
In the Matter of
AUBREY YARBROUGH, P.T.
License No 04670
Respondent

* **LOUISIANA STATE BOARD OF**
* **PHYSICAL THERAPY EXAMINERS**
*
* Case Number 2003-I26

CONSENT ORDER

A Board initiated complaint was instituted after Board staff became aware that Aubrey Yarbrough, P.T., Respondent, had failed to renew his license for 2003, but had continued to practice at his place of employment, Cornerstone Physical Therapy and Rehabilitation (Cornerstone) in Shreveport. Respondent submitted a reinstatement/renewal application dated June 17, 2003 and was issued a Temporary Permit June 19, 2003, pending the outcome of these disciplinary proceedings.

FINDINGS OF FACT

Respondent's license lapsed at the end of December, 2002. Respondent indicates that he prepared his license renewal application in mid-December, 2002 and placed it in outgoing mail at a nursing home where he was providing services. He is not certain where the application was placed in the mail and it has not been returned to him, nor has it been received at the Board office. Respondent could produce no proof of mailing. He did not take note that no 2003 license was received and his employer did not request that he produce proof of current licensure. As a result, Respondent practiced from January 1, 2003 until June 19, 2003, all the while continuing to provide services to patients in the course of his employment with Cornerstone. Respondent has now met the requirements for renewal/reinstatement.

CONCLUSIONS OF LAW

1. La. R.S. 37:2402A provides that "No person shall practice, or in any way hold himself out, or designate himself, as a physical therapist or a physical therapist assistant unless duly licensed by the Board in accordance with this Chapter."
2. R.S. 37:2407 provides: "Every person licensed under the provisions of this chapter shall annually renew the license on or before January first of each year."
3. R. S. 37: 2408 provides: "A licensee who allows his license to lapse by failing to renew the license as provided in R.S. 37:2407 may be reinstated upon satisfactory explanation for the failure to renew and the payment of both the renewal fee for the current year and the reinstatement fee, which fees are provided in R. S. 37:2406."
4. Respondent has met the burden of explaining his failure to timely renew his license.

DECISION

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

A. Respondent is reprimanded for the careless conduct described above which allowed his license to lapse and yet his practice continued. Respondent is placed on probation for a period of two years, beginning July 24, 2003.

B. Respondent shall fully cooperate with a monitor designated by the Board Chair, who shall be given full access to the places where Respondent provides professional services and shall facilitate the Board Monitor's access to patient charts for review, and access to patients and co-workers for interviews.

C. Respondent shall complete an extra Ethics continuing education course, which course shall be approved in advance by the Executive Director, and will attend the Board's jurisprudence workshop presently being offered to licensees.

D. Respondent will pay to the Board the amount of \$500 by November 1, 2003 as reimbursement for administrative and legal expenses incurred in resolving this matter.

E. Respondent will provide to his employer a copy of this Consent Order and written notice that he was practicing from January 1, 2003 to June 19, 2003 without licensure.

SWORN TO AND SUBSCRIBED on the 24th day of July, 2003.



Aubrey Yarbrough, P.T.

AGREED AND ACCEPTED by official action of the Board, the 24th day of July, 2003 at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS



Pat Adams, P.T., Chair

Aubrey Yarbrough

FINDINGS OF FACT

1. Respondent's license lapsed at the end of December, 2002. Respondent indicates that he prepared his license renewal application in mid-December, 2002 and placed it in outgoing mail at a nursing home where he was providing services. He is not certain where the application was placed in the mail and it has not been returned to him, nor has it been received at the Board office. Respondent could produce no proof of mailing. He did not take note that no 2003 license was received and his employer did not request that he produce proof of current licensure. As a result, Respondent practice from January 1, 2003 until June 19, 2003, all the while continuing to provide services to patients in the course of his employment with Cornerstone. Respondent has now met the requirements for renewal/reinstatement.

DECISION

- a.A. Reprimand for careless conduct and placed on probation for 2 years, beginning July 24, 2003
- b.B. Cooperate with a monitor designated by the Board and provide the board Monitor's access to patient charts for review, and access to patients and co-workers for interviews
- c.C. Complete an extra Ethics CE course, which shall be approved in advance by the Executive Director
- d.D. Will attend the board's Jurisprudence workshop presently being offered to licensees.
- e.E. Pay to the board the amount of \$500 by November 1, 2003
- f.F. Provide to his employer a copy of this Consent Order and written notice that he was practicing from Jan. 1, 2003 to June 19, 2003 w/o licensure

Jan 03	Feb 03	Mar 03	Apr 03	May 03	June 03	July 03	Aug 03	Sept 03	Oct 03	Nov 03	Dec 03
							F D			E	C

Jan 04	Feb 04	Mar 04	Apr 04	May 04	June 04	July 04	Aug 04	Sept 04	Oct 04	Nov 04	Dec 04
	F	Met /Bd								B	

Jan 05	Feb 05	Mar 05	Apr 05	May 05	June 05	July 05					
			B								

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LOUISIANA STATE BOARD OF PHYSICAL THERAPY EXAMINERS
Monitor Tracking Guide

Case Number: 2003-126

Date: 4/7/05 Licensee: Aubrey Varbrough

Purpose of monitor visit: Monitoring visit of Mr. Varbrough at Tensas
Care Rehabilitation to review charts + interview co-workers
as to respondents performance in patient care setting.

Evidence of Compliance: All charts appeared up to date. He continues
to follow up with all MD's involved and continues to take Meds.
Linda Bump (Supervisor) stated she is happy with Aubrey's
performance and did not have any complaints
Evidence of Non-Compliance: I did not find any evidence
of non-compliance.

Attachments: none

Board Designee: Angelle Gault, MPT