
In the Matter of
BRANDY DEROUEN, P.T.
License No. 05296
Respondent

* LOUISIANA STATE BOARD OF
* PHYSICAL THERAPY EXAMINERS
*
* Case Number 20061043

CONSENT ORDER

A complaint from Respondent's previous employer was received by the Louisiana State Board of Physical Therapy Examiners (Board) and raised several issues regarding the professional conduct of Respondent Brand DeRouch, a physical therapist licensed by the Board. The complaint was initiated with the Board by Respondent's employer after Respondent was confronted regarding several reports that Respondent was not actually providing treatment to patients as documented by Respondent. Respondent chose to resign her position with this employer after this confrontation.

After review of the allegations in the complaint and interviews with some of those who reported the irregularities in Respondent's treatment and billing, Respondent was requested to participate in an Informal Conference (IC) on May 23, 2007 in Baton Rouge with Investigating Board Member Kara Williams, Executive Director Cheryl Gaudin, Board general counsel Glenn Ducote participating. At the conclusion of the IC Board representative agreed to pursue further investigation and to convene a second IC.

The second IC was held on September 20, 2007 in Baton Rouge with the same participants. At the end of that meeting, a Consent Order was proposed by the investigating Board member and taken under consideration by Respondent. Telephone calls were exchanged between Respondent and Board representative Kara Williams and Respondent and attorney Ducote, followed by a letter from Respondent dated October 2, 2007 to Mr. Ducote. Pursuant to these discussions, further investigation was had and a letter sent to Respondent on October 12, 2007 addressing several concerns and again advancing the proposal made on September 20 for a Consent Order.

Another letter was received from Respondent in early November, 2007 which has led to the presentation of this Consent Order.

FINDINGS OF FACT

1. In January and February, 2006, three co-workers of Respondent working at New Iberia North Nursing Home (NIN) reported to the program director for their employer that they had observed Respondent over a period of days making entries for patient treatment which did not correspond with the actual treatment which Respondent provided. The reported incidents occurred over a period of more than two weeks. Board investigation of these incidents indicates that the allegations are credible.

2. The Program Director confronted Respondent regarding these reports of improper billing. Although Respondent denied the assertions made regarding inaccurate documentation for her services, she chose to resign from her employment and has since been employed elsewhere without any report of similar issues.

3. Respondent's employer at NIN reversed all charges for Respondent's services on the dates and with regard to the patients who were claimed not to have received services as documented by Respondent.

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 his 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. 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. Documentation of times and types of treatment provided to patients which does not accurately reflect what actually occurred is constitutes unprofessional conduct and could subject Respondent's employer and the facility to serious legal and financial consequences. La. R. S. 37:2413A(7); Board Rule 327E 1, 3 and 6; APTA Code of Ethics Principles 1, 2, 4 and 7; and APTA Guides for Professional Conduct 1.1 B; 2.1 A, B; 2.2; 4.1; and 7.1 B.

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 physical therapist license is placed on probation for one year, beginning on the date this Consent Order is accepted by the Board, during which period her employment records, place of employment, and patient treatment records will be subject to random inspection and review for full legal compliance by a designated Board representative. Respondent and her employer(s) shall cooperate fully with these monitoring visits and provide access to co-workers for interviews regarding Respondent's patient care. During this probationary period, Respondent shall remit to the Board \$50 as reimbursement for the expenses of each such monitoring visit to her practice.

F. 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 within five days of any and all changes in such arrangements.

G. Respondent shall provide a copy of this Consent Order to her employer before providing services to that employer and shall have the employer 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 during her probationary period.

B. The one 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. 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.

J. Respondent declares that, before signing this Consent Order, she has carefully read this document, fully reviewed it with an attorney (or waived 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, Brandy DeRouen nonetheless waives her right to these rights and proceedings and, pursuant to La. R.S. 49:955D and Board Rule 335, agrees to entry of this Consent Order. Respondent authorizes the Investigating Board Member, Kara Williams, 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.

K. 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.

L. 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 29th day of January, 2008.


Brandy DeRouen, P.T.

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

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS


Barbara Adcock, P.T., Chair