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In the Matter of

\* LOUISIANA PHYSICAL THERAPY BOARD

KIM LICAUSI  
PT License No. 00305  
Respondent

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Case Number 2011 I 011

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## CONSENT ORDER

A complaint was received by the Louisiana Physical Therapy Board in April, 2011 alleging inadequacies in Respondent's documentation of physical therapy evaluations and treatments. In order to examine Respondent's actual documentation, copies of his patient treatment records created during the periods of February 1-15, 2011 and April 1-15, 2011 were subpoenaed from his employer. After examining those four weeks of records, Respondent was advised to attend an Informal Conference at the Board Office on September 14, 2011. Respondent attended that conference with Investigating Board Member Teresa Maize, Board Executive Director Cheryl Gaudin and Board Counsel Glenn Ducote.

In the Informal Conference, Respondent was presented with certain patient records completed by him during the periods of February 1-15, 2011 and April 1-15, 2011. Those records indicated that evaluations of new patients did not include a plan of care for the patient and that documentation of subsequent patient sessions did not adequately reflect measurable progress or regression.

### FINDINGS OF FACT

1. Respondent routinely completed patient evaluations without setting forth a specific written treatment plan or program as required by Rule 323A2 and as defined in Rule 305.
2. Respondent's documentation of patient treatment did not adequately reflect changes in objective findings or measurable progression or regression from patient goals as required by Rule 323A(3).
3. Respondent set as goals for patient progress the same level of achievement as the patient performed in the initial evaluation, meaning that reaching the goal would mean no improvement for the patient. Such documentation serves no purpose and gives other treating personnel no guidance. Rule 323A(3).
4. Respondent relied heavily on the use of symbols in his documentation, particularly  $\geq$  and  $\leq$  to indicate "greater than or equal to" or "less than or equal to" ..

## 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 or has violated the Practice Act or Rules of the Board. La. R. S. 37:2420A 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. Pursuant to La. R. S. 37:2405B(14) 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 inadequate documentation of patient evaluation and treatment violates La. R.S. 37:2420A(1) and (7); Rule 323A(2) and (3); and such conduct constitutes "unprofessional conduct" in violation of Board Rule 327E(1).

5. Respondent's inadequate documentation is not in keeping with the APTA's *Code of Ethics for the Physical Therapist* and *Guide for Professional Conduct* Principles 3E and 5A.

## ORDER

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 shall be placed on probation for twenty months beginning December 15, 2011, during which probationary period his 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 his employers are required to cooperate fully with these monitoring visits. During this twenty month probationary period, Respondent shall remit to the Board \$150 as reimbursement for the expenses of each such monitoring visit to his practice.

B. The twenty month 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, he shall notify the Executive Director in writing within ten days of the last date Respondent has practiced physical therapy as specified above. Likewise, if Respondent returns to work as a physical therapist as specified above, he shall notify the Executive Director in writing within ten days of his return to practice.

C. During each of the twenty months of license probation, Respondent shall successfully complete continuing education courses on professional ethics (4 hours minimum) and on documentation of treatment (4 hours minimum), which courses have been approved in advance by

the Board Executive Director, and which shall be in addition to the usual continuing education required to maintain licensure. At least once during his probationary period, Respondent shall attend the Jurisprudence Course presented by the Board and pass the examination at the end of that course.

D. Respondent shall write an essay of no fewer than 750 words explaining how his conduct violated the Practice Act and Board rules and what he may have learned as a result of this disciplinary process. This essay shall be submitted to the Board Executive Director no later than January 31, 2012.

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

F. Respondent shall provide a copy of this Consent Order to his 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 his probationary period.

G. Respondent shall reimburse the Board in the sum of \$500 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.

H. 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 his practice. Respondent shall attend meetings requested by the Board or by his Board monitor with reasonable advanced notice such that Respondent may make arrangements in order to allow for his attendance.

I. Respondent declares that, before signing this Consent Order, he has carefully read this document, that he 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, Kim Licausi 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.

J. Respondent authorizes the Investigating Board Member, Teresa Maize, 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 1st day of December, 2011.

Lesleigh Hobbs Hall  
Notary  
Lesleigh Hobbs Hall, Notary Public  
State of Louisiana, Notary # 87676  
Qualified in St. Tammany Parish  
Commission Does Not Expire

Kim Licausi, P.T.  
Kim Licausi, P.T.

AGREED AND ACCEPTED by official action of the Board, the \_\_\_\_ day of \_\_\_\_\_, 2011, at Lafayette, Louisiana.

LOUISIANA PHYSICAL THERAPY BOARD

Jerry Jones PT  
Jerry Jones, P.T., Chairman



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December 1, 2011

Louisiana Physical Therapy Board  
Cheryl Gaudin, Executive Director  
104 Fairlane Drive,  
Lafayette, LA 70507

VIA FEDERAL EXPRESS – PRIORITY OVERNIGHT  
8770 6533 1052

RE: Kim Licausi, PT License No. 00305  
Case Number 2011 I 011

Ms. Gaudin:

Please find enclosed signed and notarized Consent Order in the matter referenced above. Should you have any questions, please contact Brad Belsome. Mr. Belsome can be reached by telephone at (504) 596-6309.

Sincerely,

Lesleigh Hall  
Staff Attorney

enclosures  
LHH

Accredited by



The Joint Commission  
On Accreditation of Healthcare Organizations