
In the Matter of

* LOUISIANA PHYSICAL THERAPY BOARD

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MILES BECNEL, JR.

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PT License NO. 07819

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Case Number 2011-I-019

Respondent

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CONSENT ORDER

The Louisiana Physical Therapy Board (“Board”) received a complaint which asserted that physical therapy patients of a physical therapist working at the same location as Miles Becknel, PT (“Mr. Becnel or “Respondent”) repeatedly received various modalities of treatments administered by physical therapy technicians before a physical therapist had assessed the patient for that treatment session. The complaint also contained information which indicated that, on occasions, the technicians provided all of the treatments and the patients did not even see their physical therapist. The Board investigated this complaint. During the investigation of this complaint, the Board obtained information which not only confirmed the factual content of the complaint but also disclosed that Respondent was engaged in the same physical therapy practices which were the subject of the initial complaint against the other physical therapist.

Respondent was informed of this complaint and was requested to participate in an Informal Conference on April 27, 2011. Respondent appeared on that day and participated in the Informal Conference at the Board office in Lafayette with the Board Case Manager, Jerry Jones, Jr., PT, Executive Director, Cheryl Gaudin, and legal counsel representing the Board, George M. Papale.

At the Informal Conference Respondent acknowledged the facts of the complaint, including, physical therapy technicians, on multiple occasions, administering treatments to patients prior to Respondent assessing the patient for that treatment session; occasions where physical therapy technicians were administering treatments which were not under the continuous in-person supervision of Respondent.

After discussion, Respondent agreed to the terms of this Consent Order as proposed by Board Member, Jerry Jones, Jr., PT.

FINDINGS OF FACT

Respondent, on multiple occasions, allowed physical therapy technicians to provide treatment to his physical therapy patients before he or any other physical therapist had assessed the patient for that treatment session. On occasion, Respondent, as the supervising physical therapist, allowed physical therapy technicians to provide treatments to his patients without his

~~continuous in-person supervision and, on occasion, allowed technicians to perform certain modalities of treatment, such as therapeutic massage and stretching, for which modalities the technicians were not qualified to perform.~~^{MB}

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 regarding his 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 § 325.
2. Pursuant to Board Rule § 305 A in subpart (c) a physical therapist shall allow support personnel (technicians) to perform only those functions for which they have documented training and skills and shall only delegate portions of the treatment sessions to a technician after the physical therapist has assessed the patient's status.
3. Pursuant to Board Rule § 321 C (2), in all practice settings, during the provision of physical therapy services, the supervising physical therapist shall provide continuous in-person supervision of the physical therapy technician.
4. Pursuant to Rule § 327 E "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 Findings of Fact, violates Board Rules §§ Subpart (c) of 305 A ; 321 C (2) and constitutes unprofessional conduct as defined in Board Rule § 327 E ; and accordingly violates La. R. S. 37:2420A (1) and (7) of the Practice Act.

DECISION

Pursuant to the foregoing Findings of Fact in Conclusions of Law, 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 is placed on probation for three years, beginning May 18, 2011, during which period his physical therapy practice will be subject to random inspection and review for full legal compliance by a designated Board representative. Respondent and his employees are required to cooperate fully with these monitoring visits. During his three-year probationary period Respondent shall remit to the Board \$150 as

reimbursement for the expenses of each such monitoring visit to his practice.

B. 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 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 in Louisiana, he 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, he shall notify the Executive Director in writing within 10 days of his return to practice.

C. During each of the three years of license probation, Respondent shall successfully complete continuing education courses on professional ethics (4 hours minimum) which has 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 his probationary period, Respondent shall attend the Jurisprudence Course presented by the Board.

D. Respondent shall write an essay of no less than 750 words explaining how his conduct violated the Practice Act and Board rules and what he may have learned as a result of this disciplinary process. This essay shall be submitted to the Board Executive Director no later than July 18, 2011.

E. Respondent shall reimburse the Board the sum of \$750 for legal and investigative expenses, which payment shall be made to the Board within 60 days of the Board's acceptance of this Consent Order.

F. Respondent shall fully cooperate with the Board representatives seeking to verify or document that the requirements of this Consent Order have been met and that the payment of fees and costs assessed are timely paid.

G. Respondent declares that, before signing this Consent Order, he has carefully read the document, that he has had ample opportunity for review of same with legal counsel, that he understands the contents, and freely consents to it as valid and binding upon him. Recognizing his right to have notice of allegations or charges asserted against him 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; Miles Becnel 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.

H. Respondent authorizes the Board Case Manager, Jerry Jones, Jr., PT and legal counsel assisting the Case Manager, 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 Case Manager's authority to file a formal Administrative Complaint against him, 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 written notice of any allegations or charges asserted against him, 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.

I. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair and recognizes that his 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 with or fulfillment of any term or condition of this Consent Order.

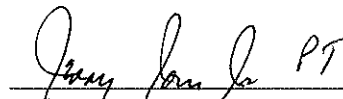
SWORN TO AND SUBSCRIBED on this 16th day of May, 2011.



Miles Becnel, PT

AGREED AND ACCEPTED by official action of the Board, this 18 day of May, 2011, at Lafayette, Louisiana.

LOUISIANA PHYSICAL THERAPY BOARD



Jerry Jones, Jr., PT, Chairman