
In the Matter of
HENRY L. SMITH, P.T.A.
License No. A2000
Respondent

* LOUISIANA STATE BOARD OF
* PHYSICAL THERAPY EXAMINERS
*
* Case Number 2006-013

CONSENT ORDER

In his application for renewal of his physical therapist assistant license for 2006, Respondent answered negatively to three questions: "1. Have you ever been convicted of or plead guilty or *nolo contendere* to any violations of law (except minor traffic violations)? 2. Are you currently engaging, or within the past year have you engaged, in the abuse of alcohol and or illegal use of drugs or controlled dangerous substances? If yes, please explain. and 3. Are you currently participating in a supervised rehabilitation program or professional assistance program with regards to the abuse of alcohol and or illegal use of drugs or controlled dangerous substances? If yes, please explain. If you have participated in such a program within the past year, please explain." After having been issued his 2006 license based upon this application, Respondent was confronted by another therapist regarding these representations and Respondent contacted the Board and submitted a revised application on which he responded affirmatively to the above questions. Respondent participated in an informal conference in Alexandria on May 2, 2006 with Board Member Mark Brown, Executive Director Cheryl Gaudin and Board Counsel Glenn Ducote participating.

FINDINGS OF FACT

1. Respondent did not truthfully respond to questions on his application for renewal of his physical therapist assistant license for 2006.
2. Respondent has pled guilty to the felony crime of possession of a Schedule II controlled dangerous substance, namely cocaine, in violation of La. R.S. 40:967C.

CONCLUSIONS OF LAW

1. Respondent's misrepresentation in his license renewal application for 2006 constitutes a violation of La. R. S. 37:2413A(2) and Board Rule 327A(1) & (2).
2. Conviction of a felony crime, especially one involving possession of controlled dangerous substances, constitutes unprofessional conduct and violation of La. R.S. 37:2413A(4) and Board Rule 327 E(2).

DECISION

Pursuant to the foregoing Findings of Fact and Conclusions of Law, Respondent and the Board, by vote of quorum, agree as follows:

A. Respondent's Louisiana physical therapist assistant license is suspended for a period of six months from the date of execution of this Consent Order by the Board chair. At the end of that suspension period, Respondent's license will be on probationary status for a period of five years.

B. Respondent shall regularly attend meetings of Alcoholics Anonymous and/or Narcotics Anonymous, attending and documenting at least three meetings each week, beginning June 1, 2006.

C. Respondent shall submit blood, urine or hair specimens as requested for appropriate laboratory analysis upon request of LBPTTE staff or Monitor and understands that any such urine, blood or hair specimens will be requested without prior notice and that the cost of the specimen analysis will be paid by Respondent. Specimen testing conducted by or on behalf of the Veterans Administration may be submitted in compliance with this requirement. Respondent acknowledges that a positive reading for proscribed substances in the analysis of any such specimen will constitute grounds for immediate termination of this Consent Order. Refusal to submit a specimen immediately upon request will likewise be grounds for termination of this Consent Order.

D. The Board shall designate a Monitor with whom Respondent shall fully and candidly cooperate throughout the term of his probation. The identity of the Monitor shall be provided by correspondence from Board staff. Respondent shall meet in person with Monitor at least once a month and will have additional telephone contact as requested by the Monitor. Respondent shall provide to his designated Monitor monthly documentation of attendance at AA or NA meetings on forms supplied by LSBPTE.

E. While Respondent participates in treatment and rehabilitation under the auspices of the U.S. Department of Veterans Affairs, he shall arrange for reports on his progress by the V.A. to be provided at least monthly to his Monitor and to the Executive Director.

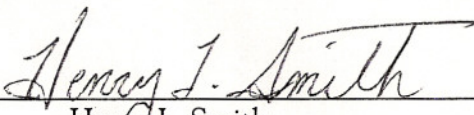
F. When Respondent returns to work as a physical therapist assistant, he must get prior written approval by the Executive Director of his work site and work supervisor.

G. Respondent shall meet with Board representatives as requested at any time during the probationary period.

H. Respondent's failure to comply with any term of this Consent Order shall constitute just cause for the suspension or revocation of Respondent's license as a Physical Therapist Assistant under the auspices of this Board, and may subject him to any other disciplinary action within the statutory and regulatory authority of the Board.

I. Respondent declares that, before signing this Consent Order, he has carefully read this document, understands the contents, and freely consents to it as valid and binding upon him. He is aware of his right to a formal hearing and he waives that right. He has been informed of his right to seek counsel and hereby waives that right.

SWORN TO AND SUBSCRIBED on this 29 day of May, 2006.


Henry L. Smith

AGREED AND ACCEPTED by official action of the Board, the 2nd day of JUNE, 2006 at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

Mark Brown, P.T.
Mark Brown, P.T., Chair