



State of Louisiana

Board of Physical Therapy Examiners

120 REPRESENTATIVE ROW

P. O. BOX 80703

LAFAYETTE, LA 70598-0703

318/235-1462

In The Matter Of	-	CONSENT ORDER
CHARLES E. JACKSON, P.T.	-	-----
License No. 1438	-	ADMINISTRATIVE CASE NO.
Respondent	-	92-100

TO: Charles E. Jackson, P.T.
c/o Mr. John M. Madison, Jr.
Wiener, Weiss, Madison & Howell
P. O. Box 21990
Shreveport, Louisiana 71120-1990

An Administrative Hearing was convened before the Louisiana State Board of Physical Therapy Examiners (the "Board") on March 26, 1992, to discuss alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, Charles E. Jackson ("Jackson") to-wit: "practicing physical therapy in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act," La. Rev. Stat., Title 37, Section 2413A(1); violating provisions of the Physical Therapy Practice Act, La. Rev. Stat., Title 37, Sections 2402A, 2413A(7) and 2414(2), (3) and (4); and for violating the Rules and Regulations promulgated by the Board, Rules and Regulations, Title 46, Sections 307 and 321 et seq.

In attendance, at the Administrative Hearing was Respondent, Charles E. Jackson, and John M. Madison, Jr., Respondent's attorney; Dwight A. Tietjen, Respondent's employer; Sharon Toups, Gregory Ward and Rebecca B. Lege', Board members; and Michael A. Tomino, Jr., attorney for the Board.

Upon consideration of the discussion and evidence presented at the Administrative Hearing, this Consent Order, effective April 1, 1992, is voluntarily entered into by and between the Board and Respondent, Charles E. Jackson:

FINDINGS OF FACT

1. Respondent, Charles E. Jackson, is a physical therapist duly licensed by the Board to practice as a physical therapist in the State of Louisiana pursuant to the Physical Therapy Practice Act of Louisiana, LSA R.S. 37:2401 et seq., as evidenced by License No. 1438.

2. A formal Administrative Hearing, case number 91-103, was convened before the Board on January 23, 1992, to adjudicate alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent.

3. In accordance with due process, and upon consideration of the evidence presented, the Board rendered a Final Decision, dated January 30, 1992.

4. Pursuant to the Final Decision, the Board entered judgment against the Respondent whereby his license to practice physical therapy was suspended for thirty (30) days effective on the date of renewal and/or reinstatement for 1992 or within five (5) days of his receipt of the Final Decision, whichever was later, for violating the Physical Therapy Practice Act, more particularly practicing without a temporary permit or license, and practicing without proper supervision. The Final Decision is incorporated herein by reference.

5. The Final Decision was mailed to Respondent on February 4, 1992, by certified mail, return receipt requested. The executed return receipt was thereafter received by the Board.

6. By letter dated February 9, 1992, Respondent petitioned the Board for a rehearing or reconsideration of its Final Decision. Respondent's letter was received by the Board on February 12, 1992. Additionally, Respondent in his letter requested a renewal of his license and enclosed the appropriate fee.

7. Pursuant to the Board's Final Decision, Respondent's renewed license was stamped with the sanctions set forth in the

Final Decision. Effective February 14, 1992, through March 14, 1992, Respondent's license was under suspension. In addition, the probationary terms were stamped on the license which would become effective subsequent to the suspension period. Respondent's license with the stamped sanctions thereon was mailed to him certified mail, return receipt requested on February 13, 1992. The executed return receipt was thereafter received by the Board verifying that Respondent received his renewed license.

8. Pursuant to the Final Decision, the Board ordered that "Jackson's failure to comply with any of the terms of this Order shall be deemed just cause for the suspension or revocation of Jackson's licensure, or any other disciplinary action, as if such violation were enumerated among the causes provided in LSA R.S. 37:2413 and the Rules and Regulations promulgated by the Board."

9. On February 19, 1992, through February 27, 1992, Respondent practiced physical therapy on a patient and/or patients of Garden Park Nursing Home during the period of time that his license was under suspension, i.e., not a lawfully issued, current and valid license, and in violation of the Final Decision rendered by the Board, dated January 30, 1992.

10. Respondent voluntarily agrees to the above Findings of Fact and Terms of Consent Order.

TERMS OF CONSENT ORDER

Based upon the foregoing Findings of Fact, Respondent and the Board, by vote of the quorum, mutually agree to the following:

1. Effective April 1, 1992, through April 30, 1992, Jackson's license to practice physical therapy shall be suspended for violating the Physical Therapy Practice Act as set forth above.

2. Jackson's license to practice physical therapy, immediately subsequent to his compliance with the thirty (30) day suspension, shall be placed on probation for twenty-three (23) consecutive months. This probation shall be unsupervised and shall supersede the terms of the probation set forth in the Final Decision dated January 30, 1992.

3. During the enforcement of the suspension, Jackson may not practice physical therapy in any health care setting as a physical therapist or physical therapy supportive personnel.

4. During the entire probation period, Jackson is to be available for meetings with the Board or a representative committee of the Board upon reasonable notice.

5. At the end of the probation period, Jackson shall meet with the Board or a representative committee of the Board to discuss compliance with the probation.

6. During the probation period, Jackson shall not supervise a physical therapy student or temporary permit holder.

7. Jackson's failure to comply with any of the terms of this Order shall be deemed just cause for the suspension or revocation of Jackson's licensure, or any other disciplinary action, as if such violation were enumerated among the causes provided in LSA R.S. 37:2413 and the Rules and Regulations promulgated by the Board.

8. Jackson shall return his license to the Board office within five (5) days of the effective date of the Consent Order for the sanctions to be stamped on his license.

9. If Jackson ceases to practice physical therapy in Louisiana, or does not practice continuously, for the term of his probation, the effect of the probationary practice shall be suspended for the duration of the cessation. Jackson may timely petition the Board in writing for review of this matter on the basis of personal hardship or other necessitous circumstances. The Board in its discretion may alter the terms of this provision depending upon the facts of the matter. "Timely" shall mean prior to the cessation or within five (5) days after the commencement of the cessation.

10. The existence and terms of this Consent Order will not be confidential or privileged information.

11. Each party shall bear the burden of paying their respective attorney's fees; however, Jackson is to pay for the costs incurred in this matter.

12. Jackson hereby releases the Board, its representatives and attorney from any obligations or liability in their endeavors to administer this Consent Order.

THUS DONE AND PASSED on the 8th day of April, 1992, at the City of Shreveport, Parish of Caddo, Louisiana, in the presence of the two undersigned competent witnesses, who hereunto sign their names with appearer and me, Notary, after due reading of the whole.

WITNESSES

Ann Garrett

Cynthia M. Sater

Charles E. Jackson
Charles E. Jackson

John J.
Notary Public

THUS DONE AND PASSED on the 1st day of April, 1992, at the City of Lafayette, Parish of Lafayette, Louisiana, in the presence of the two undersigned competent witnesses, who hereunto sign their names with appearer and me, Notary, after due reading of the whole.

WITNESSES

Diane P. Brejean

Dinger S. Swan

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

BY:

Rebecca B. Lege, P.T.
Rebecca B. Lege, P.T.
Chairman ad hoc

Michael J. Lomax
Notary Public