
In the Matter of

* LOUISIANA PHYSICAL THERAPY BOARD

*

DANA ALTAZAN, PTA

*

PTA License No. A4618

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Case Number 2012-I-1016

Respondent

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CONSENT ORDER

The Louisiana Physical Therapy Board (“Board”) received a complaint which asserted that Dana Altazan, PTA (“Ms. Altazan or “Respondent”), had recorded progress notes for three home health patients during the period of December 2011 and March 2012 for physical therapy visits on dates when Ms. Altazan had not made a visit with the patient. The investigation of this complaint disclosed apparently reliable information which indicated that Ms. Altazan recorded progress notes for home health patients on dates when no home health visit occurred.

Respondent was informed of this complaint and was requested to participate in an Informal Conference on October 24, 2012. Respondent appeared on that day and participated in the Informal Conference at the Board office in Lafayette with Board Member, Teresa Maize PT, Executive Director, Cheryl Gaudin, and legal counsel representing the Board, George M. Papale.

At the Informal Conference Respondent acknowledged that there were occasions when she documented home health visits in the patients’ physical therapy progress notes on dates when the home health visit had not occurred. However, Ms. Altazan offered the explanation that she actually provided the physical therapy services to the patient on a day other than the one recorded. Ms. Altazan stated that agencies contracting to provide a home health services encourage such practices in order to schedule a designated number of patient visits for a particular work week. Ms. Altazan gave verbal assurances that, notwithstanding the incorrect documentation for the date the services were provided, that the patients received the correct number of home health visits which were authorized and gave further verbal assurances that no patients were billed for more home health visits than she had provided.

During the discussion of her complained of documentation practices, Ms. Altazan acknowledged that the standards of Physical Therapy practice and Board Rules require that the progress notes and other documentation relating to physical therapy services delivered to home health patients accurately reflect the services actually provided, including the date those services were provided. Ms. Altazan also acknowledged that her complained of conduct was violative of those Practice Standards and Board Rules. Following this discussion, Respondent expressed her intent to resolve the pending complaint on the terms of this Consent Order as verbally proposed by Board Member, Ms. Maize.

FACTUAL BASIS FOR CONSENT ORDER

Respondent, during the period of December, 2011 and March, 2012 recorded progress notes for three home health patients for physical therapy visits on dates when Ms. Altazan had not made a visit with the patient. Accepting as truthful Ms. Altazan's explanation, that she actually provided the service to the patients on dates which were different than the dates she recorded in the patients' records, such practice causes the patient records to be inaccurate and, where the record requires a patient's signature to verify the date of service, could implicate patient participation in the preparation of a false record.

CONCLUSIONS 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 and Board Rules regarding her practice of physical therapy:

1. The Board has authority to suspend or revoke a license which it has issued, or place probationary conditions upon such license, upon proof that conduct of the licensee is violative of the Louisiana Physical Therapy Practice Act or Rules of the Board. La. R. S. 37:2420 A and Rule § 343..
2. Pursuant to Board Rule § 341 B a licensee (PT or PTA) shall maintain accurate patient treatment and billing records and shall not falsify such records and violation of this Rule subjects a physical therapist assistant to disciplinary action under La. R. S. 37:2420 A 1.
3. Pursuant to Board Rule § 345, a physical therapist assistant who engages in unprofessional conduct, as further specified in Rules §345 B10 and as provided for by the APTA Code of Ethics, by making or participating in any communication which is false or which contains a false or misleading statement or claim is subject to disciplinary action under La. R. S. 37:2420 A 1 & 7
4. Pursuant to Rule § 345 B 1 "unprofessional conduct" as used in the Practice Act 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.
5. Respondent's conduct, as specified in the Factual Basis for Consent Order, violates Board Rules §§ 341 B and 345 B 10 and constitutes unprofessional conduct; and, accordingly, violates La. R. S. 37:2420A (1) and (7) of the Practice Act.

DECISION AND ORDER

Pursuant to the foregoing Factual Basis for Consent Order and the Conclusions of Law based thereon, and in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of a quorum, agree as follows:

A. Respondent's license as a physical therapist assistant is placed on probation for a period of three years ("probationary period"), beginning with the date of the Board's acceptance, during which probationary 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. 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.

D. 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 he/she 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.

E. The three-year probationary period shall be extended for any period of time in which the Respondent is not actively practicing physical therapy as a physical therapist assistant within the State of Louisiana and regularly working at least 20 hours per week as such. If Respondent ceases to be actively practicing as a physical therapist assistant in Louisiana, she shall notify the Executive Director in writing within 10 days of the last day on which Respondent has practiced physical therapy in Louisiana. Likewise, if Respondent returns to the practice of physical therapy within the State of Louisiana, she shall notify the Executive Director in writing within 10 days of her return to practice.

F. In addition to the usual continuing education required to maintain licensure, Respondent, during each of the three years of license probation, shall successfully complete continuing education courses on professional ethics (2 hours minimum) and on documentation of treatment (4 hours minimum), which additional courses on ethics and documentation have been approved in advance by the Board Executive Director. At least once during her probationary period, Respondent shall attend the Jurisprudence Course presented by the Board.

G. 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 December 21, 2012.

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, provided installment payments are arranged in advance on terms acceptable to the Executive Director.

I. Respondent declares that, before signing this Consent Order, she has carefully read the document, that she has had ample opportunity for review of same with 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 in a written administrative complaint, to have 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, judicial review and appeal; Dana Altazan nonetheless waves all of these rights and proceedings and, pursuant to La. R. S. 49:955 D and Board Rule § 335, agrees to the entry of this Consent Order.

J. Respondent authorizes the Board Member, Teresa Maize, PT and legal counsel assisting the 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 disclosure under La. R. S. 49:960 and expressly acknowledges that the disclosure of such information to the Board shall be without prejudice to the Board Member's authority to request the filing of 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 written notice of any allegations or charges asserted against her, to administrative adjudication of all such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law and thereafter to judicial review and appeal as in civil cases.

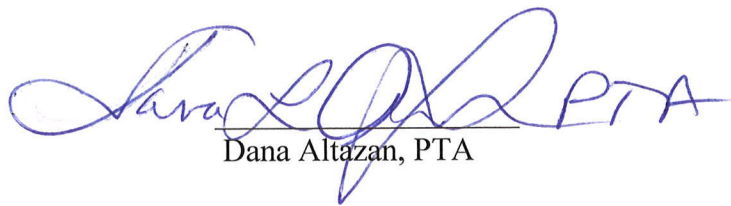
K. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair. Respondent further acknowledges that her failure to comply with any of the terms and conditions of this Consent Order shall, upon proof of such failure, be deemed adequate and sufficient cause for further disciplinary action by the Board, including, the revocation and cancellation of her license to practice physical therapy in the state of the Louisiana or for such other action as the Board may deem appropriate, as if such failure was enumerated among the causes provided in La. Rev. Stat. § 37:2420.

L. 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 with or fulfillment of any term or condition of this Consent Order.

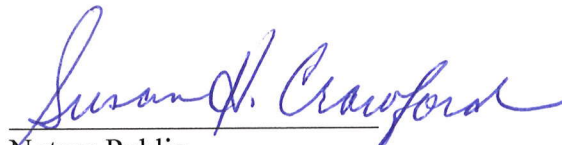
M. Respondent further agrees to appear before the Board relative to any question of compliance with this Order during the probationary period and as may be requested by the Board prior to the completion of the probationary period.

N. This Consent Order shall be deemed to be a public record.


Dana Altazan, PTA


SWORN TO AND SUBSCRIBED but for me the undersigned Notary Public on this 14th day of November, 2012.

East Baton Rouge Parish
State of Louisiana


Notary Public
Susan Heard Crawford
LA Bar Roll No: 28928

AGREED AND ACCEPTED by official action of the Board, this 5th day of December, 2012, at Lafayette, Louisiana.

LOUISIANA PHYSICAL THERAPY BOARD


Jerry Jones, Jr., PT, Chairman