

JOH. I. BEL EDWARDS
GOVERNOR



CHARLOTTE F. MARTINI, M.P.A.
EXECUTIVE DIRECTOR

State of Louisiana
DEPARTMENT OF HEALTH AND HOSPITALS
Louisiana Physical Therapy Board

IN THE MATTER OF

ALEXANDER CLAY COCKE, PT

LICENSE NO. 04820

CONSENT ORDER

NUMBER: 2011-I-016

AMENDING AND SUPERSEDING CONSENT ORDER

Mr. Alexander Clay Cocke, PT, ("Mr. Cocke" or "Respondent") initially came to the attention of the Louisiana Physical Therapy Board ("LPTB" or "Board") in 2008 when he tested positive for a controlled substance on a pre-employment examination at Ochsner Foundation Hospital in New Orleans. Mr. Cocke acknowledged that he had used cocaine one time a party the day before he had a job interview at Ochsner. Mr. Cocke entered into a Consent Order with the Board on October 10, 2008 which became effective on November 1, 2008. Thereafter, while Mr. Cocke was under the Consent Order and in violation thereof, he tested positive for cocaine from a specimen collected on August 19, 2011. On September 15, 2011, the Board acted to summarily suspend Mr. Cocke's physical therapy license on that date, citing protection of public health, safety, and welfare as cause for emergency action in response to evidence of cocaine abuse and addiction. On October 12, 2011, Mr. Cocke entered into a second Consent Order with the Board which became effective on October 27, 2011. On or about December 31, 2011, and prior to fulfilling the requirements found within the section entitled "Order" of the Consent Order dated October 27, 2011, Mr. Cocke's license lapsed.

WHEREAS, Mr. Cocke has not fulfilled terms and conditions found within the October 12, 2011 Consent Order;

WHEREAS, Mr. Cocke further acknowledges that his physical therapy license lapsed on or about December 31, 2011, and he has not practiced physical therapy since his summary suspension on September 15, 2011.

WHEREAS, Mr. Cocke is seeking reinstatement of his physical therapy license notwithstanding his lack of fulfillment of the conditions of his prior Consent Orders and his lack of practicing physical therapy since September 15, 2011

NOW, THEREFORE, in order to address Mr. Cocke's application for reinstatement pursuant to La. R.S. 37:2417 and Board Rule §§187 and 365, the unfulfilled conditions of the prior consent orders, and the fact that he has not engaged in the practice of physical therapy since September 15, 2011, the Board and Mr. Cocke agree to the terms, conditions, and sanctions included in this *Amending and Superseding Consent Order* as a means for addressing unfulfilled conditions of prior consent orders and his long absence from Physical Therapy Practice.

FACTUAL BASIS FOR CONSENT ORDER

1. Respondent received his physical therapy license, number 04280, on or about March 28, 2001.
2. On or about October 10, 2008, Mr. Cocke entered into a Consent Order following a positive drug test for cocaine on a pre-employment examination at Ochsner Foundation Hospital in New Orleans. The Consent Order is incorporated herein *in extenso*.
3. Thereafter, while Mr. Cocke was under the Consent Order, he tested positive for cocaine from a specimen collected on August 19, 2011.
4. On September 15, 2011, the Board acted to summarily suspend Mr. Cocke's physical therapy license on that date, citing protection of public health, safety, and welfare as cause for emergency action in response to evidence of cocaine abuse and addiction.
5. On October 12, 2011, Mr. Cocke entered into his second Consent Order which became effective on October 27, 2011 and is incorporated herein *in extenso*.
6. On or about December 31, 2011, and prior to fulfilling the requirements found within the section entitled "Order" of the Consent Order dated October 27, 2011, Mr. Cocke's license lapsed.
7. On or about November 6, 2016, Mr. Cocke contacted Charlotte Martin, Executive Director of the Louisiana Physical Therapy Board, stated that he was interested in reinstating his license, and inquired about the necessary action to begin the process of reinstatement.
8. Mrs. Martin informed him that he was not in compliance with the October 27, 2011 Consent Order. Specifically, Mr. Cocke failed to reimburse the Board, a requirement found within Paragraph "F" of the October 10, 2008 Consent Order and Paragraph "A" of the October 27, 2011 Consent Order. In addition, Respondent failed to fulfill Paragraphs "B", "C", "F", "H", "J", "K", " of the October 27, 2011 Consent Order mandating completion of a one (1) year suspension period, completion of a five (5) year probationary period after completion of the suspension period, submit to and fully cooperated with a

psychological and substance abuse evaluation and testing and comply with any recommendation there from, random drug tests, bi-weekly Alcoholics Anonymous/Narcotics Anonymous meetings, and submission of a 750 word essay explaining how his conduct violated the Practice Act and Board rules;

9. Per Mrs. Martin's recommendation, and in an effort to become compliant with some of the terms of the 2011 Consent Order, Mr. Cocke reimbursed the Board \$4,000.00 on or about November 28, 2016, submitted a 750 word essay on or about December 20, 2016, and submitted to a psychological and substance abuse evaluation on or about December 8, 2016.
10. On or about January 18, 2017 Respondent submitted to a HairStat 10 + Bup drug test. Respondent's test results were negative for all illegal substances.
11. In order to address Respondents application for reinstatement pursuant to La. R.S. 37:2417 and Board Rule §§187 and 365, the unfulfilled conditions of the prior consent orders, and the fact that he has not engaged in the practice of physical therapy since September 15, 2011, the Board and Mr. Cocke agree to the terms, conditions, and sanctions included in this *Amending and Superseding Consent Order* as a means for addressing unfulfilled conditions of prior consent orders and his long absence from Physical Therapy Practice

VIOLATIONS RELATED TO RESPONDENT'S CONDUCT

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:

- A. The Board has the authority to suspend or revoke a professional license which it has issued, or place probationary conditions upon such license, upon proof that the licensee has practiced physical therapy in violation of the Practice Act, Board Rules, or standards of practice. La. R.S. 37:2420A(1) and Board Rule §343.
- B. The Board has continuing jurisdiction and may take warranted disciplinary action against a lapsed license.
- C. By failing to comply with the terms of the 2011 Consent Order, Respondent is subject to further disciplinary action by the Board as specified in Paragraph "P" of the Consent Order.

ORDER

Pursuant to the foregoing Factual Basis for Consent Order and Violations Related to Respondent's Conduct, and, in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of quorum, agree as follows:

1. Respondent's physical therapy license is suspended for a minimum period of one (1) year beginning on the date of Board acceptance of the Consent Order or reinstatement of Respondent's license, whichever is later. Three (3) months prior to the termination of the suspension period, Respondent shall abstain from any and all opiate replacement therapies as mandated in Paragraph "10". Failure to establish compliance with Paragraph "10" shall result in an extension of the suspension period until such compliance can be established. Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of suspension period a request for a letter from the Board formally acknowledging the close of the suspension period. Respondent's suspension period concludes upon receipt by respondent of the Board a letter acknowledging the close of the suspension period;
2. Respondent's physical therapy license is on probation for a minimum period of five (5) years from the date the suspension period concludes as specified in the formal letter of closure provided to the Respondent in accordance with Paragraph "1". Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of probationary period a request for a letter from the Board formally acknowledging the close of the probationary period. Respondent's probationary period concludes upon receipt by respondent of the Board a letter acknowledging the close of the probationary period and final exit interview with the Board to be scheduled by the Board Executive Director;
3. During the five (5) year probationary period Respondent shall fully cooperate with the Board representatives making random unannounced monitoring visits to his work sites and shall provide complete access to his place of employment, employment and/or business records, patient treatment and billing records, and all other documentation necessary for a full legal compliance review. Respondent shall reimburse the Board \$150.00 for each such monitoring visit by the deadline provided for payment following each visit;
4. Respondent shall provide a copy of this Consent Order to his employer(s) and direct supervisor(s) before providing services to that employer and shall have the employer(s) and direct supervisor(s) notify the Executive Director in writing that he has received and reviewed a copy of this Consent Order prior to Respondent providing physical therapy services within (5) calendar days of reviewing. Respondent shall do this also with any new or subsequent employer(s) and direct supervisor(s) during the probationary period;
5. Respondent shall submit to the Board Executive Director a written request for approval of any work setting prior to accepting work. Once the setting is approved, Respondent shall

notify the Executive Director in writing of all employment and/or contractual service arrangements which he has to work as a physical therapist within five (5) calendar days of securing employment or contractual service arrangements. Respondent shall do this also with any and all changes in such arrangements.

6. The five (5) year probation period shall be extended for any period of time in which Respondent is not employed as a physical therapist within the State of Louisiana and regularly working at least *twenty (20) hours* each week as such. If Respondent ceases to be regularly employed as a physical therapist in Louisiana, he shall notify the Executive Director in writing within *five (5) calendar days* of the last date he has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist within the State of Louisiana, he shall notify the Executive Director in writing within *five (5) calendar days* of his return to practice;
7. In addition to the requirements for reinstatement of a lapsed license found within Rule §187 and the thirty (30) hours of board-approved continuing education courses or activities required in the biennial renewal period under Rule §194, during each of the one (1) year suspension and five (5) years of probation, Respondent shall complete an additional four (4) hours of continuing education courses in Ethics per renewal period. Respondent shall also complete an additional ten (10) Continuing Education hours of Professional Conduct/Development per renewal period. The Ethics and Professional Conduct/Development courses shall be submitted in writing to the Board Executive Director for approval prior to taking the course. Respondent shall also attend one (1) live Jurisprudence Seminar per renewal period. Respondent shall provide documentation in the form of a course completion certificate to the Executive Director within five (5) calendar days of receipt of such documentation;
8. Respondent shall pay the Board the sum of \$605.00 in partial reimbursement for legal and administrative expenses incurred in this matter, this amount may be paid in a lump sum, or monthly installments, if arranged in writing in advance with the Executive Director, over the one (1) year suspension and two (2) year probationary periods. Failure to provide payment by the deadlines set forth in the written payment agreement may result in further disciplinary action by the Board;
9. During the entirety of the suspension and probation periods, Respondent shall abstain from the use and ingestion by any means of alcohol, including, but not limited to, foodstuffs, beverages, or toiletries containing alcohol; mood altering substances; any controlled substance as defined by Louisiana and federal laws; or any drugs requiring a prescription unless lawfully prescribed by an individual legally authorized to prescribe medications and knowledgeable of Respondent's substance abuse history. Respondent shall also abstain from foodstuffs containing poppy seeds, hemp products, herbal or health preparations containing derivatives of controlled substances, and all over-the-counter medications, unless authorized in writing by a physician knowledgeable of Respondent's substance abuse history, except plain aspirin, plain acetaminophen, or ibuprofen. If Respondent is prescribed or authorized in writing a mood altering substance, controlled substance, drug,

or over-the-counter medication, or administered such by physician order, Respondent shall within five (5) calendar days of obtaining such a prescription/medication provide the following in writing to the Executive Director:

- i. Documentation of the prescription or written authorization;
- ii. Witten explanation of the condition for which the medication is prescribed;
- iii. Contact information for the prescribing or authorizing physician;
- iv. Names and contact information for the following:
 1. Prescribing/authorizing healthcare provider;
 2. The pharmacy where the prescription has been filled, if applicable;
 3. The pharmacist filling the prescription, if applicable.

10. For three (3) months prior to and during the entirety of the probationary period, Respondent shall abstain from any and all opiate replacement therapies, including, but not limited to, Methadone and Buprenorphine;
11. Within five (5) calendar days of Board approval of this Consent Order and during the entirety of the probation period, Respondent shall provide the Executive Director the name, telephone number, and address for all physicians or other healthcare providers who are treating him during his probationary period and a listing of all medication he is prescribed for any medical condition. Respondent shall inform any and all physicians or other healthcare providers who are treating him during his probationary period of his Consent Order, participation in the Recovering Physical Therapy Program, and ordered abstinence. In addition, Respondent shall request in writing that this information be included in his medical file. Respondent shall provide copies of all written requests to physicians or other healthcare providers within five (5) calendar days of Board approval of this Consent Order.
12. By signing this document Respondent authorizes his treating physicians to provide information on his diagnosis treatment and prescriptions and communicate with the Board Executive Director or board agent.
13. In the event that Respondent ingests alcohol, mood altering substances, any controlled dangerous substance as defined by Louisiana and federal laws, and/or any other substance specified in Paragraph "9" during the one (1) year suspension and five (5) year probationary period, Respondent shall immediately cease practice, if applicable, and shall notify the Executive Director of the Board in writing within twenty-four (24) hours of ingestion;
14. Respondent shall comply with the requests of the Board or its designated agent for random drug and/or alcohol tests. Respondent is responsible for the cost of all testing. If tested by any other entity at any time during the probationary period, Respondent shall authorize and direct said entity or individual to furnish the Board Executive Director with a copy of the results for all drug and/or alcohol tests within twenty-four (24) hours of receipt of the test results.
15. During the suspension and probationary period, if any drug or alcohol test of Respondent results in a positive finding for alcohol, mood altering substance, controlled dangerous

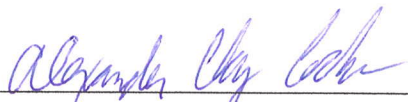
substance, and/or any substance specified in Paragraph "9" taken without a valid prescription or authorization in accordance with Paragraph "9", or medication utilized in opiate replacement therapy in accordance with Paragraph "10", Respondent's license shall automatically and summarily be suspended without further action by the Board, subject to Respondent's right to a full due process hearing before the Board within a reasonable time period;

16. During Respondent's license probation, Respondent shall avoid all situations and environments where others are utilizing illegal substances. In the event that Respondent finds himself in a situation or environment where others are utilizing illegal substances, Respondent shall notify the Board Executive Director within twenty-four (24) hours of such occurrence;
17. For the entirety of the suspension and probation period, Respondent shall attend a minimum of one (1) meeting per week of Alcoholics Anonymous, Narcotics Anonymous or other recovery support programs. Respondent shall obtain a 12-step sponsor and document attendance on Board-provided forms. Completed forms shall be submitted monthly to the Board Executive Director no later than the 15th day of the month following the month of meeting attendance. Forms may be submitted via FAX, mail or email attachment;
18. During the suspension and probationary period, Respondent shall attend a minimum of (1) one monthly individual counseling session with a Board approved substance abuse counseling professional. Respondent shall direct the approved substance abuse counseling professional to submit quarterly progress reports to the Board no later than the 15th day of the month in May, August, November, and February for the entirety of the probationary period.
19. During the suspension and probationary period, Respondent shall attend a minimum of (1) one monthly individual counseling session with a Board approved therapist to aid him in gaining a full understanding of his personality dynamics and motivations in daily interactions. Respondent shall direct the Board approved therapist to submit quarterly progress reports to the Board no later than the 15th day of the month in May, August, November, and February for the entirety of the probationary period.
20. During the probationary period, Respondent shall promptly comply, as directed, with the requests of the Board or its designated agent to obtain and provide to the Board Prescription Monitoring Program ("PMP") reports at his expense. Respondent shall provide the Executive Director of the Board with the PMP report within five (5) calendar days of request by the Board or its designated agent;
21. Respondent shall comply with Board Rule §363 and notify the Executive Director of the Louisiana Physical Therapy Board in writing and prior to a change of residence to another country, state, or jurisdiction. Upon relocation, all provisions of this Consent Order, except Paragraph "8" pertaining to reimbursement of legal and administrative expenses, are

suspended until Respondent again resides within Louisiana, notifies the Executive Director of his Louisiana residence, and receives written confirmation from the Executive Director;

22. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the probationary period, and shall fully cooperate in providing information and documents requested by the Board, or the Board's representative;
23. Respondent shall have reliable access to a computer, internet, and telephone. In accordance with Board Rule §385 Respondent shall provide to the executive director their preferred telephone number and/or email address in writing for expedited communications regarding compliance with board order within forty-eight (48) hours of signing the Consent Order and within forty-eight (48) hours following any such change throughout the entirety of the probationary period. Respondent shall reply to Board emails and telephone calls within four (4) hours of such communication.
24. Respondent declares that, before signing this Consent Order, he is of sound mind and has carefully read this document, understands the contents, and freely consents to it as valid and binding upon him. He is aware of his right to a notice of hearing, to a formal administrative hearing and to judicial review of an administrative finding, and freely waives those rights. Respondent has waived his right to counsel;
25. Respondent acknowledges that his failure to comply with any term of this Consent Order is a basis for immediate summary suspension of his license and for further disciplinary action by the Board;
26. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;
27. Respondent authorizes the Investigating Board Member, Donald Cassano, PT, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose 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 Investigative Board Member'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 notice of any allegations or charges against him, to administrative adjudication of such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law;
28. Respondent acknowledges that presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board, or any of its members, from further participation in hearings or resolution to these proceedings;


29. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair; and
30. Respondent acknowledges that 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 proof of compliance or commitment. Respondent acknowledges that it is the responsibility of the Respondent to fully comply with the Consent Order and proactively communicate with the Board Executive Director.



Alexander Clay Cocke, PT

SWORN TO and subscribed before me, Notary Public 21 day of February, 2017
Metairie, Louisiana.

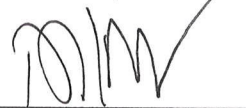
STACY SASS
Notary Public #89009
State of Louisiana
My Commission is for Life



Notary Public

AGREED AND ACCEPTED by official action of the Board, the 22 day of March,
2017, at Lafayette, Louisiana.

Louisiana Physical Therapy Board



Donald Cassano, P.T., Chair