



JOHN 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

NUMBER: 2020-I-026

I. APPEARANCES

The following Board Members of the LPTB were present at the administrative hearing held on February 1, 2023: Judith Halverson, PT, DPT, MHA, Philip Page, Ph.D., PT, ATC, CSCS, FACSM, John Marius, PTA, Oday Lavergene, Jr., PT, and Dr. Meredith Warner, MD, MBA. Kathryn Brittain, PT, DPT, MBA, was recused from the hearing.

Also present were James Raines, prosecuting attorney for the LPTB, Amy Groves Lowe, hearing officer, and Celia Cangelosi, Board advisor to the LPTB.

At the hearing, the LPTB called Charlotte Martin, Executive Director of the Board, and Kathie Pohlman, Program Manager for the LPTB's Recovering Physical Therapy Program, to testify. Mr. Cocke did not appear at the hearing.

II. JURISDICTION

Jurisdiction for this hearing is vested in the LPTB pursuant to La. R.S. 37:2405 and LAC 46:LIV §153.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

III. FINDINGS OF FACT

1. On or about March 28, 2001, Mr. Cocke became a licensed Physical Therapist ("PT"), as evidenced by PT License Number 04820.
2. On or about October 10, 2008, Mr. Cocke entered into a Consent Order with the LPTB after testing positive for cocaine on a pre-employment drug examination at Ochsner Foundation Hospital in New Orleans. The Consent Order was submitted as Exhibit 1 at the hearing.
3. While Mr. Cocke was under the Consent Order, he again tested positive for cocaine from a specimen collected on August 19, 2011. Thereafter, on September 15, 2011, the Board summarily suspended Mr. Cocke's PT license, citing protection of public health, safety, and welfare as the cause for emergency action in response to evidence of cocaine abuse and addiction.
4. On October 12, 2011, Mr. Cocke entered into his second Consent Order, which became effective on October 27, 2011. The Consent Order was submitted as Exhibit 2 at the hearing. The Order provided that Mr. Cocke's license would remain suspended until he fully satisfied the obligations of the October 10, 2008, Consent Order. The 2011 Order further provided that thereafter, his license would be suspended for one year.
5. On Or about November 6, 2016, Mr. Cocke contacted Charlotte Martin ("Mrs. Martin"), Executive Director of the LPTB, and stated that he was interested in reinstating his license, and inquired about the necessary action to begin the process of reinstatement. Mr. Cocke confirmed that he had not engaged in the practice of physical therapy since September 15, 2011, when it was initially summarily suspended.
6. Mrs. Martin informed Mr. Cocke that he was not in compliance with the October 27, 2011, Consent Order. Specifically, Mr. Cocke failed to reimburse the Board, a requirement set forth in Paragraph "F" of the October 10, 2008, Consent Order, and Paragraph "A" of the October 27, 2011, Consent Order. In addition, Mr. Cocke failed to fulfill Paragraphs "B," "C," "F," "H," "J," and "K" of the October 27, 2011, Consent Order, which mandate completion of a one (1) year suspension period, completion of a five (5) year probationary period following completion of the suspension period, submission to and full cooperation with psychological and substance abuse evaluation and testing, compliance with any recommendations and random drug tests, attendance at bi-weekly Alcoholics/Narcotics Anonymous meetings, and submission of a 750-word essay explaining how Mr. Cocke's conduct violated the Practice Act and Board rules.
7. Per Mrs. Martin's recommendation, and in an effort to become compliant with some of the terms of the October 27, 2011, Consent Order, Mr. Cocke reimbursed the Board \$4,000.00 on or about November 28, 2016, submitted to a psychological and substance abuse

evaluation on or about December 8, 2016, and submitted a 750-word essay on or about December 20, 2016.

8. On or about January 18, 2017, Mr. Cocke submitted to a HairStat 10 + Bup drug test, and his test results were negative for all illegal substances.
9. In order to address Mr. Cocke's application for reinstatement, the unfulfilled conditions of the prior Consent Orders, and the fact that he had not engaged in the practice of physical therapy since September 15, 2011, Mr. Cocke entered into an Amending and Superseding Consent Order with the LPTB, which he signed on February 21, 2017, and which the Board approved on March 22, 2017. The Amending and Superseding Consent Order was submitted as Exhibit 3 at the hearing.
10. On November 12, 2019, Mr. Cocke submitted an application to reinstate his suspended license with the LPTB. His application for reinstatement was submitted as Exhibit 4 at the hearing. Prior to obtaining reinstatement, and in accordance with the Amending and Superseding Consent Order, on September 21, 2020, Mr. Cocke submitted to a drug screen and subsequently tested positive for alcohol. The drug test results were submitted as Exhibit 5 at the hearing.
11. After the positive drug screen, Kathie Pohlman ("Ms. Pohlman"), who serves as the LPTB's Program Manager for the Recovering Physical Therapy Program, communicated with Mr. Cocke, who explained that he occasionally consumed a glass of wine after dinner.
12. By correspondence dated October 8, 2020, Mr. Cocke was notified that the Board received information regarding his positive drug screen for alcohol, which was noted as a violation of his March 22, 2017, Amending and Superseding Consent Order. The correspondence was submitted as Exhibit 7 at the hearing. He was further notified that his conduct may constitute a violation of the Practice Act and the Rules and Regulations of the LPTB. Based on the alleged violations, the investigative committee scheduled an informal conference with Mr. Cocke for October 29, 2020. The informal conference was subsequently rescheduled to be held on November 4, 2020, and held via Zoom.
13. By correspondence dated October 15, 2020, Mr. Cocke provided a written statement to the Board explaining that on the weekend of September 20, 2020, he attended a bridal shower and "made an impulsive decision to have a glass of wine without regard to the consequences." The correspondence was submitted as Exhibit 8 at the hearing.
14. On November 5, 2020, a letter, submitted as Exhibit 9 at the hearing, was sent to Mr. Cocke as a follow-up to the informal conference held on November 4, 2020. Therein, Mr. Cocke was asked to provide the following information within five (5) days of receipt of the letter, all as provided in the March 22, 2017, Amending and Superseding Consent Order:
 - (1) A complete Medication Review Report for all prescribed medications.
 - (2) A Prescription Monitoring Program Report.

- (3) A written statement explaining the circumstances that led to the positive drug test resulting in a violation of his current Board Order.
15. Ms. Pohlman further communicated with Mr. Cocke's therapist, who expressed concerns about Mr. Cocke's lack of insight, and suggested he be evaluated. Additionally, the Board contacted Mr. Cocke's sponsor, who indicated he had not seen Mr. Cocke "for weeks," and that he was unaware of Mr. Cocke's positive screen or that he had been drinking alcohol. This correspondence was submitted as Exhibit 10 at the hearing.
 16. On November 11, 2020, Mr. Cocke provided a copy of his Medication Review Report, and he provided a copy of his Prescription Monitoring Program Report on November 16, 2020. The reports were submitted as Exhibits 11 and 12 at the hearing.
 17. By correspondence dated November 19, 2020, Mrs. Martin advised Mr. Cocke that, based on his positive drug screen and his admission that he occasionally consumed wine after dinner, and in accordance with LAC 46:LIV §351(C), he was to undergo a fitness for duty evaluation to be conducted by a Board-approved provider within fourteen (14) days.
 18. By email correspondence dated November 27, 2020, Mr. Cocke advised that he was unable to afford the inpatient assessment as ordered by Mrs. Martin, and advised of his interest in entering into a Consent Agreement relative to the violation of the March 22, 2017, Amending and Superseding Consent Order. The correspondence was submitted as Exhibit 14 at the hearing.
 19. Counsel for the Board contacted Mr. Cocke through December of 2020 and January of 2021 in an effort to resolve the pending case.
 20. On January 29, 2021, Mr. Cocke submitted to a random drug test in accordance with his Consent Order. Mr. Cocke tested positive for Kratom, in violation of the March 22, 2017, Amending and Superseding Consent Order with the Board.
 21. By email correspondence dated February 1, 2021, Mr. Cocke advised that he decided to discontinue his Consent Order along with any attempt to reinstate his license. The correspondence was submitted as Exhibit 16 at the hearing.
 22. On May 17, 2021, December 12, 2021, and January 7, 2022, counsel for the Board attempted to contact Mr. Cocke regarding his case via email and/or cell phone, and Mr. Cocke failed to respond to same, in violation of LAC 46:LIV §385, and his March 22, 2017 Amending and Superseding Consent Order with the Board.¹
 23. By correspondence dated March 15, 2022, which was submitted as Exhibit 18 at the hearing, Mrs. Martin notified Mr. Cocke of the additional potential violations of the Practice Act, Rules, and Regulations of the Board, as well as his Consent Order, including:

¹ Although Mr. Cocke responded to an initial email on May 17, 2021, subsequent emails were ignored.

- (1) His positive drug screen for Kratom on January 20, 2021.
 - (2) His failure or refusal to respond to the attempts of Board counsel to contact him by email/cell phone.
24. The March 15, 2022 correspondence further notified Mr. Cocke that an Informal Conference was scheduled for March 29, 2022, to address the most recent allegations against him.
25. By email correspondence dated March 25, 2022, Mr. Cocke informed the Board that he would not be attending the Informal Conference scheduled for March 29, 2022. Counsel for the Board responded to Mr. Cocke by email and offered to hold the Informal Conference on an alternative date, and that if Mr. Cocke failed to address the open case against him, that an Administrative Complaint would be filed against him. Mr. Cocke failed to respond to the email from the Board's counsel.
26. The facts and evidence of this case were reviewed, and the Board determined that it would move forward with an Administrative Complaint against Mr. Cocke. The Administrative Complaint was submitted as Exhibit 21 at the hearing.
27. On January 6, 2023, the Board provided Mr. Cocke with notice that a formal hearing would be held for discussion of this matter on February 1, 2023. The Notice of Formal Hearing was submitted as Exhibit 21 at the hearing.
28. By email correspondence dated January 18, 2023, Mr. Cocke notified counsel for the Board that he had received notice of the formal hearing and decided he would not appear. The correspondence was submitted as Exhibit 23 at the hearing.

IV. CONCLUSIONS OF LAW

1. La. R.S. 37:2405(A) provides:

The responsibility for enforcement of the provisions of this Chapter is hereby vested in the board, which shall have all the powers, duties, and authority specifically granted by or necessary for the enforcement of this Chapter, including:

- (1) Establishing rules and procedures for granting licenses, and the requirements therefor, to persons governed by this Chapter...
- (4) Adopting rules necessary for the efficient operation of the board in accordance with the provisions of the Administrative Procedure Act.
- (8) Establishing by rule the standards of practice.

2. La. R.S. 37:2405(B) states that the Board may:

- (10) Conduct disciplinary proceedings pursuant to the provisions of the Administrative Procedures Act and impose sanctions on the practice of licensees who have violated this Chapter, the rules of the board, or standards of practice. Sanctions may be imposed by means of voluntary consent orders or by decisions of the board.
 - (11) Require that all costs of board proceedings relating to a specific disciplinary case, including the members' per diem and expenses, the cost of investigators, stenographers, attorney fees, and other reasonably associated costs be reimbursed to the board as a part of a consent order or board decision in that proceeding.
3. La. R.S. 37:2420(A) provides that after due notice and hearing, the board may...restrict, suspend, or revoke any license upon proof that the person has:
- (5) Been habitually intemperate or abused controlled dangerous substances as defined by federal or Louisiana law.
4. Further, LAC 46:LIV §185(A) states that the board, may, upon favorable vote by a majority of the board members present and voting, reinstate or revoke a suspended license.
5. LAC 46:LIV §351 provides:
- A. As used in R.S. 37:2420(A)(5) of the Practice Act, "habitually intemperate" means:
 - (1) repeated excessive use or abuse of alcohol; or
 - (2) the ingestion, self-administration, or other use of legally controlled substances or medications which affect the central nervous system, other than pursuant to and used in accordance with a lawful prescription and/or medical advice; or
 - (3) repeated excessive use or abuse of any mood altering or mind altering substance that may negatively impact the ability of a licensee to safely practice physical therapy.
 - B. As used in R.S. 37:2420(A) of the Practice Act, the phrase "abused controlled dangerous substances as defined by federal or Louisiana law" means physiological or psychological dependence on any legally controlled substance or medication with a potential for inducing physiological or psychological dependence or tolerance.
 - C. If the board receives apparently reliable information, including, but not limited to, reports made pursuant to R.S. 37:1745.14, which information or report puts in question a licensee's or applicant's current fitness and ability

to practice physical therapy with reasonable skill and safety to patients, the licensee or applicant shall submit to such physical or mental examination, evaluation, test, or drug/alcohol screen as requested by the executive director to determine the licensee's or applicant's fitness and ability to practice physical therapy with reasonable skill and safety to patients.

- D. A respondent shall appear for drug screening and testing at the facility designated by the executive director within six hours of initial contact by the board representative sent to the telephone number or email address designated for such purposes by respondent pursuant to §355, or as otherwise provided in the rules.
- E. Records of such examinations, evaluations, tests, and screens shall be maintained by the board in confidence unless such records are admitted into the record of any adjudication proceeding before the board or subpoenaed by a court order.

6. Additionally, LAC 46:LIV §343 provides:

- A. The board, after due notice and hearing as set forth herein and in the Louisiana Administrative Procedure Act, R.S. 49:950 and following, may refuse to issue a license or provisional license, or may suspend, revoke, or impose probationary conditions and/or restrictions on a licensee upon finding that the licensee has violated the Practice Act, or any of the Rules promulgated by the board.
- B. Board orders in disciplinary proceeding may require the respondent to reimburse the board in accordance with R.S. 37:2405(B)(11).
- C. In placing a respondent on suspension or probation, the board may impose such additional terms, conditions and restrictions as it deems appropriate for the period of suspension or probation. The board shall specify in its order the exact duration of the suspension or probationary period. Upon finding that a respondent placed on probation has failed to comply with the terms and conditions of the board order, the board may take such additional disciplinary action as it deems appropriate, following notice and hearing.

7. The March 22, 2017, Amending and Superseding Consent Order, at Paragraph 9 of the Order, specifically provides as follows (in part):

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...

8. Further, Paragraph 13 of the Order provides:

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;

9. In addition to the above, Paragraph 15 of the Order states:

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", 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.

10. Finally, Paragraph 23 of the Order provides:

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.

BOARD ORDER

V. BOARD ORDER

After the presentation of evidence at the hearing on February 1, 2023, upon motion, the LPTB went into executive session in order to deliberate its ruling in this matter. After conducting deliberations and voting to come out of executive session and pursuant to motion, the LPTB affirmed, by a unanimous vote of those present at the hearing, the following Order:

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to the evidence presented, the physical therapy license of Alexander Clay Cocke, as evidenced by License Number 04820, is revoked;

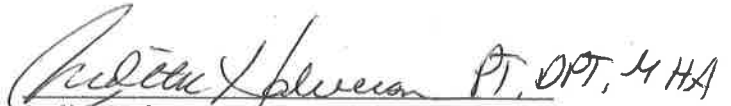
IT IS FURTHER ORDERED, ADJUGED AND DECREED that before an application for reinstatement may be submitted to the LPTB in the future, Mr. Cocke must do the following:

1. Submit to a fitness for duty evaluation to be conducted by a Board-approved provider, at his own cost. Respondent shall authorize release to the Board of the report made by the provider, as well as any records in the possession of the provider related to Mr. Cocke;
2. Submit to a drug test to be conducted by a Board-designated provider and shall authorize release to the Board of the results of the test;
3. Payment of all costs in association with the investigation of this matter;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that should Respondent, Alexander Clay Cocke, make application for reinstatement, Rule 185 (LAC 46:LIV §185) will be applied; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent, Alexander Clay Cocke, is assessed with all costs of this proceeding.

ORDER RENDERED at Lafayette, Louisiana, on February 1, 2023; ORDER SIGNED on February 7, 2023.


Judith Halverson, PT, DPT, MHA
Chairman

SERVICE INFORMATION:

Please serve by certified mail, return receipt requested:

Alexander Clay Cocke, 217 Nursery Avenue, Metairie, LA 70005

Please provide copy to:

- James R. Raines, Complaint Counsel
Breazeale, Sachse & Wilson, LLP
P.O. Box 3197
Baton Rouge, LA 70821
- Celia R. Cangelosi, Board Advisor
5551 Corporate Blvd., Suite 101
Baton Rouge, LA 70808
- Amy Groves Lowe, Hearing Officer
Taylor Porter
Post Office Box 2471
Baton Rouge, LA 70821