
In the Matter of

* LOUISIANA PHYSICAL THERAPY BOARD

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SHIRLEY BRYAN, PTA

PT License No. A2744

Respondent

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Case Number 2011 I 010

CONSENT ORDER

Respondent in April, 2011, reported to the Board that she was then in treatment for long-term substance abuse and that she had had not been working since May of 2010.

Respondent was notified to participate in an Informal Conference which was held on April 28, 2011 at the Board office with Investigating Board Member Dan Wood, Board Executive Director Cheryl Gaudin, and Board General Counsel Glenn Ducote. Respondent described becoming addicted to prescription medications after suffering a back injury in the late '90s. She was working with her husband in a pharmacy he operated and diverted drugs from the pharmacy and obtained multiple prescriptions by "doctor hopping".

As addiction took hold of her life Respondent did not work as a physical therapist assistant for nine years until she sought recovery. She returned to work as a PTA in 2009 in nursing homes, but soon was back in her addiction. After experiencing severe problems with cocaine addiction in May and June 2010 she again stopped working in physical therapy and unsuccessfully participated in various treatment programs until a crisis in September, 2010.

Respondent has been in in-patient treatment at Rays of Sunshine Center in Monroe for seven months, participating in intensive therapeutic activities and in several AA meetings each week. She is tested in this facility and can now go into the community for work and family functions. She intends to remain a resident of this recovery facility for another year and hopes to maintain her license to work in physical therapy.

FINDINGS OF FACT

Respondent has been addicted to various controlled substances for at least ten years and during part of that time worked as a physical therapist assistant while impaired. She acknowledges taking drugs from her husband's pharmacy and fraudulently obtaining prescriptions from multiple prescribers. She has not worked in physical therapy since May, 2010, but acknowledges that she did not respond honestly and accurately to questions regarding substance abuse in her applications for license renewal for 2009, 2010 and 2011.

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 of 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. Board Rules incorporate the *Code of Ethics and Standards of Ethical Conduct for the Physical Therapist Assistant* of the American Physical Therapy Association. Rules 305B and 331.

4. Respondent's use of controlled substances affecting the central nervous system without lawful prescriptions is in violation of Rule 327C(2).

5. By seeking professional employment as a physical therapist assistant and working while under the influence of a controlled substance without a lawful prescription, Respondent engaged in unprofessional conduct.

6. By providing false information in applications for license renewal for 2009, 2010 and 2011 regarding substance abuse, Respondent engaged in unprofessional conduct which constitutes obtaining a license by fraud or misrepresentation as prohibited by La. R.S. 37:2413A(2) and Rule 327.

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 as a physical therapist assistant is placed on probation for five years, beginning June 1, 2011, during which period her 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 her employers are required to cooperate fully with these monitoring visits. During this five year probationary period, Respondent shall remit to the Board \$150 as reimbursement for the expenses of each such monitoring visit to her practice.

B. The five-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 at least twenty hours per week as such. If Respondent ceases to be regularly employed as a physical therapist assistant in Louisiana, she 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 assistant within the State of Louisiana, she shall notify the Executive Director in writing within ten days of her return to

practice.

C. Respondent shall write an essay of no less than 750 words explaining how her conduct violated the Practice Act and Board rules and what she has learned as a result of this disciplinary process. This essay shall be submitted to the Board Executive Director no later than August 31, 2011.

D. Respondent shall notify the Executive Director in writing of all employment and/or contractual service arrangements which she has to work as a physical therapist assistant and shall update the Executive Director in writing within five days of any and all changes in such arrangements.

E. Respondent shall provide a copy of this Consent Order to her 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 her probationary period.

F. During the five-year probationary period, Respondent shall be subject to random drug screens arranged by the Board and shall reimburse the Board for the expense of such drug screens. She shall also authorize and direct any recovery treatment program to furnish to the Board copies of test results for all drug screens conducted by that program. Respondent shall attend each week at least two Alcoholics Anonymous, Narcotics Anonymous or other recovery support meetings approved by the Executive Director and shall document such attendance on forms provided by the Board.


G. Respondent declares that, before signing this Consent Order, she has carefully read this document, that she waives the participation of legal counsel, that she understands the contents, and freely consents to it as valid and binding upon her. Recognizing her right to have notice of allegations or charges asserted against her, 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, Shirley Bryan 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.

H. Respondent authorizes the Investigating Board Member, Dan Wood, 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, her right to have notice of any allegations or charges asserted 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.

I. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair and recognizes that her failure to comply with any term of this Consent Order is a basis for further disciplinary action by the Board.

J. 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 _____ day of _____, 2011.



Shirley Bryan, PTA

AGREED AND ACCEPTED by official action of the Board, the 19th day of MAY, 2011, at Lafayette, Louisiana.

LOUISIANA PHYSICAL THERAPY BOARD



Jerry Jones, PT, Chairman