



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

In the Matter of
BRETT DOMANGUE, P.T.
License No. 02354
Respondent

-
-
-
-
-

CONSENT ORDER

ADMINISTRATIVE CASE NO.
96-112

A Formal Evidentiary Hearing was scheduled before the Louisiana State Board of Physical Therapy Examiners (the "Board") on May 23, 1996, to address alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, Brett Domangue, P.T. ("Domangue"), 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); violating provisions of the Physical Therapy Practice Act, LSA R.S. 37:2402A, 37:2407A, and 37:2414(2); and for violating the Rules and Regulations promulgated by the Board, Rules and Regulations, Title 46, Sections 165A, 307A and 325 et seq.

In attendance, at the Pre-hearing Conference were Respondent, Brett Domangue; the Complainant, Sharon A. Touns, P.T.; and Michael A. Tomino, Jr., attorney for the Board.

Upon consideration of the discussion and evidence presented at the Conference and thereafter to the Board, this Consent Order, effective May 23, 1996, is voluntarily entered into by and between the Respondent, Brett Domangue, and the Board, which was comprised of Lana I. Wilson, Rebecca B. Lege, Gregory Ward and Paul A. Lamothe, Jr. for the purposes of this proceeding:

FINDINGS OF FACT

1. Respondent, Brett Domangue, P.T., was a physical therapist possessing Louisiana License No. 02354 issued by the Board to practice physical therapy in the State of Louisiana in 1995 pursuant to the Physical Therapy Practice Act of Louisiana, LSA R.S. 37:2401 et seq.

2. Respondent failed to timely renew his license for the calendar year of 1996.

3. Respondent failed to annually renew on or before December 31, 1995, by failing to submit to the Board an application for renewal together with the renewal fee prescribed by the Board's Rules and Regulations.

4. Respondent practiced physical therapy at Columbia Lakeview Regional Medical Center in Covington, Louisiana, beginning on or about January 1, 1996, through January 12, 1996.

5. Respondent practiced physical therapy in the State of Louisiana without a license issued by the Board beginning January 1, 1996, through January 12, 1996.

6. Respondent failed to timely renew his license to practice physical therapy for the calendar year 1996 in violation of the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated by the Board.

CONCLUSIONS OF LAW

7. Respondent practiced, held himself out, or designated himself, as a physical therapist licensed by the Board. LSA R.S. 37:2402A, 37:2414(2) and 37:2413A(1); and Rules and Regulations, Title 46, Sections 307A and 325 et seq.

8. Respondent practiced physical therapy without timely renewing his 1996 license prior to the deadline established by law for such renewal. LSA R.S. 37:2407A and 37:2413A(1); and Rules and Regulations, Title 46, Sections 165A and 325 et seq.

9. Respondent violated the provisions of the Physical Therapy Practice Act of Louisiana and the Rules and Regulations promulgated thereto constituting 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. 37:2402A, 37:2407A, 37:2414(2) and 37:2413A(1); and Rules and Regulations, Title 46, Sections 165A, 307A and 325 et seq.

DECISION

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

1. Respondent shall pay \$250.00 lump sum to the Board as an agreed upon fine in this matter.

2. 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.

3. Respondent shall pay the costs associated with this proceeding upon demand.

4. 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 promulgated by the Board.

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

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

7. The effective date of this Consent Order shall be May 23, 1996, if Respondent executes and returns the Consent Order to the Board within five (5) days of his receipt of same.


8. Upon timely receipt by the Board of Respondent's signed Consent Order, payment of the \$250.00 fine, payment of costs associated with this proceeding, and Affidavit that he has read the Physical Therapy Practice Act and the Rules and Regulations, the Board shall thereafter issue a license to practice physical therapy to Respondent for 1996.

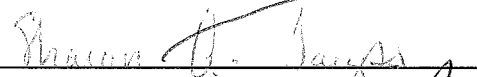
9. Upon Respondent timely complying with the requirements set forth in Paragraph 8, his licensure to practice physical therapy for 1996 shall be considered renewed and reinstated effective January 1, 1996.


THUS DONE AND PASSED on the 23 day of May, 1996, 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:




Brett Domangue, P.T.
Brett Domangue, P.T.






Notary Public

ACCEPTED AND AGREED TO this 23rd day of May, 1996.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS


Paul A. Lamothe, Jr., P.T.



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

In the Matter of
BRETT DOMANGUE, P.T.
License No. 02354
Respondent

-
 - **WAIVER OF RECUSAL**
 - -----
 - **ADMINISTRATIVE CASE NO.**
 - **96-112**

I, Brett Domangue, 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, Sharon A. Toups, 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 the 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.

E. Payette, Louisiana, this *22nd* day of May, 1996.

Brett Domangue, P.T.
 Brett Domangue, P.T.



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

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF Lafayette

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

Brett Domangue, P.T.
BRETT DOMANGUE, P.T.

SWORN TO AND SUBSCRIBED BEFORE ME
on this 2nd day of May, 1996.

Michael A. Zep
Notary Public