



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  
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In The Matter Of	-	CONSENT ORDER
DAVID JESSIE JOHNSON, P.T.	-	-----
License No. 00199	-	ADMINISTRATIVE CASE NO.
Respondent	-	93-107

TO: Mr. David Jessie Johnson, P.T.  
 P. O. Box 14730  
 Monroe, Louisiana 71207

*B96-2*

A Formal Evidentiary Hearing was scheduled before the Louisiana State Board of Physical Therapy Examiners (the "Board") on January 27, 1994, to address alleged, specific violations of the Louisiana Physical Therapy Practice Act by the Respondent, David Jessie Johnson, P.T. ("Johnson"), to-wit: you are hereby charged with having been convicted of a felony in the courts of this state which said conviction includes an admission of guilt, LSA R.S. 37:2413(4); and for violating the Rules and Regulations promulgated by the Board, Rules and Regulations, Title 46, Section 327B.

In attendance, at the Pre-hearing Conference were Respondent, David Jessie Johnson, P.T., his attorney, John W. Focke, III; the Complainant, namely: Rebecca B. Lege'; and Michael A. Tomino, Jr., attorney for the Board.

Upon consideration of the discussion and evidence presented at the Conference, this Consent Order, is voluntarily entered into by and between the Board and Respondent, David Jessie Johnson, P.T.

**FINDINGS OF FACT**

1. Respondent is a physical therapist possessing a license issued by the Board to practice physical therapy in the State of

Louisiana, and has been a licensed physical therapist for all pertinent times, pursuant to the Physical Therapy Practice Act of Louisiana, LSA R.S. 37:2401 et seq., as evidenced by License No. 00199.

2. By Bill of Information filed July 29, 1992, in the Fourth Judicial District Court, Ouachita Parish, Louisiana, Respondent was charged with DWI, fourth offense, which was committed on or about July 3, 1992.

3. On or about April 23, 1993, in the case entitled "State of Louisiana v. David J. Johnson", Case No. 92-F-0985, Fourth Judicial District Court, Ouachita Parish, Louisiana, Respondent pled guilty to DWI, fourth offense.

4. DWI, fourth offense, is a felony under Louisiana law as per LSA R.S. 14:98.

5. A Pre-hearing Conference was convened on January 27, 1994, to address the alleged, specific violations of the Louisiana Physical Therapy Practice Act set forth herein by the Respondent.

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

#### **CONCLUSIONS OF LAW**

1. Respondent's conviction of a felony in the Courts of this State which includes an admission of guilt is a violation of the Physical Therapy Practice Act of Louisiana, more particularly LSA R.S. 37:2413A(4), and the Rules and Regulations promulgated by the Board, more particularly Title 46, Section 327B.

2. Respondent's violation of the provision 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 to sanction his license to practice physical therapy in the State of Louisiana. LSA R.S. 37:2413A(4); Rules and Regulations, Title 46, Section 327B.

**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. Respondent's license to practice physical therapy shall be placed on two (2) months suspension effective May 1, 1994, through June 30, 1994.

2. Respondent shall have the time commencing with January 27, 1994, through April 30, 1994, to arrange for coverage by a Louisiana licensed physical therapist(s) for his practice during the period of supervision.

3. During the two (2) month suspension, effective May 1, 1994, through June 30, 1994, Respondent shall not practice physical therapy in any manner whatsoever, including but not limited to, consultation, evaluation, review of progress notes or evaluations, supervision of professional or support staff providing physical therapy, etc., nor shall he perform as a tech or aide in any clinical physical therapy practice. During the suspensive period, Respondent may be involved in administrative functions such as bookkeeping, however, he shall in no way perform any functions associated with the provision of physical therapy or the review of physical therapy services provided by others.

services provided by others.

5. Respondent's license to practice physical therapy shall be placed on probation for two (2) years effective July 1, 1994, and ending June 30, 1996. Respondent's practice during the probationary period shall be without restrictions.

6. Respondent is required to pay for all costs of these proceedings.

7. During the entire supervision and probation periods, Respondent is to be available for meetings with the Board or a representative committee of the Board upon reasonable notice.

8. At the end of the probation period, Respondent shall meet with the Board or a representative committee of the Board to discuss compliance with the supervision and probation.

9. 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.

10. 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.

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





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

13. The effective date of this Consent Order shall be January 27, 1994, if Respondent executes and returns the Consent Order to the Board within five (5) days of his receipt of same.

THIS DONE AND PASSED on the 2 day of ~~February~~<sup>March</sup>, 1994, at the City of Monroe, Parish of Ouachita, 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

Barbara Thomason

David Jessie Johnson  
David Jessie Johnson, P.T.

Myra Cunniff

[Signature]  
Notary Public

THIS DONE AND PASSED on the 4th day of ~~February~~<sup>March</sup>, 1994, 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. Prejean  
Angie S. Lujan

LOUISIANA STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS

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

Richard A. [Signature]  
Notary Public