



State of Louisiana

Board of Physical Therapy Examiners

120 REPRESENTATIVE ROW
LAFAYETTE, LA 70508-3834
318/235-1462

In The Matter Of	-	FINAL DECISION
FREDERICK FERRARIS, P.T.	-	-----
Temporary Permit No. 01325F	-	ADMINISTRATIVE CASE NO.
	-	92-104

TO: Mr. Frederick Ferraris, P.T.
381 Rebel Drive, Apt. C
Slidell, Louisiana 70461

An Administrative Hearing was convened before the Louisiana State Board of Physical Therapy Examiners (the "Board") on July 24, 1992, to discuss alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, Frederick Ferraris, P.T. ("Ferraris"), to-wit: "practicing physical therapy in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act," La. Rev. Stat., Title 37, Section 2413A(1); violating provisions of the Physical Therapy Practice Act, La. Rev. Stat., Title 37, Sections 2402A, 2413A(7) and 2414(4); and for violating the Rules and Regulations promulgated by the Board, Rules and Regulations, Title 46, Sections 153B, 159A and B, 305, 323E1, and 301 et seq.

In attendance at the Administrative Hearing was Respondent, Frederick Ferraris and Suzanne Sehon; Lana I. Wilson, Paul A. Lamothe, Jr. and Rebecca B. Lege', Board members; Sharon Toups, Complainant; and Michael A. Tomino, Jr., attorney for the Board.

Upon consideration and evidence presented at the Administrative Hearing, the Board rendered the following findings of facts, conclusions of law and decision:

Findings of Facts

1. Respondent, Frederick Ferraris, P.T., is a foreign trained physical therapist possessing a temporary permit issued by the Board to practice physical therapy in the State of Louisiana pursuant to the Physical Therapy Practice Act of Louisiana, LSA R.S. 37:2401 et seq., as evidenced by Temporary Permit No. 01441F.

2. Respondent took the ASI examination for licensure in March 1992.

3. Respondent failed to successfully pass the ASI examination given in March 1992 and, therefore, is required to be continuously supervised by a licensed physical therapist approved by the Board.

4. Respondent was issued a temporary permit to practice physical therapy by the Board on May 15, 1992, at New Medico Rehab - Slidell, Slidell, Louisiana, under the supervision of a licensed physical therapist approved by the Board.

5. Respondent worked at New Medico Rehab - Slidell, Slidell, Louisiana, beginning on or about May 15, 1992, through June 15, 1992, at which time his employment ended at this medical facility.

6. Respondent began employment on or about June 16, 1992, at East Jefferson General Hospital, Metairie, Louisiana, without obtaining prior approval of a supervising physical therapist at this facility by the Board and without receiving a temporary permit issued by the Board valid at East Jefferson General Hospital.

7. Respondent practiced physical therapy on June 16, 1992, through June 18, 1992, without a supervisor approved by the Board and at a facility for which his temporary permit had not been issued, all in violation of the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated by the Board.

8. Respondent voluntarily admitted to the above Findings of Fact.

Conclusion of Law

Based upon the foregoing Findings of Fact, the Board concludes, as a matter of law, that:

1. Ferraris, as a temporary permit holder who required continuous supervision, practiced physical therapy without a supervisor approved by the Board in violation of the Physical Therapy Practice Act, LSA R.S. 37:2402A, 37:2413A(1) and (7) and 37:2414(4), and the Rules and Regulations promulgated by the Board, Title 46, Sections 153B, 159A, 305, 323E1 and 321 et seq., and therefore, just cause exists for action against his temporary permit and/or license.

2. Ferraris, a temporary permit holder who required continuous supervision, practiced physical therapy in a facility which was not previously approved by the Board in violation of the Physical Therapy Practice Act, LSA R.S. 37:2402A, 37:2413A(1) and (7) and 37:2414(4), and the Rules and Regulations promulgated by the Board, Title 46, Sections 159B, 323E1 and 301 et seq., and therefore, just cause exists for action against his temporary permit and/or license.

3. Ferraris' violations of the provisions of the Physical Therapy Practice Act and the Rules and Regulations promulgated thereto constitute lawful grounds for the Louisiana State Board of Physical Therapy Examiners to sanction Respondent's temporary permit and/or license to practice physical therapy in the State of Louisiana, LSA R.S. 37:2413A(1) and 37:2414(7); and Rules and Regulations, Title 46, Section 301 et seq.

Decision

Considering the foregoing, and pursuant to the authority vested in the Board by LSA R.S. 37:2401 et seq.:

IT IS ORDERED that judgement be rendered against Frederick Ferraris, P.T., and based on the evidence, testimony introduced at the hearing and admissions under oath by him to the charges which have been submitted in this matter, that his temporary permit and/or license to practice physical therapy be placed on probation for a

period of one (1) year of active practice, effective with the date of this decision subject to the following conditions.

IT IS FURTHERED ORDERED that during the one (1) year probation period set forth above should (1) Ferraris' temporary permit be terminated due to a failure of the licensure examination and/or (2) he does not practice physical therapy as a temporary permit holder or licensee in the State of Louisiana, then the remaining term of the probationary period yet to be served at that time shall be suspended for the duration of the cessation. During the cessation period referenced herein, Ferraris' temporary permit and/or license shall remain under sanction by the Board.

IT IS FURTHERED ORDERED that within thirty (30) days after the receipt of this Final Decision, Ferraris shall submit to the Board office a sworn affidavit under oath that he has read and understands the Physical Therapy Practice Act, the Rules and Regulations promulgated by the Board, and the American Physical Therapy Association's Code of Ethics, Guide for Professional Conduct, and Standards of Practice, a copy of which has been supplied to him.

IT IS FURTHERED ORDERED that Ferraris shall return his temporary permit to the Board office within five (5) days after receipt of this Final Decision in order for the probationary status to be stamped on his temporary permit.

IT IS FURTHER ORDERED that at all places where Ferraris practices physical therapy and/or any business entity he is affiliated with for the purpose of providing physical therapy services for the duration of this probationary period set forth herein, he shall notify in writing all employers or entities he is under employment or contract with of the existence and terms of the one (1) year probationary period within ten (10) days of the effective date of this Final Decision or commencement of his relationship with the employer or entity. Ferraris shall also submit a copy of all written notices required by this paragraph to the Board within the time frame set forth herein.

IT IS FURTHERED ORDERED that Ferraris shall be available for attendance at schedule Board meetings upon reasonable advance notice to review compliance with the terms of the probation.

IT IS FURTHERED ORDERED that an Informal Conference will be conducted at the end of the one (1) year period referenced above between a representative committee of the Board and Respondent whereby Respondent's case will be reviewed at that time.

IT IS FURTHER ORDERED that Ferraris, must pay the costs of the Administrative Hearing, and all associated investigative/discovery costs, held in this matter upon demand.

IT IS FURTHER ORDERED that Ferraris', failure to comply with any of the terms of this Final Decision shall be deemed just cause for the suspension or revocation of his license or temporary permit, or any other disciplinary action, as if such violation were enumerated among the causes provided by LSA R.S. 37:2413 and the Rules and Regulations promulgated by the Board.

THUS DONE AND PASSED on the 3rd day of August, 1992, at the City of Lafayette, Parish of Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

BY:

Rebecca B. Lege', P.T.
Rebecca B. Lege', P.T.
Chairman ad hoc