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**In the Matter of**  
**MALTON A. SCHEXNEIDER, P.T.**  
Applicant

\* **LOUISIANA STATE BOARD OF**  
\* **PHYSICAL THERAPY EXAMINERS**  
\* Case Number 2005I19

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## **CONSENT ORDER**

Malton A. Schexneider (Applicant) was previously licensed by the Louisiana State Board of Physical Therapy Examiners (Board) from 1983 through 1986 when he moved to Georgia for further education and work. He was licensed in Georgia until 1988 when he moved to Kentucky to work. While practicing in Kentucky, Applicant pled guilty in 1999 to a misdemeanor for attempted theft of property over \$300. He was subsequently disciplined by the Kentucky State Board of Physical Therapy and placed on probation for "fraud or material deception in the delivery of professional services (including reimbursement)". The seven year probation period has not yet run and Applicant now seeks to have his Louisiana Physical Therapist license reinstated.

### **FINDINGS OF FACT**

1. Applicant was previously licensed in Louisiana by Board and was in good standing when he left Louisiana in 1986;
2. Applicant pled guilty to a misdemeanor criminal offense related to his professional conduct in Kentucky in 1999;
3. Applicant was disciplined by the Kentucky State Board of Physical Therapy effective November 8, 2001 for "fraud or material deception in the delivery of professional services (including reimbursement)". The Kentucky Board imposed a one-year license suspension which was "fully probated for a period of seven years (7) years with quarterly monitoring of the Respondent's physical therapy practice by a physical therapist designated by the Board, including all financial and billing practices and with notice of any proposed contracts for the provision of physical therapy services, during the seven (7) year period of probation, and to be paid by the Respondent in an amount not to exceed \$400.00 per monitoring visit to be paid within thirty (30) days of each monitoring visit by certified check or money order . . . "

### **CONCLUSIONS OF LAW**

Respondent's conduct described above and otherwise reviewed in this action has resulted in a period of probation imposed by the Kentucky Board which has not yet expired and arising out of conduct which would also have been in violation of the Louisiana Physical Therapy Practice Act. Under the provisions of La. R. S. 37:2408, reinstatement of a lapsed Louisiana license is discretionary with the Board. Board Rule 167C sets forth the requirements for reinstatement of a lapsed license and Applicant has complied with those requirements.

## 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. Applicant will attend the Board conducted jurisprudence course in August, 2005 in Baton Rouge and submit written proof of attendance to the Executive Director by August 31, 2005;

B. Applicant's Louisiana Physical Therapist license will be issued subject to probation until November 8, 2008, during which period Applicant's physical therapy treatment, billing, financial and business records shall be subject to random monitoring and review by a Board representative. For each such monitoring visit, Applicant shall remit to the Board Executive Director within thirty days of the monitoring visit a payment of \$100 to cover the expense of such monitoring.

C. If, during the above period of probation, Applicant should be found to be in violation of the law and rules governing the practice of physical therapy in the State of Louisiana, the one-year license suspension imposed by the Kentucky Board on November 8, 2001 and probated as set forth above, will be imposed without further proceedings.

D. Applicant shall notify the Executive Director of all employment and/or contractual service arrangements which he presently has to provide physical therapy services and shall notify the Executive Director in writing within five days of any and all changes in such arrangements. Applicant shall provide to any prospective employer or party with whom he seeks to provide contractual physical therapy services a true copy of this Consent Order before he performs any physical therapy services for that employer or contract party. Applicant acknowledges that this Consent Order and the records of other Boards by which he has been licensed are public records, subject to inspection and copying.

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

F. Applicant shall cooperate with Board representatives seeking to verify or document that the requirements of this Consent Order have been met;

G.. Applicant declares that, before signing this Consent Order, he has carefully read this document, understands the contents, and freely consents to it as valid and binding upon him. He is aware of his right to a notice of hearing, to a formal administrative hearing and to judicial review of Board decisions, and he freely waives those rights. He waives his right to legal counsel and advice during this process;

H. Applicant acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.

SWORN TO AND SUBSCRIBED on this 29<sup>th</sup> day of July, 2005.



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**Malton A. Schexneider**

AGREED AND ACCEPTED by official action of the Board, the 21st day of July, 2005  
at Lafayette, Louisiana.

**LOUISIANA STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS**



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**Charles Reynolds, P.T., Chair**

LOUISIANA STATE BOARD OF PHYSICAL THERAPY EXAMINERS  
Monitor Tracking Guide

Case Number: 2005149

Date: 11-29-05 Licensee: MALTON A. SCHEXNEIDER

Purpose of monitor visit: To discuss financial arrangement  
with current employer + to review physical  
therapy charts + corresponding billing records.

Evidence of Compliance: Malton stated he was an employee  
of Orthopedic Sports + Physical Therapy Clinic. I  
reviewed 2 physical therapy charts + billing  
records. Charts were thorough + billing was  
appropriate

Evidence of Non-Compliance: \_\_\_\_\_

NONE

Attachments: NONE

Board Designee: Michelle Angfield, PT

LOUISIANA STATE BOARD OF PHYSICAL THERAPY EXAMINERS  
Monitor Tracking Guide

Case Number: 2005149

Date: 11-29-05 Licensee: MALTON A. SCHEXNEIDER

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Evidence of Compliance: Malton stated he was an employee of Orthopedic Sports + Physical Therapy Clinic. I reviewed 2 physical therapy charts + billing records. Charts were thorough + billing was appropriate.

Evidence of Non-Compliance: \_\_\_\_\_

NONE

Attachments: NONE

Board Designee: Miss Anfield, PT

LOUISIANA STATE BOARD OF PHYSICAL THERAPY EXAMINERS  
Monitor Tracking Guide

Case Number: 2005 - I-41

Date: 5-16-06 Licensee: MALTON SCHEXNEIDER

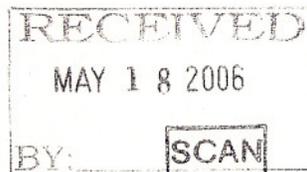
Purpose of monitor visit: To check charts + appropriate billing information + to discuss with owner (David Hite) professional behavior of Malton.

Evidence of Compliance: Reviewed two charts + documentation was in order. Unable to verify billing information due to billing manager not being there. Unable to

Evidence of Non-Compliance: discuss professional manner as David Hite was on vacation.

Attachments: Also discussed i Malton his case in Kentucky. He said the way it was stated in the newsletter, it was not totally correct.

Board Designee: Mike Anfield, PT





Orthopedic and Sports Physical Therapy

June 6, 2006

Cheryl Gaudin  
LA State Board of Physical Therapy  
104 Fairlane Dr  
Lafayette, LA 70507

Dear Cheryl,

In compliance Section D of the consent order to practice physical therapy in the State of Louisiana, I hereby inform the Board of my compliance with said section. To date, I remain in the employ of David W. Hite, PT located at 245 North College Rd, Lafayette, LA 70506. I have undertaken no other contractual arrangements to practice or provide physical therapy services.

Sincerely,

Malton A. Schexneider, PT, MMSc

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