the requirements of this Consent Order have been met and that legal and ethical procedures and practices are in place and being complied with in her practice.
- G. Respondent declares that before signing this Consent Order she has carefully read this document, that she waives the participation of legal counsel, that she understands the contents,


and freely consents to it as valid and binding upon her. Recognizing her right to have notice of allegations or charges asserted against her, 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, Melanie Massey 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.

H. Respondent authorizes the Investigating Board Member, Jerry Jones, 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 her, 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 her, to administrative adjudication of such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law.

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

J. 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.

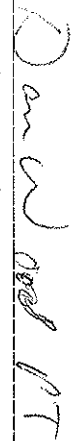
SWORN TO AND SUBSCRIBED on this 21 day of October, 2009.



Melanie Massey, P.T.

AGREED AND ACCEPTED by official action of the Board, the ____ day of _____, 2009.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS



Dan Wood, P.T., Chair