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In the Matter of  
KENDALL GUICE, P.T.A.  
License No.  
Respondent

\* LOUISIANA STATE BOARD OF  
\* PHYSICAL THERAPY EXAMINERS  
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\* Case Number 2007I021

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## CONSENT ORDER

A complaint received by the Louisiana State Board of Physical Therapy Examiners (Board) brought to the attention of the Board issues regarding supervision of physical therapist assistants at Premier Out-patient Clinic in Monroe, where Respondent worked as a physical therapist assistant. Records were subpoenaed from Premier and a pattern of violations of supervision requirements was found, involving Respondent and several other employees of this facility. Patient treatment records reflected repeated instances where patients were treated by P.T.A.s for six, seven and even nine visits without an intervening treatment by the supervising physical therapist. It also appeared that the requirement for supervision of the P.T.A. by the P.T. for 50% of the P.T.A.'s treatment hours was not being met. In Respondent's case only treatment by a P.T.A. past the fifth visit was found.

Respondent was requested to participate in an Informal Conference on January 14, 2008 in Monroe with Investigating Board Member Barbara Adcock, Executive Director Cheryl Gaudin and Board general counsel Glenn Ducote, participating. Respondent attended without counsel and cooperated in a review of the complaint and discussion of legal requirements. At the conclusion of the informal conference the terms of this Consent Order were agreed to by Board representatives and Respondent.

### FINDINGS OF FACT

1. Respondent continued to provide treatment to patients beyond the fifth visit without an intervening treatment for that patient provided by the supervising physical therapist, as is required by Board rules.

### 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 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. Failure to comply with Board requirements for patient treatment by a physical therapist for at least every sixth treatment session and treatment of patients when less than 50% of his treatment hours were supervised by a physical therapist constitutes unprofessional conduct and is in direct violation of La. R. S. 37:2413A(7); Board Rule 321A(1); APTA Code of Ethics Principles 1, 2, 3, 4, 6 and 9; and APTA Guides for Conduct of the Physical Therapist Assistant 1.1 B; 2.1 A, B, D; 2.2; 2.3 A; 3.1A, G; and 4.1.

### 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 is placed on probation for one year, during which period his employment records, place of employment, patient treatment records and communications between with his supervising therapists 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 one year probationary period, Respondent shall remit to the Board \$100 as reimbursement for the expenses of each such monitoring visit to his practice.

B. The one year 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 as such 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 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 \$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. During his year of probation, Respondent shall successfully complete the Louisiana jurisprudence course offered by the Board plus four hours of continuing education in the ethical practice of physical therapy, in addition to the continuing education units required to maintain his license.

E. 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. and shall update the Executive Director within five days of any and all changes in such arrangements.

F. 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.

G. Within ninety days of the effective date of this Consent Order, Respondent shall compose and submit to the Executive Director a written statement of no less than 750 words explaining what conduct on his part and by others led to this disciplinary proceeding, what laws, rules and regulations

are applicable to the facts involved in this disciplinary matter, and what steps he will take to avoid further disciplinary issues with this Board.


H. Respondent declares that, before signing this Consent Order, he has carefully read this document, understands the contents, and freely consents to it as valid and binding upon him. Respondent waives his right to legal representation in this proceeding and, 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, Kendall Guice 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.

I. Respondent authorizes the Investigating Board Member, Barbara Adcock, 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 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.

J. 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.


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 07 day of April, 2008.

  
Kendall Guice, P.T.A.

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