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**In the Matter of**  
**MICHAEL DRIGGS**  
License No 04675  
Respondent

\* **LOUISIANA STATE BOARD OF**  
\* **PHYSICAL THERAPY EXAMINERS**  
\*  
\* Case Number 2002-131

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## **CONSENT ORDER**

A complaint received by the Louisiana State Board of Physical Therapy Examiners (Board) raised the issue that Respondent had allowed an Athletic Trainer Certified (ATC) working on his staff at Rehab Excel of Eunice to sign off on FCE testing and to provide that documentation to insurers without the required signature of a physical therapist. Documentation indicated that subsequently, the signature of the ATC was deleted and the signature of Respondent entered, but the name of the ATC was not removed from the signature line in patient documentation. The ATC used this credential while functioning in the physical therapy environment. Respondent was requested to participate in an Informal Conference with Board Member Pat Adams and Board Counsel Glenn Ducote participating. Also present with Respondent Michael Driggs was Joe Cashen, clinic administrator for Rehab Excel of Eunice.

### **FINDINGS OF FACT**

An Athletic Trainer employed in Respondent's clinic did in fact sign patient documentation on FCEs performed in the clinic without obtaining the signature of Respondent as the PT administering and responsible for the testing. This apparently resulted from incentives given to the ATC to expedite the processing of paper work to third party payers. Respondent indicates that he was unaware that this was being done until it was brought to his attention by LWCC. He stopped the practice of allowing the ATC to sign documentation and the ATC is no longer employed at Rehab Excel of Eunice. Respondent indicates that presently only Physical Therapists and Occupational Therapists are signing FCEs.

### **CONCLUSIONS OF LAW**

1. Only Physical Therapists and Occupational Therapists are authorized to administer FCEs under applicable law. R. S. 37:2410.
2. Athletic Trainers Certified are not authorized to administer any part of a FCE nor are they authorized to sign documentation of testing or treatment provided by a Physical Therapist. R.S. 37:2410; Rules 307, 321 and 323.
3. Athletic Trainers Certified when working in a physical therapy setting are to be identified only as PT aides or techs, and not as an ATC, since such credentials have no significance outside the

team settings where they are authorized to work. R.S. 37:3302. An ATC is not a "health care provider" under Louisiana law. R.S. 40:1299.41A(1).

### DECISION

Pursuant to the foregoing Findings of Fact and Conclusions of Law, Respondent and the Board, by vote of quorum, agree as follows:

A. Respondent is reprimanded for the conduct described above.

B. Respondent shall fully cooperate with a monitor designated by the Board Chair, who shall be given full access to Respondent's clinic and office premises and the right to review records of FCEs created after the date of this Consent Order for compliance with legal requirements. This monitoring shall be in effect for one year from the date of this agreement.

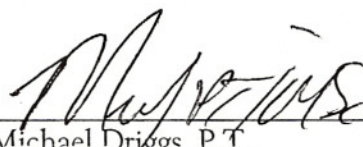
C. Respondent shall by May 1, 2003 pay to the Louisiana State Board of Physical Therapy Examiners the sum of \$250 as reimbursement for legal and administrative expenses incurred in this matter.

D. Respondent shall meet with the Board as requested at any time during the twelve months following the execution of this order.

E. Respondent's failure to comply with any term of this Consent Order shall constitute just cause for the suspension or revocation of Respondent's license as a Physical Therapist under the auspices of this Board, or for any other disciplinary action within the statutory and regulatory authority of the Board.

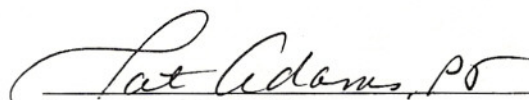
F. Respondent declares that, before signing this Consent Order, he has carefully read this document, understands the contents, and freely consents to it as valid and binding upon him. He is aware of his right to a formal hearing and he freely waives that right. He has been informed of his right to seek counsel and has either done so or waives his right to counsel.

SWORN TO AND SUBSCRIBED on this 15 day of April, 2003.

  
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Michael Driggs, P.T.

AGREED AND ACCEPTED by official action of the Board, the 20<sup>th</sup> day of February, 2003 at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS

  
\_\_\_\_\_  
Pat Adams, P.T., Chair

**Michael Driggs**

- a. Monitor Respondent's clinic and office premises and review records of FCEs for compliance and legal requirements
- b. Pay \$250 to the Board by May 1, 2003 for reimbursement and legal and administrative expenses
- c. Meet with the board as requested at any time during his probationary period

Apr 03	May 03	June 03	July 03	Aug 03	Sept 03	Oct 03	Nov 03	Dec 03
<b>B</b>				<b>A</b>				

LOUISIANA STATE BOARD OF PHYSICAL THERAPY EXAMINERS  
Monitor Tracking Guide

Case Number: 2002131

Date: 8/20/03 Licensee: Michael Driggs

Purpose of monitor visit: Consent order - to talk to  
licensee, staff, and record review

Evidence of Compliance: No ATC's employed any longer,  
OT or PT only doing eval - FCE's.

Evidence of Non-Compliance: none noted

Attachments: \_\_\_\_\_

Board Designee: Pat Adams