
In the Matter of * LOUISIANA STATE BOARD OF

BETH SIEGLE * PHYSICAL THERAPY EXAMINERS

PT License No. 00573 *

Respondent * Case Number 2009 I 037

CONSENT ORDER

Respondent Beth Siegle and her employer, East Jefferson General Hospital (EJGH), jointly and voluntarily reported to the Board that Beth Siegle, a physical therapist licensed by the Board, had tested positive for alcohol in a drug screen conducted at her place of employment after a co-worker reported that she smelled of alcohol while treating patients early in the work-day of August 7, 2009. The drug screen found Respondent tested positive for ethyl alcohol at .02 percent and Respondent was sent home from work and did not return to work until a Return to Work Continuation of Employment agreement between Respondent and EJGH on August 25, 2009.

Pursuant to the report by Respondent and her employer to the Board, Respondent was asked to meet with Board representatives on August 19, 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 Board office in Lafayette. In the course of that conference, Respondent acknowledged that she had consumed several alcoholic drinks at home late into the night before she was tested by her employer, but that she did not believe that she was under the influence of alcohol while working. Respondent contends that this one incident of having a minimal amount of alcohol in her system should not deprive her of her license or her employment after thirteen years of work there. Her employer responded that they have a zero tolerance policy for substance abuse. Respondent and her employer have since reached a return to work agreement.

FINDINGS OF FACT

Respondent tested positive for alcohol at .02 on August 7 when tested by her employer and she acknowledges that she had consumed alcoholic beverages late into the night before the test was performed. A return to work agreement has been entered between Respondent and EJGH.

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 which 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 of Rules of the Board. La. R. S. 37:2413A(7) and Board Rule 325.

2. As used in the Physical Therapy Practice Act, "unprofessional conduct" includes: departure from, or failure to conform to the standards of acceptable and prevailing physical therapy practice in the State of Louisiana, regardless of whether actual injury to a patient results therefrom. Rule 327E.

3. Board Rules incorporate the *Code of Ethics* and *Guide for Professional Conduct* of the American Physical Therapy Association. Rules 305B and 331.

4. Respondent's ingestion of alcoholic beverages late into the night before reporting for work the next morning and the subsequent positive screen reporting a .02 blood-alcohol level which was noticed by co-workers while she was providing physical therapy to patients is in violation of Rule 327C(1).

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 two years, beginning November 1, 2009, during which period her personnel records with her employer will be subject to random inspection and document requests for review of her work attendance, productivity and supervisory compliance by a designated Board representative. Respondent and her employers are required to cooperate fully with these monitoring visits or document requests. For each such monitoring visit by a Board representative, Respondent shall pay to Board the sum of \$100 as reimbursement for costs incurred.

B. The two-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 practice.

C. During the two-year probationary period, Respondent shall be subject to random drug screens by her employer and those arranged by the Board, and shall reimburse the Board for the expense of drug screens initiated by the Board. Respondent shall notify the Board Executive Director on the date that she is tested by her employer of such test and shall request that her employer provide directly to the Board a copy of the drug screen report, the Medical Review Officer Declaration and the Medical Review Officer Contact Record for each such screening.

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 current employer within ten days of the completion of this document and then before providing services to any new employer and shall have her employer(s) notify the Executive Director in writing that they have 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 reimburse the Board in the sum of \$350 for legal and administrative expenses arising out of the case. Payment of this sum shall be forwarded to the Executive Director no later than January 31, 2010.

G. 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.

H. Respondent declares that, before signing this Consent Order, she has carefully read this document, she waives the participation of legal counsel, 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, Beth Siegle 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.

I. 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, her 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.

J. 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.

K. 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.

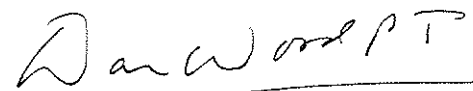
SWORN TO AND SUBSCRIBED on this 23rd day of December, 2009.



Beth Siegle, P.T.

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

LOUISIANA STATE BOARD OF



DAN WOOD P.T. CHAIRMAN