
In the Matter of

* LOUISIANA PHYSICAL THERAPY BOARD

SHELLEY SONNIER
PTA License No. A4811
Respondent

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Case Number 2010 I 018

CONSENT ORDER

A complaint received by the Louisiana Physical Therapy Board (Board) from her employer asserted that Shelley Sonnier, a physical therapist assistant licensed by the Board, had documented treating an elderly nursing home patient on a Monday when the patient had died the previous Saturday. When confronted by her supervisors about the error, Ms. Sonnier initially claimed that the billing was intended for another patient and she changed entries in the patient billing system. Inconsistencies in her explanations to supervisors led to the termination of her employment.

Respondent was informed of the complaint received by the Board and was asked to participate in an Informal Conference on December 1, 2010. Respondent appeared and participated in the Informal Conference with Investigating Board Member Danny Landry and Board Executive Director Cheryl Gaudin on that date at the Board office in Lafayette. Respondent acknowledged the substance of the complaint. In order to obtain clarification of the issues from the employer, the Informal Conference was continued to February 24, 2011 when Ms. Sonnier again appeared and met with Investigating Board Member Danny Landry, Executive Director Cheryl Gaudin and Board General Counsel Glenn Ducote at the Board office. After discussions Respondent agreed to the terms of this Consent Order as proposed by Board member Danny Landry.

FINDINGS OF FACT

Respondent falsely documented treatment provided to a patient at Lafayette Care Center in February, 2010 and made substantive misrepresentations to her employer regarding treatment for the patient in question.

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 her 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 Physical Therapist Assistants* of the American Physical Therapy Association. Rules 305B and 331.

4. Respondent’s false documentation of patient treatment violates La. R.S. 37:2420A(1) and (7) as such conduct constitutes “unprofessional conduct” and is in violation of Board rules.

5. Respondent’s false documentation of patient treatment violates Rules 323 and 327E(1), (3) and (6).

6. Respondent’s false documentation violates APTA *Standards of Ethical Conduct for Physical Therapist Assistants* 1, 2, 3, 4 and 5.

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 three years, beginning March 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 three year probationary period, Respondent shall remit to the Board \$150 as reimbursement for the expenses of each such monitoring visit to her practice.

B. During her probationary period, Respondent shall document in each patient treatment note the name of the physical therapist supervising her at the time of that treatment.

C. The three-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.

D. During each of the three years 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 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 her probationary period, Respondent shall attend the Jurisprudence Course presented by the Board.

E. 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 may have learned as a result of this disciplinary process. This essay shall be submitted to the Board Executive Director no later than May 31, 2011.

F. 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.

G. 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.

H. 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.

I. Respondent shall cooperate with Board representatives seeking to verify or document that the requirements of this Consent Order have been met, that fees received by her employer for the services not provided have been refunded or reversed, and that legal and ethical procedures and practices are in place and being complied with in her practice.

J. 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, Shelley Sonnier 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.

K. Respondent authorizes the Investigating Board Member, Danny Landry, 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, his 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.

L. 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.

M. 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.

Shelley Sonnier, PTA
Shelley Sonnier, PTA

AGREED AND ACCEPTED by official action of the Board, the 16 day of March, 2011, at Lafayette, Louisiana.

LOUISIANA PHYSICAL THERAPY BOARD

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