

BEFORE THE ARKANSAS STATE BOARD OF PHYSICAL THERAPY

IN THE MATTER OF
JONATHAN GARNER

LICENSE #PTA 3809

CONSENT ORDER

The Arkansas State Board of Physical Therapy (“Board”) received a complaint regarding Jonathan Garner (“Respondent”), licensed Physical Therapy Assistant (“PTA”) alleging that Respondent engaged in improper billing practices. In lieu of a formal disciplinary hearing on this matter, and in the interest of prompt and speedy settlement of this matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, the undersigned parties enter into this Consent Order as a final disposition of this matter.

1. **Respondent and the Board agree to the following:** Respondent admits the Board’s Findings of Fact and Conclusions of Law.
2. Respondent, having read the proposed Consent Order, understands that he has the right to consult legal counsel prior to entering into this Consent Order, and enters into this Consent Order on Respondent’s own volition and without any reliance upon any representations by the Board or any officer, employee, agent, or other representative thereof, other than expressly set forth herein.
3. In lieu of a formal hearing on these issues, Respondent agrees to the issuance of the Consent Order and waives any further procedural steps including, without limitation, Respondent’s right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Order.

4. Respondent understands and acknowledges that this Consent Order and the Board's records concerning this matter are public records and available to the public pursuant to the Freedom of Information Act, Ark. Code Ann. § 25-19-101, *et seq.*
5. Respondent executes this Consent Order to resolve the pending matter, without further administrative action. Respondent agrees that the Board will review and determine whether to approve this Consent Order. Furthermore, Respondent agrees that should this Consent Order not be approved by the Board, the presentation and consideration of this Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of the matters involved herein at any subsequent hearing.
6. Respondent understands and agrees that approval and entry of this Consent Order shall not preclude additional proceedings by the Board against Respondent for acts or omissions not specifically addressed herein.
7. This Order shall not become a valid and enforceable order of this Board unless and until accepted and approved by the Board at an official meeting and executed by the Chair of the Board.

FINDINGS OF FACT

1. Respondent is a licensed physical therapist assistant in the State of Arkansas.
2. The Board received a complaint from Tracie Olivarez Perez, on behalf of Oasis Health Care Group LLC, about Respondent. Respondent served as the Physical Therapist Assistant/Director of Rehab at The Blossoms at West Dixon Rehab and Nursing Center before he was terminated.

3. Compliance at the facility that employed Respondent conducted a billing audit, and found that Respondent's labor start times were between 6:00 – 8:00 a.m. without corresponding logins to the clinical system, Respondent did not include his breaks/lunch on his labor log, and his user activity indicated he was at home during recorded labor hours. He did not have enough time on site to support his billing.
4. When compliance interviewed Respondent's patients, two reported not getting consistent treatment and one reported that Respondent "leaves early." One reported being billed for gait training and lower extremity exercises but did not receive those services from Respondent.
5. The facility found that the findings of improper billing and labor by Respondent were substantiated.
6. Respondent knowingly entered individual treatments for patients who received group sessions and admits to falsifying his labor.
7. Respondent admits that he improperly billed for labor and services that he did not perform.
8. Respondent was terminated for his improper billing.

CONCLUSIONS OF LAW

1. Respondent violated Ark. Code Ann. § 17-93-308(a)(3), by engaging in immoral or unprofessional conduct, when he improperly billed for labor and services not performed.
2. Respondent violated 17 CAR § 175-108(a)(2), by engaging in unprofessional conduct, when he improperly billed for labor and services not performed.

ORDER

THEREFORE, IT IS SO AGREED AND ORDERED THAT:

1. Respondent agrees, and the Board so Orders, that Respondent shall pay a penalty in the amount of two thousand (\$2,000.00) dollars to the Arkansas State Board of Physical Therapy no later than six (6) months from the date of this Order.
2. Respondent agrees, and the Board so Orders, that Respondent shall complete an ethics course(s). The course(s) must be for a minimum of 10 hours and Respondent must submit to Board staff sufficient documentation of his attendance no later than six (6) months from the date of this Order.

IT IS FURTHER ORDERED that the Board shall retain jurisdiction of this matter for purposes of implementing and enforcing this Consent Order.

IT IS SO ORDERED this 4th day of February, 2025.

Arkansas State Board of Physical Therapy

By: _____

Chair

AGREED TO BY:

By: Jon Garner _____

Jonathan Garner