



State of Louisiana

Board of Physical Therapy Examiners

120 REPRESENTATIVE ROW

P. O. BOX 80703

LAFAYETTE, LA 70598-0703

318/235-1462

In The Matter Of	-	NOTICE OF HEARING
SCOTT A. BOSCHETTO, P.T.	-	-----
License No. 00404R	-	ADMINISTRATIVE CASE NO.
	-	91-102

TO: Scott A. Boschetto, P.T.
d/b/a Venture Rehab Associates, Inc.
P. O. Box 641347
Kenner, LA 70064

The Louisiana State Board of Physical Therapy Examiners ("Board") is in receipt of apparently reliable information indicating that you initiated or continued physical therapy services that are contraindicated or can not reasonably result in a beneficial outcome to the patients and/or abused or exploited the physical therapist - patient relationship at St. Jude Medical Center for the purpose of securing personal compensation, gratification, or benefit unrelated to the provision of physical therapy. Furthermore, based upon information and belief, you failed to properly supervise supportive personnel rendering physical therapy services to patients and/or supervised more than three supportive personnel so that the ratio of supportive personnel to supervising licensed physical therapists was in excess of three-to-one.

The information received by the Board, if true, may constitute violations of the Physical Therapy Practice Act of Louisiana, La. Rev. Stat., Title 37, Section 2413, et seq.

Accordingly, PLEASE TAKE NOTICE that you are hereby charged with "practicing physical therapy in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act," La. Rev. Stat., Title 37, Section 2413A(1); violating provisions of the Physical

Therapy Practice Act, La. Rev. Stat., Title 37, Section 2413A(3); violating provisions of the Physical Therapy Practice Act, La. Rev. Stat., Title 37, Section 2414(4); and engaging in "unprofessional conduct," La. Rev. Stat., Title 37; Section 2413A(7). "Unprofessional conduct shall include departure from, or failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice, in which proceeding actual injury to a patient need not be established," La. Rev. Stat., Title 37, Section 2413A(7).

A formal hearing will be convened before the Board on Wednesday, October 23, 1991, at 10:00 a.m. at the Louisiana State Board of Physical Therapy Examiners' office located at 120 Representative Row, Lafayette, Louisiana 70508, to adjudicate the hereinabove alleged violations and to determine whether just cause exists for the suspension or revocation of your license to practice physical therapy in the State of Louisiana, or such other disciplinary action as provided by LSA R.S. 37:2413. The hearing is intended to provide you with an opportunity of testing the validity and/or accuracy of the information set forth and to present relevant and/or mitigating evidence in your defense. You are, therefore, invited to attend and participate as you see fit, either personally or through the services of legal counsel of your choice.

Should you desire the Board to issue any subpoenas for the attendance of witnesses or for the production of documents on your behalf, in accordance with La. Rev. Stat., Title 37, Section 2401.2B(3) and La. Rev. Stat., Title 49, Section 956(5), please so notify the Board as soon as possible. Please also notify the Board as to whether you will attend the hearing and the name and address of your legal counsel, if any.

Lafayette, Louisiana, this 18th day of September, 1991.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

Patricia Adams, RPT
Patricia Adams, L.P.T.

SERVICE BY:
CERTIFIED MAIL NO. P-361 755 937
RETURN RECEIPT REQUESTED

BEFORE THE
LOUISIANA STATE
BOARD OF PHYSICAL THERAPY EXAMINERS

In The Matter Of	-	ADMINISTRATIVE COMPLAINT
SCOTT A. BOSCHETTO, P.T.	-	-----
License No. 00404R	-	ADMINISTRATIVE CASE NO.
Respondent	-	91-102

Acting in her official capacity as an investigating officer of the Louisiana State Board of Physical Therapy Examiners ("Board") with respect to the above entitled matter, Patricia Adams, L.P.T., as Complainant herein, respectfully asserts the following administrative complaint against the named respondent:

Respondent

1. Respondent, Scott A. Boschetto, P.T. d/b/a Venture Rehab Associates, Inc. is, and at all times material to the facts and matters alleged herein was, a physical therapist duly licensed by the Board to practice as a physical therapist in the State of Louisiana pursuant to the Physical Therapy Practice Act of Louisiana, La. R.S. 37:2401 et seq., as evidenced by License No. 00404R.

Facts

2. Beginning on or about August 28, 1987, through August 27, 1990, Respondent was engaged in active practice as a physical therapist at St. Jude Medical Center in Kenner, Louisiana.

3. At all times pertinent herein, Respondent contracted with St. Jude Medical Center in Kenner, Louisiana, to provide a physical therapist(s) and physical therapy services to patients of the hospital.

4. At all times pertinent herein, Respondent failed to properly supervise supportive personnel rendering physical therapy services to patients at St. Jude Medical Center.

5. At all times pertinent herein, Respondent supervised more than three unlicensed supportive personnel, so that the ratio of supportive personnel to supervising licensed physical therapists was in excess of three-to-one.

6. Respondent initiated or continued physical therapy services at all pertinent times herein to the patients at St. Jude Medical Center, more particularly Isabel Anglade, which were contraindicated or could not reasonably result in a beneficial outcome to the patients.

7. Respondent abused or exploited the physical therapist-patient relationship at all times pertinent herein to the patients at St. Jude Medical Center, more particularly Isabel Anglade, for the purpose of securing personal compensation, gratification, or benefit unrelated to the provision of physical therapy.

Violations Alleged

8. It is unlawful for a person licensed under the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated thereto to fail to properly supervise supportive personnel rendering physical therapy services to patients at St. Jude Medical Center. LSA R.S. 37:2413A(1); Rules and Regulations, Title 46, Sections 305 and 321 et seq.

9. It is unlawful for a person licensed under the Physical Therapy Practice Act of Louisiana to supervise more than three unlicensed supportive personnel, so that the ratio of supportive personnel to supervising licensed physical therapists is in excess of three-to-one. LSA R.S. 37:2413A(1); Rules and Regulations, Title 46, Sections 311D and 321 et seq.

10. Respondent's failure to properly supervise the supportive personnel under his authority and/or supervise more than three unlicensed direct patient care supportive personnel, so that the ratio of supportive personnel to supervising licensed physical therapist's is in excess of three-to-one does not conform to the minimal standards of acceptable and prevailing physical therapy practice, such failure constituting unprofessional conduct on his part and lawful grounds for the Louisiana State Board of Physical Therapy Examiners, upon due notice of hearing, to suspend or revoke Respondent's license to practice physical therapy in the State of Louisiana, or other disciplinary action as provided by law. LSA R.S. 37:2413A(7); Rules and Regulations, Title 46, Sections 321 and 323 et seq.

11. It is unlawful for a person licensed under the Physical Therapy Practice Act of Louisiana to initiate or continue physical therapy services that are contraindicated or can not reasonably result in a beneficial outcome to the patient. LSA R.S. 37:2413A(1); Rules and Regulations, Title 46, Sections 321 and 323 et seq.

12. Respondent's initiating or continuing physical therapy services that are contraindicated or can not reasonably result in a beneficial outcome to his patients does not conform to the minimal standards of acceptable and prevailing physical therapy practice, such failure constituting unprofessional conduct on his part and lawful grounds for the Louisiana State Board of Physical Therapy Examiners, upon due notice of hearing, to suspend or revoke Respondent's license to practice physical therapy in the State of Louisiana, or other disciplinary action as provided by law. LSA R.S. 37:2413A(7); Rules and Regulations, Title 46, Sections 321 and 323 et seq.

13. It is unlawful for a person licensed under the Physical Therapy Practice Act of Louisiana to abuse or exploit the physical therapist-patient relationship for the purpose of securing personal compensation, gratification or benefit unrelated to the provision of physical therapy. LSA R.S. 37:2413A(1); Rules and Regulations, Title 46, Sections 321 and 323 et seq.

14. Respondent's abuse or exploitation of the physical therapist-patient relationship for the purpose of securing personal compensation, gratification, or benefit unrelated to the provision of physical therapy does not conform to the minimal standards of acceptable and prevailing physical therapy practice, such failure constituting unprofessional conduct on his part and lawful grounds for the Louisiana State Board of Physical Therapy Examiners, upon due notice of hearing, to suspend or revoke Respondent's license to practice physical therapy in the State of Louisiana, or other disciplinary action as provided by law. LSA R.S. 37:2413A(7); Rules and Regulations, Title 46, Sections 321 and 323 et seq.

15. Respondent's violations of the provisions of the Physical Therapy Practice Act of Louisiana constitute lawful grounds for the Louisiana State Board of Physical Therapy Examiners, upon due notice of hearing and proof of such violation, to suspend or revoke Respondent's license to practice physical therapy in the State of Louisiana, or other disciplinary action as provided by law. LSA R.S. 37:2413A(1), (3) and (7), and LSA R.S. 37:2414(4); Rules and Regulations, Title 46, Section 301 et seq.

WHEREFORE, Complainant prays that this Administrative Complaint be accepted for filing and docketed for hearing by the Board, and that, pursuant to the applicable provisions of the Physical Therapy Practice Act of Louisiana, LSA R.S. 37:2413, and the Louisiana Administrative Procedure Act, LSA R.S. 49:955-58, this

matter be scheduled for administrative hearing before the Board, that notice of such hearing be duly served on the Respondent, together with a certified copy or duplicate original of this Administrative Complaint, and that following due proceedings herein, the Board render a decision, upon written findings of fact and conclusions of law, suspending or revoking Respondent's license to practice physical therapy in the State of Louisiana, or such other disciplinary action as provided by law.

Submitted and Filed: September 18, 1991.

Patricia Adams, RPT
Patricia Adams, L.P.T.

Verification

BEFORE ME, the undersigned Notary Public, personally came and appeared: PATRICIA ADAMS, L.P.T., who being duly deposed and sworn said she is the investigating officer in the foregoing Administrative Complaint and that all the allegations of fact contained in the Complaint are true and correct to the best of her knowledge, information and belief.

Patricia Adams, RPT
Patricia Adams, L.P.T.

SWORN TO AND SUBSCRIBED before me this 18th day of September, 1991.

Michael A. Tomino, Jr.
Notary Public

Complainant Counsel:
Michael A. Tomino, Jr.
300-B Stewart Street
Lafayette, Louisiana 70501
318-237-7866



State of Louisiana

Board of Physical Therapy Examiners

120 REPRESENTATIVE ROW
P. O. BOX 80703
LAFAYETTE, LA 70598-0703
318/235-1462

CERTIFIED TRUE COPY
Signature *Paul A. Lamothe, Jr. P.T.*
Louisiana State Board of
Physical Therapy Examiners
Date *12-16-93*

In The Matter Of	-	CONSENT ORDER
SCOTT A. BOSCHETTO, P.T.	-	-----
License No. 00404R	-	ADMINISTRATIVE CASE NO.
Respondent	-	91-102

TO: Scott A. Boschetto, P.T.
c/o Mr. William S. Culver, Jr.
Emmett, Cobb, Waits & Kessenich
1515 Poydras Street, Suite 1950
New Orleans, Louisiana 70112

An Informal Conference was convened before the Louisiana State Board of Physical Therapy Examiners (the "Board") on December 20, 1991, to discuss alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, Scott A. Boschetto ("Boschetto") to-wit: "failure to properly supervise supportive personnel-rendering physical therapy services to patients at St. Jude Medical Center," LSA R.S. 37:2413A(1), Rules and Regulations, Title 46, Sections 305 and 321 et seq; "overutilization of physical therapy services to patients at St. Jude Medical Center," LSA R.S. 37:2413A(1), Rules and Regulations, Title 46, Sections 321 and 323 et seq; and "failure to properly document the physical therapy services provided to the patients at St. Jude Medical Center," LSA R.S. 37:2413A(1), Rules and Regulations, Title 46, Sections 321 and 323 et seq.

In attendance, at the Informal Conference was Respondent, Scott A. Boschetto, and William S. Culver, Jr., Respondent's attorney; Paul A. Lamothe, Jr., Sharon Toups, Lana Ivey-Wilson, and Rebecca B. Lege', Board members; and Michael A. Tomino, Jr., attorney for the Board.

Upon consideration of the discussion and evidence presented at the Informal Conference, the representative committee of the Board made certain recommendations to the Board resulting in this Consent Order, effective December 20, 1991, which is voluntarily entered into by and between the Board and Respondent, Scott A. Boschetto:

FINDINGS OF FACT

1. Respondent, Scott A. Boschetto, P.T. d/b/a Venture Rehab Associates, Inc. is a physical therapist duly licensed by the Board to practice as a physical therapist in the

State of Louisiana pursuant to the Physical Therapy Practice Act of Louisiana, LSA R.S. 37:2401 et seq., as evidenced by License No. 00404R.

2. Beginning on or about August 28, 1987, through August 27, 1990, Respondent was engaged in active practice as a physical therapist at St. Jude Medical Center in Kenner, Louisiana.

3. Respondent contracted with St. Jude Medical Center in Kenner, Louisiana, to provide a physical therapist(s) and physical therapy services to patients of the hospital for the above referenced period of time.

4. Respondent failed to properly supervise supportive personnel rendering physical therapy services provided to the patients at St. Jude Medical Center.

5. Respondent overutilized physical therapy services provided to the patients at St. Jude Medical Center.

6. Respondent failed to properly document the physical therapy services provided to the patients at St. Jude Medical Center.

7. Respondent voluntarily agrees to the above Findings of Fact and Terms of Consent Order.

TERMS OF CONSENT ORDER

Based upon the foregoing Findings of Fact, Respondent and the Board, by vote of the quorum, mutually agree to the following:

1. Effective December 20, 1991, Boschetto shall have a two (2) year suspension of license, the effect of which is to be suspended pending the compliance with the terms of a two (2) year probationary period for violating the Physical Therapy Practice Act, more particularly the overutilization of services, improper supervision of supportive personnel and lack of proper documentation regarding treatment.

2. Boschetto at all places where he practices physical therapy and/or any business entity he is affiliated with for the purpose of providing physical therapy services for the duration of this Consent Order shall notify in writing, within ten (10) days of the effective date of the Consent Order or commencement of his relationship with the employer or entity, all employers or entities he is under employment or contract with to provide physical therapy with a copy submitted to the Board, of the two (2) year probationary period and the terms of his probation, and he shall notify the Board of the names of these facilities and a contact person at each place of employment or facility.

3. For each year of the probationary period, Boschetto is to perform one hundred (100) hours per year of community service, i.e., hands-on physical therapy treatment to patients, at a facility and under a supervisor designated by the Board in the greater New Orleans area, said supervisor is to report to the Board on an as required basis by the Board

regarding the fulfillment of the community service and the performance of the physical therapy treatment rendered.

4. Boschetto shall inform the National Practitioner's Data Bank of the probationary status and the terms of same within ten (10) days of the effective date of this Consent Order.

5. Boschetto shall attend or audit the medical ethics class at Louisiana State University Medical Center in New Orleans in the upcoming semester or as soon as the course is offered and fulfill all course requirements and be responsible for the payment of the cost of the attendance at or audit of that class. He shall timely notify the Board of his registration and completion of the class.

6. Boschetto at all places where he practices physical therapy and/or any business entity he is affiliated with for the purpose of providing physical therapy services is to develop and implement a quality assurance program to evaluate his in-patient and out-patient medical records with regards to compliance with initial evaluations to include subjective history, appropriate objective tests and measurements, and assessments to include short-term and long-term goals and treatment plans. Boschetto is to notify the Board as to the review process, more particularly whether the process is done internally by the physical therapy department or externally by a quality assurance or utilization review department.

7. The quality assurance or utilization review process must be reasonably and timely implemented at any and all treatment facilities where he practices physical therapy and/or any business entity he is affiliated with which provides physical therapy services for the duration of the probationary period.

8. Boschetto is to report the findings of the quality assurance or utilization review program at each treatment facility to the Board on a quarterly basis.

9. Any violation of the terms of the probation or the Consent Order will be deemed sufficient cause to effectuate the two (2) year suspension of his license, as well as any additional sanctions imposed for the particular violation(s) of the probationary terms after due process requirements have been satisfied.

10. Boschetto is to be available for attendance at scheduled Board meetings upon reasonable advance notice to review compliance with the terms of the probation.

11. In the event during the probationary period Boschetto relocates to practice physical therapy in a jurisdiction other than Louisiana, the terms of the probation will be deemed violated and the two (2) year suspension of his license will be imposed; however, the effect of the suspension will be suspended during his absence from the State of Louisiana. Boschetto may timely petition the Board in writing for review of this matter on the basis of personal hardship or other necessitous circumstances. The Board in its discretion may alter the terms of this

provision depending upon the facts of the matter. "Timely" shall mean prior to the relocation to practice physical therapy in a jurisdiction other than Louisiana or within five (5) days after the commencement of the relocation.

12. Boschello shall return his license to the Board office within five (5) days of the effective date of the Consent Order for the probationary status to be stamped on his license.

13. If Boschello ceases to practice physical therapy in Louisiana, or does not practice continuously, for the two (2) year term of his probation, the effect of the two (2) year probationary practice shall be suspended for the duration of the cessation. Boschello may timely petition the Board in writing for review of this matter on the basis of personal hardship or other necessitous circumstances. The Board in its discretion may alter the terms of this provision depending upon the facts of the matter. "Timely" shall mean prior to the cessation or within five (5) days after the commencement of the cessation.

14. The existence and terms of this Consent Order will not be confidential or privileged information.

15. Each party shall bear the burden of paying their respective attorney's fees; however, Boschello is to pay for the costs of all investigative, discovery and administrative expenses incurred in this matter.

16. A supplemental Informal Conference may be conducted at the end of each year of the two (2) year period referenced above between a representative committee of the Board and Respondent whereby Respondent's case will be reviewed at that time;

17. Respondent hereby releases the Board, its representatives and attorney from any obligations or liability in their endeavors to administer this Consent Order.

THUS DONE AND PASSED on the 20th day of December, 1991, at the City of Lafayette, Parish of Lafayette, Louisiana, in the presence of the two undersigned competent witnesses, who hereunto sign their names with appearer and me, Notary, after due reading of the whole.

WITNESSES

Caryl Whitmore
Natalie Rys

Scott A. Boschello
Scott A. Boschello

Michael Harris
Notary Public

THUS DONE AND PASSED on the 20th day of December, 1991, at the City of Lafayette, Parish of Lafayette, Louisiana, in the presence of the two undersigned competent witnesses, who hereunto sign their names with appearer and me, Notary, after due reading of the whole.

WITNESSES

Cheryl Whitmore
Walter D. Lys

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

BY: Rebecca B. Lege, PT
Rebecca B. Lege, P.T.
Chairman ad hoc

Michael A. Jones
Notary Public