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**In the Matter of**  
**CATHERINE NELSON**  
**EXAMINERS**  
**PT License No. 02258**  
Respondent

\* **LOUISIANA STATE BOARD OF**  
\* **PHYSICAL THERAPY**

\* Case Number 2007 I 034

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### CONSENT ORDER

A complaint received by the Louisiana State Board of Physical Therapy Examiners (Board) from her employer asserted that Catherine Nelson, a physical therapist licensed by the Board, had documented treating an elderly patient in a rehabilitation center for 45 minutes on September 6, 2007 when she was only with the patient for less than three minutes and provided no actual treatment to that patient on that date.

Respondent was informed of the complaint received by the Board and was asked to participate in an Informal Conference on August 14, 2008. 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 Mr. Ducote's office in Baton Rouge. Respondent denied the substance of the complaint and claimed that she was new to this facility when the incident complained of occurred and that she did not get along well with the long-term staff members. She indicated that there may have been some error in the exact amount of treatment time, but that she had provided full treatment to the patient at some point during the date in question. She also indicated that she resigned from her position at Sage Rehabilitation shortly after the incident complained of.

Given the conflicting claims, Board member Jones requested that further investigation be done to determine what actually occurred with regard to treatment for this patient on September 6, 2008. A subpoena was served on Sage Rehabilitation Hospital and records were provided in response to that request, including a security surveillance tape showing the hallway providing the sole access to the room of the patient in question. That surveillance tape revealed that Respondent had been in the patient's room for no more than two minutes and 30 seconds on September 6, 2008. *gd*

Documentation provided by the employer also indicated that Respondent's resignation had not been accepted and that Respondent was terminated on September 10, 2008. Sage reversed charges for the treatment which Respondent claimed to have provided to this patient. *gd*

Respondent participated in another Informal Conference on December 3, 2008 where she was confronted with the evidence received from Sage Rehabilitation Hospital in response to the Board subpoena. Respondent claimed that she went back to the patient's room several times during the day to provide a total of 45 minutes of treatment. This claim was contradicted by the hall surveillance video which had been *gd*

reviewed for the entire workday by Board Investigator Don Evans. Respondent agreed to the terms of this Consent Order as proposed by Board member Jerry Jones.

### **FINDINGS OF FACT**

Respondent falsely documented treatment provided to a patient at Sage Rehabilitation Hospital on September 6, 2007 and made substantive misrepresentations to her employer and to Board representatives regarding treatment for the patient in question.

### **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 false documentation of patient treatment and failure to provide treatment violates La. R.S. 37:2413A(1) and (7) as such conduct constitutes "unprofessional conduct" and is in violation of Board rules.

5. Respondent's false documentation of patient treatment and failure to provide treatment violates Rules 323 and 327E(1), (3) and (6).

6. Respondent's false documentation and failure to provide treatment is in violation of APTA Guide for Professional Conduct 1.1B; 2.1A and B; 2.2; 3.1; 4.1A; and 9.1B.

### **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 three years, beginning March 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 three year probationary period, Respondent shall remit to the Board \$100 as reimbursement for the expenses of each such monitoring visit to her practice.



B. The three-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 each of the three years of license probation, Respondent shall successfully complete a continuing education course on professional ethics which has been approved in advance by the Board Executive Director and which shall be in addition to the usual continuing education required to maintain licensure

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 reimburse the Board in the sum of \$1,000 for legal and investigative expenses arising out of this matter. Payment of this amount may be made in installments over Respondent's probationary period, which must be arranged in advance on terms acceptable to the Executive Director.

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, 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, Catherine Nelson 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.

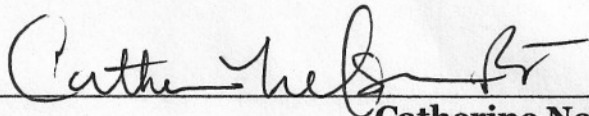
I. Respondent authorizes the Investigating Board Member, Jerry Jones, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose to, and discuss with, the Board the nature and results of the investigation. Respondent 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, 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.

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.

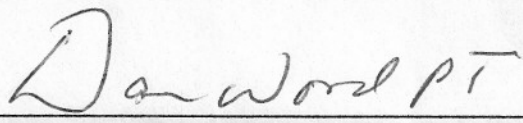
K. All communication regarding compliance with and/or fulfillment of the requirements of this Consent Order shall be in writing between Respondent and the Board Executive Director. No verbal communication shall be considered as proof of compliance or commitment.

SWORN TO AND SUBSCRIBED on this 18 day of February, 2009.

  
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Catherine Nelson, P.T.

AGREED AND ACCEPTED by official action of the Board, the \_\_\_\_ day of \_\_\_\_\_, 2008, at Lafayette, Louisiana.

**LOUISIANA STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS**

  
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Dan Wood, P.T., Chair