

State of Louisiana
Department of Health and Hospital
Louisiana Physical Therapy Board
104 Fairlane Drive, Lafayette, Louisiana 70507
337/262-1043 FAX 337/262-1054

In The Matter Of

PAMELA ANN HOFFMAN
(License No. 03252)

Complaint No. 2015-I-007

CONSENT ORDER

Pamela Ann Hoffman (“Ms. Hoffman” or “Respondent”) came to the attention of the Louisiana Physical Therapy Board (“LPTB” or “Board”) on May 7, 2015, when a complaint was filed stating concerns of illegal drug use. The allegations found within the Complaint were specific only to recreational illegal drug use that were unrelated to Respondent’s practice of Physical Therapy. Upon receipt of the complaint an Investigative Committee of the Board was created to conduct a confidential investigation into the matter. The Investigative Committee consisted of Mrs. Charlotte Martin, Board Executive Director; Mrs. Kristina Lounsberry, Investigating Board member; and Courtney Newton, Board Attorney. The complainant was interviewed on May 11, 2015. On May 22, 2015 Respondent was personally served notice of the investigation at her residence by Mrs. Charlotte Martin and Mrs. Courtney Newton. In addition to written notice, respondent was verbally notified of her right to counsel and that anything said may be utilized as evidence of wrongdoing at a formal hearing. Ms. Hoffman verbally affirmed her understanding of all matters.

Following service, Ms. Hoffman was escorted to a drug/alcohol testing facility. While traveling to the facility Respondent admitted to recent use of marijuana and expressed her willingness to cooperate with the Board Investigative Committee. Ms. Hoffman submitted to a drug/alcohol test. Following testing Ms. Hoffman voluntarily signed an *Agreement to Abstain from the Practice of Physical Therapy* therein agreeing to abstain from practice until all disciplinary matters are resolved.

On June 1, 2015 the Investigative Committee received notice of the Respondent’s test results, which were positive for Cannabinoid and Carboxy THC GC/MS Conf indicating recent use of marijuana. The Investigative Committee spoke with the Respondent on June 4, 2015 via

telephone conference to discuss the test results. Following notification of her test results, Ms. Hoffman agreed to enter into a Consent Order with the Louisiana Physical Therapy Board.

FACTUAL BASIS FOR CONSENT ORDER

- A. Respondent is, and at all times pertinent hereto, was a physical therapist licensed by the Board as evidenced by license number 03252.
- B. On May 7, 2015 a complaint was filed with the Louisiana Physical Therapy Board stating concerns of illegal drug use by Respondent unrelated to her practice of physical therapy.
- C. On May 22, 2015, Respondent met with members of the Investigative Committee and submitted to a drug and alcohol test following proper notice and service.
- D. On May 23, 2015, Respondent voluntarily signed an *Agreement to Abstain from the Practice of Physical Therapy* at the request of the Investigative Committee to ensure public protection until all disciplinary issues were fully resolved.
- E. On June 1, 2015 Ms. Hoffman's test results were received by the Investigative Committee of the LPTB. The test results were positive for Cannabinoid and Carboxy THC GC/MS Conf proving recent use of marijuana.

VIOLATIONS RELATED TO RESPONDENT'S CONDUCT

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 professional license which it has issued, or place probationary conditions upon such license, upon proof that the licensee has practiced physical therapy in violation of the Practice Act, Board Rules, or standards of practice. La. R.S. 37:2420A(1) and Board Rule §343.
2. The Board has the authority to suspend or revoke a professional license upon due proof that a licensee has been "habitually intemperate or abused controlled dangerous substances". La. R.S. 37:2420A(5); as further specified by Rule §351A(1) and Rule §351A(2). Rules §§351A(1) and (2) specify "habitually intemperate" as "repeated excessive use of alcohol" or "the ingestion, self administration, or other use of legally controlled substances or medications which affect the central nervous system, other than pursuant to and used in accordance with a lawful prescription and/or medical advice";
3. The Board has the authority to suspend or revoke a professional license which it has issued, or place probationary conditions on such license upon proof of unprofessional conduct, including, but not limited to, departure from, or failing to conform to the *Minimal Standards of Acceptable and Prevailing Physical Therapy Practice*, the Code of Ethics and related documents of the APTA. La. R.S. 37:2420A(7) and Board Rule §345B(1).

4. The Recovering Physical Therapy Program (RPTP) is intended “to ensure the health, safety and welfare of the public through a program which closely monitors practitioners whose capacity to practice physical therapy with reasonable skill and safety to patients has been, or may potentially be, compromised because of the use of alcohol or drugs.” Rule §355 A (1). The Board has the authority to order an individual to participate in the RPTP. Rule §359A.

ORDER

Pursuant to the foregoing Factual Basis for Consent Order and Violations Related to Respondent’s Conduct, 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 is placed on probation for a minimum of three (3) years. Respondent shall submit to the Board Executive Director in writing no less than thirty (30) calendar days prior to completion of probationary period a request for a letter from the Board formally acknowledging the close of the probationary period. Respondent’s probationary period concludes upon receipt by respondent of the Board a letter acknowledging the close of the probationary period;
- B. During the probationary period Respondent will fully participate in the Recovering Physical Therapy Program (RPTP). This participation includes Respondent’s submission to a psychological and substance abuse evaluation and testing to be performed by an appropriate professional designated by the Board at her own expense. Respondent will enter into the RPTP Participation Agreement consistent with the recommendation of such testing evaluation. Respondent shall undergo the initial evaluation within the first sixty (60) days of the probationary period and shall sign the RPTP Participation Agreement within the first ninety (90) days of the probationary period. Participation Agreement shall be in effect for the duration of the probationary period, with options for re-evaluation and re-assessment that will modify the terms of the agreement accordingly after the first year of probation and throughout the duration of the probationary period. Respondent further agrees to sign all releases and authorizations required to enable the Board and its RPTP to obtain reports, evaluations, and test results from any drug testing facility, physicians, health care providers, group moderators or other treating professionals;
- C. During the probationary period Respondent shall promptly comply, as directed, with the requests of the Board or its designated agent to obtain and provide to the Board Prescription Monitoring Program (“PMP”) reports at her expense. Respondent shall provide the Executive Director of the Board with the PMP report within five (5) calendar days of request by the Board or its designated agent;
- D. During the probationary period Respondent shall promptly comply, as directed, with the requests of the Board or its designated agent for random drug and/or alcohol tests. Within forty-eight (48) hours of signing the Consent Order, Respondent shall contact the Board Executive Director for instructions on activating an account and shall active an account with the board’s designated drug and alcohol screening program. Respondent is responsible for the cost of all testing. If tested by her employer, a recovery treatment

program, a mental health professional, a medical provider, or any other entity at any time during the probationary period, Respondent shall authorize and direct said entity or individual to furnish the Board Executive Director with a copy of the results for all drug and/or alcohol tests within twenty-four (24) hours of receipt of the test results;

- E. Beginning on September 6, 2015, the 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 (20) hours* each week as such. If Respondent ceases to be regularly employed as a physical therapist in Louisiana, she shall notify the Executive Director in writing within *ten (10) calendar days* of the last date she 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 (10) calendar days* of her return to practice;
- F. For the entirety of the first six (6) months of her probationary period respondent shall abstain from the use and ingestion by any means of alcohol.
- G. During her probation Respondent shall abstain from the use and ingestion by any means of mood altering substances and/or any controlled dangerous substance as defined by Louisiana and federal laws unless lawfully prescribed by a physician, dentist, or individual legally authorized to prescribe medications. If Respondent is prescribed a medication by a treating physician or other healthcare provider which is a controlled dangerous substance or administered such medication by physician order, she shall within three (3) calendar days of obtaining such a prescription/medication provide documentation of the prescription/medication, quantity, dosage and frequency, the condition for which the medication is given, and the date that the prescription was filled to the Executive Director of the Board. She will provide to the Executive Director of the Board names and contact information for the prescribing physician or other healthcare provider, as well as the pharmacist and pharmacy where the prescription has been filled. She will provide to the Executive Director of the Board names and contact information for all physicians or other healthcare providers who are treating her during the probationary period and a listing of all medication she is prescribed for any medical condition. By signing this document Respondent authorizes her treating physicians to provide information on her diagnosis treatment and prescriptions to the Board Executive Director or other board agent;

In the event that Respondent ingests alcohol, mood altering substances, and/or any controlled dangerous substance as defined by Louisiana and federal laws during the probationary period, Respondent shall immediately cease practice and shall notify the Executive Director of the Board in writing within twenty-four (24) hours of ingestion;

- H. During her probation Respondent shall avoid all situations and environments where others are utilizing illegal substances. In the event that Respondent finds herself in a situation or environment where others are utilizing illegal substances, Respondent shall notify the Board Executive Director within forty-eight (48) hours of such occurrence;
- I. For as long as Respondent holds a license, if any drug test of Respondent results in a positive finding for any controlled dangerous substance or mood altering substance taken without a valid prescription, or alcohol in accordance with Paragraph "F", Respondent's



license shall automatically and summarily be suspended without further action by the Board, subject to Respondent's right to a full due process hearing before the Board within a reasonable time period;

- J. Respondent shall complete thirty (30) hours of board-approved continuing education courses or activities required in the biennial renewal period under Rule §194 during her probationary periods. In addition, Respondent shall complete an additional four (4) hours of continuing education courses in Ethics and shall attend one live Jurisprudence Seminar prior to her license renewal in 2016. Respondent shall request in writing and receive approval from the Executive Director prior to taking the additional four (4) hours of Ethics. Respondent shall provide documentation in the form of a course completion certificate to the Executive Director within five (5) calendar days of receipt of such documentation. Furthermore, Respondent shall submit documentary evidence of completion of thirty-four (34) hours of continuing education for license renewal in 2016;
- K. Respondent shall write an essay of no fewer than 750 words explaining how her conduct violated the Practice Act and Board Rules and what she has learned as a result of the disciplinary process. This essay shall be submitted to the Executive Director no later than September 16, 2015;
- L. During the three (3) year probationary period Respondent shall fully cooperate with the Board representatives making random unannounced monitoring visits to her work sites and shall provide complete access to her place of employment, employment and/or business records, patient treatment and billing records, and all other documentation necessary for a full legal compliance review. Respondent shall reimburse the Board \$150.00 for each such monitoring visit;
- M. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the probationary period, and shall fully cooperate in providing information and documents requested in such meetings;
- N. Respondent shall have reliable access to a computer, internet, and telephone. Respondent shall reply to Board emails and telephone calls within 48 (forty-eight) hours of such communication;
- O. Respondent shall pay the Board the sum of \$1,200.00 in partial reimbursement for legal and administrative expenses incurred in this matter, this amount may be paid in a lump sum, or equal quarterly installments of \$100, if arranged in advance with the Executive Director, over the three (3) years of her probation. Quarterly payments are due on or before June 30, September 30, December 31, and March 31;
- P. Respondent declares that, before signing this Consent Order, she has carefully read this document, understands the contents, and freely consents to it as valid and binding upon her. She is aware of her right to a notice of hearing, to a formal administrative hearing and to judicial review of an administrative finding, and freely waives those rights. She has waived her right to be represented by counsel;

- Q. Respondent acknowledges that her failure to comply with any term of this Consent Order is a basis for immediate summary suspension of her license and for further disciplinary action by the Board;
- R. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;
- S. Respondent authorizes the Investigating Board Member, Kristina Lounsberry, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose 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 Investigative 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 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.
- T. Respondent acknowledges that presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board, or any of its members, from further participation in hearings or resolution to these proceedings; and
- U. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair.
- V. Respondent acknowledges that 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 proof of compliance or commitment. Respondent acknowledges that it is the responsibility of the Respondent to fully comply with the Consent Order and proactively communicate with the Board Executive Director.


Pamela Ann Hoffman, P.T.

SWORN TO AND SUBSCRIBED on this 24th day of July, 2015.

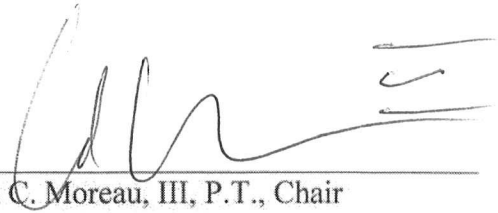

Maleah J. Flanagan #86374
Notary Public, St. Tammany Parish
My Commission is for Life 

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Notary Public

AGREED AND ACCEPTED by official action of the Board, the ____ day of July, 2015,
at Lafayette, Louisiana.

Louisiana Physical Therapy Board

A handwritten signature in black ink, appearing to read 'Alvin C. Moreau, III', is written over a horizontal line. To the right of the signature, there are three short, horizontal, parallel lines.

Alvin C. Moreau, III, P.T., Chair