
In the Matter of
JONATHAN COSCARART, P.T.A.
License No. A6818
Respondent

* **LOUISIANA STATE BOARD OF**
* **PHYSICAL THERAPY EXAMINERS**
*
* Case Number 2006154

CONSENT ORDER

A complaint received by the Louisiana State Board of Physical Therapy Examiners (Board) brought to the attention of the Board issues regarding the professional conduct of Respondent Jonathan Coscart, a physical therapist assistant licensed by the Board, in the course of his employment at the Moreau Physical Therapy clinic in Port Barre. The complaint was initiated with the Board by Respondent's employer after they confronted Respondent and terminated his employment.

Submitted with the employer's complaint were copies of messages on the employer's email server which had been exchanged during October, 2006 between Respondent and a female patient who he was then treating, and also between Respondent and the fourteen year-old daughter of that patient. The email messages submitted to the Board included wholly inappropriate sexual language and dwelled on the availability of the fourteen year old girl for an ongoing and future personal relationship with Respondent as well as discussion of private, in-home massages. The complaint indicated that Respondent had engaged in further unprofessional conduct by allowing the fourteen year-old girl to be present as a volunteer during patient treatments.

Respondent's co-worker, P.T. Adam LaFleur, was shown to have also participated in the email exchanges and to have knowledge of the girl's home health and volunteer activities at the clinic.

Respondent was requested to participate in an Informal Conference on November 28, 2006 in Baton Rouge with Investigating Board Member Kara Williams, Executive Director Cheryl Gaudin, Board general counsel Glenn Ducote, and Board prosecuting counsel George Papale participating. Respondent was represented by attorney Jerry L. Mallet of Lafayette. At the conclusion of the informal conference the terms of a Consent Order were agreed to by Board representatives, Respondent, and his counsel. Subsequently, Respondent, through counsel, withdrew his consent to the Consent Order and requested alternate provisions, some of which have been accepted by Board representatives and are reflected in this Consent Order.

FINDINGS OF FACT

1. Respondent engaged in email correspondence with a patient which was entirely personal and laced with sexual innuendo and context and which was wholly inappropriate and unprofessional. While these email exchanges may have been initiated by the patient and while the patient may have set the sexual tone of the correspondence, Respondent did not respond appropriately by terminating such exchanges and referring the patient elsewhere for treatment. Respondent failed to recognize the grossly inappropriate and

unprofessional nature of this correspondence and failed to promptly terminate it and the therapist-patient relationship which had gone in a completely wrong direction. Instead, Respondent participated in these exchanges for almost a month. Respondent does not challenge the accuracy of the email transcripts, but suggests that what was written was done in jest and should not be taken seriously.

2. Respondent also engaged in email correspondence with his patient's fourteen year-old daughter which was also entirely personal and laced with sexual innuendo and context and which was wholly inappropriate and unprofessional. These extensive exchanges over a period of weeks are particularly egregious due to the youthful age of the girl and her relationship to a patient then in treatment with Respondent.

3. Respondent participated in arrangements where the fourteen year-old daughter of his patient served as a volunteer for as much as twenty hours a week at the physical therapy clinic where he worked, placing her in situations where patient confidentiality expectations were not observed, with no legitimate purpose being served by the girl's presence.

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 Conduct of the Physical Therapist Assistant* of the American Physical Therapy Association. Rules 305B and 331. The month-long exchange of email communications by Respondent with his patient and with her fourteen year-old daughter which were personal in nature with heavy sexual innuendo and context are distinctly unprofessional and in violation of La. R. S. 37:2413A(7); Board Rule 327E 1, 3 and 6; APTA Code of Ethics Principles 1, 2, 4 and 6; and APTA Guides for Conduct of the Physical Therapist Assistant 1.1 B, C; 2.1 A, B, D; 2.2; 2.3 A; 4.1; 6.3; 7.1 and 7.2 A, B.

4. Respondent's conduct in allowing a fourteen year-old girl to be present as a volunteer as he treated patients was, likewise, unprofessional and a violation of his patient's expectation of confidentiality and privacy and in violation of those provisions cited in 3, above.

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 assistant license is placed on probation for eighteen months, beginning June 1, 2007, during which period his employment records, place of employment, patient treatment records and all forms of communication between patient and therapist will be subject to random inspection and review for full legal compliance by a designated Board representative. Respondent and his employers are required to cooperate fully with these monitoring visits. During this eighteen month probationary period, Respondent shall remit to the Board \$100 as reimbursement for the expenses of each such monitoring visit to his practice.

B. The eighteen month probationary period shall be extended for any period of time in which Respondent is not employed as a physical therapist assistant 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 assistant in Louisiana, he 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 assistant within the State of Louisiana, he shall notify the Executive Director in writing within ten days of his return to practice.

C. Respondent shall pay to the Board the sum of \$2,500 as partial reimbursement of legal and administrative expenses incurred in connection with his case. This amount may be paid by Respondent to the Board in monthly payments as may be agreed to by the Board Executive Director.

D. At his own expense, Respondent shall enroll in and successfully complete during the period of his license probation, the continuing education course *Professional Boundary Problems; Addressing Underlying Causes, Treatment and Prevention*, offered by Professional Boundaries, Inc. Upon completion of that course, Respondent shall enroll in and successfully complete participation in the *Professional Boundaries Maintenance-Accountability Support Group*, also at this own expense. Respondent shall authorize the course providers and facilitators to report to the Board on the participation by Respondent in these activities and the evaluation by the providers and facilitators of Respondent's interest, attitude, progress and growth as indicated by his participation and sharing. These courses and activities shall be in addition to continuing education hours required for the maintenance of Respondent's license.

E. Respondent agrees that he will participate in an evaluation by a psychologist designated by the Executive Director and will authorize the evaluating psychologist to report to the Board on the findings growing out of that evaluation. If the evaluating psychologist recommends that Respondent participate in on-going psychotherapy sessions, Respondent will do so. If such psycho-therapy occurs, no later than sixty days prior to the end of the probationary period, Respondent shall cause to be directed to the Board a report from his psychotherapist on the status of treatment and recommendations for the continuation or completion of treatment, as deemed appropriate. Such report need not reveal any specific confidential information revealed within the patient-psychotherapist relationship, but shall provide summary conclusions and recommendations on a course for Respondent's well-being and work performance.

F. Respondent shall notify the Executive Director in writing of all employment and/or contractual service arrangements which he has to work as a physical therapist assistant, 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 his employer before providing services to that employer and shall have the employer notify the Executive Director in writing that he has received and reviewed a copy of this Consent Order; Respondent shall do this also with any new or subsequent employer during his probationary period.

H. The Board agrees to assist Respondent in paying course fees for the requirements set forth in paragraph D, and paying the cost of the psychological evaluation required by paragraph E, provided that Respondent agrees to reimburse the Board for such fees in monthly payments to be completed within his probationary period and as may be agreed to by the Executive Director. Respondent shall execute a written acknowledgement of his indebtedness to the Board for any funds advanced on his behalf pursuant to this Consent Order. Failure by Respondent to comply with the schedule for reimbursement of these expenses to the Board shall be cause for further disciplinary action against Respondent by the Board.

I. 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.

J. Respondent declares that, before signing this Consent Order, he has carefully read this document, fully reviewed it with his attorney, understands the contents, and freely consents to it as valid and binding upon him. Recognizing his right to have notice of allegations or charges asserted against him, 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, Jonathan Coscarart nonetheless waives his 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 him, 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 him, 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 his 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 _____ day of _____, 2007.

Jonathan Coscarart, P.T.A.

Jonathan Coscarart, P.T.A.

AGREED AND ACCEPTED by official action of the Board, the ____ day of May, 2007, at Lafayette, Louisiana.

**LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS**

Barbara Adcock, PT

Barbara Adcock, P.T., Chair