



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

2014 WEST PINHOOK ROAD, SUITE 701
LAFAYETTE, LA 70508
318/262-1043
FAX 318/262-1054
August 5, 1999

Mr. Jimmy Harris
1309 Hunter Crossing
Bossier City, LA 71111

RE: In the matter of Jimmy Harris
License No. 03204
Administrative Case No. 99-0011

Dear Jimmy:

Enclosed please find a copy of the Consent Order, Waiver of Recussal and Affidavit that you signed regarding the above referenced matter. Also, enclosed please find the original letter written by you to Mr. Simpson. You need to mail this letter to Mr. Simpson certified, return receipt requested. Upon your receipt of the signed green card, please forward a copy to my office. Additionally, as per our discussions, I will need to be in receipt of your 1999 renewal card on or before September 1, 1999 when your suspension period begins. Should you have any questions or comments, please do not hesitate to contact me.

With best wishes, I remain

Very truly yours,
A handwritten signature in cursive script, appearing to read "Michael A. Tomino, Jr.".

Michael A. Tomino, Jr.

MAT/ram
Enclosures



State of Louisiana
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LAFAYETTE, LA 70508
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In the Matter of
JIMMY HARRIS, P.T.
License No. 03204
Respondent

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CONSENT ORDER

ADMINISTRATIVE CASE NO.
99-0011

A Formal Evidentiary Hearing was scheduled before the Louisiana State Board of Physical Therapy Examiners (the "Board") on July 29, 1999, to address alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, Jimmy Harris, P.T. ("Harris"), 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," LSA R.S. 37:2413A(1) and 37:2414 (4); violating provisions of the Physical Therapy Practice Act, LSA R.S. 37:2413 A (7) by engaging in unprofessional conduct; and for violating the Rules and Regulations promulgated by the Board and the Code of Ethics of the American Physical Therapy Association , Rules and Regulations, Title 46, Sections 305B, 323, 327E and 325 *et seq.*

In attendance, at the Pre-hearing Conference were Respondent, Jimmy Harris, P.T.; the Complainant, Gail Pearce, P.T.; and Michael A. Tomino, Jr., attorney for the Board.

Upon consideration and discussion and evidence presented at the Conference and thereafter to the Board, this Consent Order, effective July 29, 1999, is voluntarily entered into by and between Respondent, Jimmy Harris, P.T. and the Board which was comprised of Sharon Touns, Gregory Ward and Becky Lege' for the purposes of this proceeding.

FINDINGS OF FACT

1. Respondent, Jimmy Harris, P.T., is a physical therapist possessing Louisiana License No. 03204 issued by the Board to practice physical therapy in the State of Louisiana in 1998 through the date of the filing of this Administrative Complaint pursuant to the Physical Therapy Practice Act of Louisiana, LSA R.S. 37:2401 *et seq.*

2. Respondent practiced physical therapy while employed at or under contract with Ark-La-Tex Home Health, located in Bossier City, Louisiana at pertinent times, more particularly May 29, 1998.

3. Respondent documented providing physical therapy services to a patient in her home at all pertinent times herein, more particularly May 29, 1998.

4. The home health patient who was documented for receiving physical therapy, and was billed for same, on May 29, 1998 was brought to a nursing home earlier that day and, in fact, did not receive such physical therapy treatment.

5. Respondent forged the patient's signature to the physical therapy documentation for such visit on May 29, 1998 referenced above.

6. Respondent will apologize in writing to the home health patient and the home health patient has not been billed for the incident which occurred on May 29, 1998.

CONCLUSION OF LAW

7. Respondent, as a person licensed to practice physical therapy, engaged in unprofessional conduct in violation of the law. LSA R.S. 37:2413 A (7); and Rules and Regulations, Title 46, Sections 305B, 327 E and 325 et seq.

8. Respondent, as a person licensed to practice physical therapy violated provisions of the Physical Therapy Practice Act and the Rules and Regulations promulgated by the Board which includes the American Physical Therapy Association's Code of Ethics, more particularly Principle 5. LSA R.S. 37:2413 A (1) and 37:2414(4); and Rules and Regulations, Title 46, Sections 305B, 323 and 325 et seq.

9. Respondent's violations of the provisions of the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated thereto constitute lawful grounds for the Louisiana State Board of Physical Therapy Examiners, upon due notice of hearing and proof of such violations, to suspend or revoke Respondent's license or other disciplinary action as provided by law. LSA R.S. 37:2413 A(1), 37:2413 A(7) and 37:2414 (4); and Rules and Regulations, Title 46, Sections 305B, 323, 327 E and 325 et seq.

DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, Respondent and

the Board, by vote of the quorum, mutually agree to the following:

1. Respondent is hereby suspended for thirty (30) days beginning September 1, 1999 through September 30, 1999. Respondent is also placed on "Probation" for two (2) consecutive years beginning October 1, 1999 through September 30, 2001.
2. During the period of suspension referenced in this Consent Order, Respondent shall not engage in the clinical practice of physical therapy or perform administrative duties in any capacity in a rehabilitation environment or facility.
3. During Respondent's two (2) consecutive years probationary period, Respondent shall not supervise students or permittees; however, Respondent is allowed to supervise physical therapy supportive personnel.
4. Within five (5) days of the effective date of this Consent Order, Respondent shall submit a signed Affidavit to the Board that he has read the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated thereto.
5. Respondent shall pay the costs associated with this proceeding.
6. Respondent's failure to comply with any of the terms of this Order shall be deemed just cause for the suspension or revocation of Respondent'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 by the Board.
7. The existence and terms of this Consent Order will not be confidential or privileged information.
8. Respondent hereby releases the Board, its representatives and attorney from any obligations or liability in their endeavors to administer this Consent Order.
9. The effective date of this Consent Order shall be July 29, 1999, if Respondent executes and returns the Consent Order to the Board and surrenders his 1999 Renewal Card on or before July 29, 1999.
10. During the entire probation period, Respondent is to be available for meetings with the Board or a representative committee of the Board upon reasonable notice.
11. At the end of the probation period, Respondent shall meet with the Board or a representative committee of the Board to discuss compliance with this Consent Order.
12. If Respondent 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. Respondent 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.

13. During the probationary period, Respondent shall be issued a Renewal Card with the appropriate sanction of "Probation" stamped thereon in accordance with the terms set forth in this Consent Order.

14. Respondent declares that, before signing this Consent Order, he has carefully read this document, he knows and understands the contents thereof, he signs it as an act of his own free will, he understands its meaning and effect, he has had the opportunity to retain counsel if he so chose, he waives all rights to a formal public hearing and he consents to this Order.

THUS DONE AND PASSED, on the 27th day of July, 1999, at the City of Laplace, Parish of Cadichon, 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:

Joseph A. Allen
Chief Judge

Jimmy Harris P.T.
Jimmy Harris, P.T.

Michael G. J.
Notary Public

AGREED TO AND ACCEPTED this 27th day of July, 1999

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

Becky Lege' P.T.
Becky Lege', P.T.



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

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**In the Matter of
 JIMMY HARRIS, P.T.
 License No. 03204
 Respondent**

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**WAIVER OF RECUSAL

 ADMINISTRATIVE CASE NO.
 99-0011**

I, Jimmy Harris, P.T., as a condition precedent to entering into a proposed Consent Order with the Louisiana State Board of Physical Therapy Examiners (the "Board"), hereby acknowledge and understand that upon submission of the proposed Consent Order to the Board which is recommended by the Complainant, Gail Pearce, P.T. and Michael A. Tomino, Jr., attorney for the Board, certain information may be presented to the Board with regards to the details of my case. It is further acknowledged and understood that in the event the Board is not agreeable to enter into the proposed Consent Order and an Administrative Hearing is conducted as currently scheduled, the Board which will be presiding over my case will possibly have heard information which may later be submitted at the scheduled hearing. If such hearing occurs, it is the purpose of this Waiver of Recusal to waive any rights that I may have to recuse or remove any or all members of the Board for the purposes of Administrative Hearing in the event the proposed Consent Order is not agreed to by the Board or if I withdraw my consent to the Consent Order prior to its final approval.

I understand my rights and the effect of this Waiver of Recusal and hereby enter into it voluntarily.

Lafayette, Louisiana, this 29th day of July, 1999.

Jimmy Harris P.T.
 Jimmy Harris, P.T.



State of Louisiana
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AFFIDAVIT

STATE OF LOUISIANA

PARISH OF

Lafayette

BEFORE ME, the undersigned authority, personally came and appeared, JIMMY HARRIS, P.T., who after being first duly sworn did depose and say: he has read and understands the Physical Therapy Practice Act of Louisiana and the Rules and Regulations.

Jimmy Harris P.T.
JIMMY HARRIS, P.T.

SWORN TO AND SUBSCRIBED BEFORE ME
on this 29th day of July, 1999.

Michael C. Day
Notary Public

DEAR MR. SIMPSON,

My NAME IS Jimmy HARRIS. I AM THE PT
THERAPIST WHO WAS SEEING YOU DURING YOUR HEALTH
REHABILITATION. I HOPE YOU HAVE BEEN
WELL SINCE WE LAST SPOKE AT PILGRIM MANOR
LIVING HOME. I WOULD, AGAIN, LIKE TO EXTEND MY
SINCERE APOLOGY FOR DOCUMENTING A VISIT WITH YOU
THAT DID NOT OCCUR. I AM GLAD THIS MATTER WAS RESOLVED
& I APPRECIATED YOUR SINCERE KINDNESS WHEN
IT WAS BROUGHT UP. I VERY MUCH ENJOYED WORKING WITH YOU, AND
WOULD NOT WANT TO DO ANYTHING TO DESTROY THAT
RELATIONSHIP. AS I SAID ABOVE, I HOPE YOU ARE
DOING WELL, AND I PRAY YOU CONTINUE IN GOOD HEALTH.

WITH BEST REGARDS,

Jimmy HARRIS P.T.